



Ture a Rohe Tiakina Kurī 2019

Dog Management Bylaw 2019

(as at 1 November 2019)

Made by the Governing Body of Auckland Council

In resolution GB/2019/71

on 25 July 2019

Pursuant to sections 10 and 20 of the Dog Control Act 1996, the Governing Body of Auckland Council revokes and replaces bylaws about dog matters with the following bylaw.

Summary

This summary is not part of the Bylaw. The intention of this summary is to explain the general effect of this Bylaw.

Kaupapa mo ngā Kurī 2019, the Auckland Council's Policy on Dogs 2019 aims to integrate dogs into public places. This is achieved by balancing the needs of both dog owners and non-dog owners, and is outlined through policy principles.

The [Dog Control Act 1996](#) is the legislation under which the Auckland Council Policy on Dogs 2019 and this Bylaw are made. The Dog Control Act 1996 outlines the various obligations placed on dog owners.

The purpose of this Bylaw is to:

- **Regulate the public places** where dogs may be taken by their owner
- Require **owners of multiple dogs to obtain a licence**
- Require **owners to pick up after their dog** when it defecates in any public place or premises
- Prohibit **the owner of any female dog in season** to take that dog into any public place
- Require **owners to neuter their dog** if it has not been kept under control on more than one occasion
- **Provide a review process** for owners of dogs classified as menacing due to behavior.

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1 Title

- (1) This Bylaw is the Ture a Rohe Tiakina Kurī 2019, Dog Management Bylaw 2019.

2 Commencement

- (1) This Bylaw comes into force on 1 November 2019.

3 Application

- (1) This Bylaw applies to Auckland.

Part 1 Preliminary provisions

4 Purpose

- (1) The purpose of this Bylaw is to give effect to Auckland Council's Policy on Dogs 2019 by –
- (a) Prohibiting dogs, whether under control or not, from specified public places;
 - (b) Requiring dogs to be controlled on-leash in specified public places;
 - (c) Regulating and controlling dogs in any other public place;
 - (d) Ensuring the number of dogs kept on a premise are suitable;
 - (e) Requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces;
 - (f) Requiring any female dog in season to be confined but adequately exercised;
 - (g) Requiring the owner of any dog which has not been kept under control on more than one occasion to be neutered;
 - (h) Providing a review process for owners of dogs classified as menacing by behaviour.

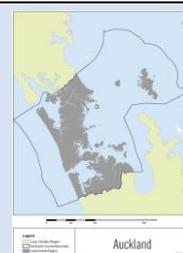
5 Interpretation

- (1) In this Bylaw, unless the context otherwise requires, -

Auckland has the meaning given by [section 4\(1\)](#) of the [Local Government \(Auckland Council\) Act 2009](#).

Related information

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland's boundaries in a map titled [LGC-Ak-R1](#). The boundaries were formally adopted by [Order in Council](#) on 15 March 2010, and came into effect on 1 November 2010.



Council for the purposes of this Bylaw, means the governing body of the Auckland Council or any person, committee or local board delegated to act on its behalf in relation to this Bylaw. A list of delegations are attached to this Bylaw.

Council- controlled public place means all public places owned or managed by Auckland Council or a substantive council-controlled organisation (as defined in [section 4\(1\)](#) of the Local Government (Auckland Council) Act 2009). This includes land owned or managed by Auckland Transport.

Control in relation to a dog, means that the owner is able to obtain an immediate and desired response from the dog.

Dangerous Dog means a dog which has been classified as a dangerous dog under [section 31](#) of the Dog Control Act 1996.

Licence means a licence, permit or approval to do something under this Bylaw and includes all conditions to which the licence is subject.

Menacing dog means a dog that has been classified as a menacing dog under [section 33A](#) of the Dog Control Act 1996.

Neutered dog has the meaning given by [section 2](#) of the Dog Control Act 1996.

Related information

Neutered dog means a dog which has been spayed or castrated, but does not include a dog which has been vasectomised.

Owner has the meaning given by [section 2](#) the Dog Control Act 1996.

Park/Reserve means –

- (a) any land vested in or administered by the council under the provisions of the [Reserves Act 1977](#); or
- (b) any park, domain or recreational area under the control or ownership of the Council.

Premises 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](#).

Public place has the meaning given by [section 2](#) the Dog Control Act 1996.

Related information

Public place means 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 includes:

- (a) any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward; and
- (b) any Council controlled public place.

Road has the meaning given by section 315 of the Local Government Act 1974 except that where a road is adjacent to a park, and the land within the road and park is developed in an integrated way, the common boundary between the road and park will be reduced or extended to:

- (a) a line parallel to the road that follows any physical separation between the road and park (e.g. fence or bollards); or
- (b) where no physical separation exists, a line parallel to the road that follows the edge of the road carriageway, footpath or cycle track that is closest to the centre of the park.

Working Dog has the meaning given by section 2 of the Dog Control Act 1996.

Related information

Working dogs include disability assist dogs, dogs kept by state departments such as police dogs and customs dogs, pest control dogs and dogs kept solely or principally as stock or herding dogs. A full list can be found in section 2 of the Dog Control Act 1996.

- (2) The [Interpretation Act 1999](#) applies to this Bylaw.
- (3) Any related and additional information contained in this Bylaw are for information purposes only, do not form part of this Bylaw, and may be made, amended, revoked or replaced by the council at any time.

Part 2
Regulation and control of dogs

6 Prohibition of dogs in public places

- (1) The owner of any dog must ensure that their dog (including when confined in a vehicle or cage) does not enter or remain in any public place specified as prohibited in Schedule 1 or 2 of the Auckland Council Policy on Dogs 2019.
- (2) Subclause (1) does not apply to any working dog accompanying and assisting a person or accompanying a person engaged in the dog's training.

- (3) The owner of any female dog in season must ensure the dog does not enter or remain in any public place or private way unless –
 - (a) that dog is confined in a vehicle or cage for the purposes of transportation; or
 - (b) the owner of that dog has the permission of the occupier or person controlling the public place; and complies with any reasonable conditions imposed.

7 Dogs on a leash in public places and private ways

- (1) The owner of any dog must ensure that the dog is controlled on a leash in any public place and private way specified as such in Schedule 1 or 2 of the Auckland Council Policy on Dogs 2019.
- (2) Subclause (1) does not apply to–
 - (a) any dog confined in a vehicle or cage; or
 - (b) any working dog accompanying and assisting a person or accompanying a person engaged in the dog's training.

8 Dogs off a leash in public places

- (1) The owner of any dog (other than a Dangerous Dog) may take that dog off a leash in public places specified as such in Schedule 2 of the Auckland Council Policy on Dogs 2019, provided that dog is kept under control.

9 Dogs in designated dog exercise area

- (1) The owner of any dog (including a Dangerous Dog that is muzzled) may take that dog off leash in a designated dog exercise area specified as such in Schedule 2 of the Auckland Council Policy on Dogs 2019 provided that dog is kept under control.
- (2) In all other public places not specified as designated dog exercise areas in Schedule 2, dogs classified as Dangerous Dogs must be muzzled at all times.

10 Temporary changes to dog access rules

- (1) The council may make temporary changes to Schedules 1 and 2 of the Auckland Council Policy on Dogs 2019 in relation to–
 - (a) leisure and cultural events (including dog friendly events);
 - (b) dog training;
 - (c) protected wildlife that are vulnerable to dogs;
 - (d) flora that are vulnerable to dogs;
 - (e) pest control in any park and/or beach; and
 - (f) other circumstances of a comparative nature to subclause (1)(a) to (e) inclusive.
- (2) In making or removing a temporary change to Schedules 1 and 2 of the Auckland Council Policy on Dogs 2019 in subclause (1), the council must–
 - (a) have regard to section 1 of Dog Access Principles in the Auckland Council Policy on Dogs 2019;

- (b) specify in writing the reasons, location and timeframe the temporary change is to apply;
- (c) give public notice of the temporary change in a manner that the council considers appropriate in the circumstances; and
- (d) clearly indicate the area subject to the temporary change by 1 or more clearly legible notices affixed in 1 or more conspicuous places on, or adjacent to, the place to which the notice relates, unless it is impracticable or unreasonable to do so.

11 Dog faeces

- (1) When in a public place or premise dog owners must ensure the immediate removal and disposal of their dog's faeces. This must be done in a way that does not cause a nuisance.
- (2) Subclause (1) does not apply to a premise occupied by the owner.
- (3) Subclause (1) does not apply to any dog herding or driving stock on a road where the dog is kept solely or principally for the purposes of herding or driving stock.

12 Keeping more than two dogs

- (1) No person may keep more than two dogs over the age of 3 months (other than a working dog) on any premises zoned as urban residential under the Unitary Plan for more than 30 consecutive days.
- (2) Subclause (1) does not apply if –
 - (a) allowed by a licence; or
 - (b) an application for a licence under subclause (2)(a) has been made within 30 days of the dogs first being kept on that premises.
- (3) Subclause (1) applies whether or not the dogs on the premises have the same owner.
- (4) Any application under subclause (2)(b) is a joint application by all the dog owners on the premises.

13 Licence for keeping more than two dogs on premises

- (1) The council may make controls and set fees for any or all of the following matters in relation to a licence required in clause 12 –
 - (a) application for a licence, including forms and information;
 - (b) assessment of application for a licence, including inspection;
 - (c) the granting or declining of an application for a licence following an assessment;
 - (d) conditions that may be imposed on a licence if granted;
 - (e) duration of a licence if granted;

- (f) objection to the council in relation to a decision to decline a licence, including the period of objection;
 - (g) objection to the council in relation to any condition of a licence, including the period of objection;
 - (h) inspection to ensure compliance with any licence and any conditions;
 - (i) review of any licence or any conditions;
 - (j) transferability of a licence;
 - (k) refund or waiver of fees;
 - (l) suspension or cancellation of a licence;
 - (m) objection to the council in relation to a decision to suspend or cancel a licence, including the period of objection.
- (2) Unless otherwise stated in the conditions of the licence granted under subclause (1), the licence will remain valid as long as the circumstances described on the licence remain unchanged.
- (3) The licence cannot be transferred to another person or another premise.

14 Requirement to neuter uncontrolled dog

- (1) The council may require the owner of a dog to have that dog neutered if:
- (a) the dog has not been kept under control on more than one occasion within a 12-month period, the council may require the owner of the dog to have the dog neutered; and
 - (b) dog owner has received an infringement relating to subclause (1)(a).

15 Objection to requirement to neuter uncontrolled dog

- (1) If a dog is required to be neutered under clause 14, the owner of that dog –
- (c) may, within 14 days of receiving the notice, object to the requirement by way of writing to the council; and
 - (d) has the right to be heard in support of their objection under subclause (1)(a).
- (2) The council when considering an objection under subclause (1) may uphold or rescind the requirement. In making its determination, the council must have regard to—
- (a) the evidence which formed the basis for the requirement;
 - (b) the matters relied upon in support of the objection; and
 - (c) any other relevant matters.
- (3) Following its consideration of an objection under subclause (2), the council must, as soon as practicable, give written notice to the owner of—
- (a) its determination of the objection; and
 - (b) the reasons for its determination.

16 Effect of requirement to neuter uncontrolled dog

- (1) If a dog is required to be neutered under clause 14, the owner of that dog must, within 1 month of receiving the notice of the requirement, produce to the council a certificate issued by a veterinarian certifying –
 - (a) that the dog is or has been neutered; or
 - (b) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate.

- (2) If a certificate under subclause (1)(b) is produced to the council, the owner must produce to the council, within 1 month after the date specified in that certificate, a further certificate under subclause (1)(a).

Related information

Dog owners that do not get their dog neutered in the time specified may be subject to an infringement and will still be required to neuter their dog.

17 Owners of dogs classified as menacing due to behaviour

- (1) If a dog has been classified as menacing due to their behaviour, under section 33A of the Dog Control Act 1996, the owner may request the classification be reviewed after a 12-month period if:
 - (a) the owner provides evidence of a dog behavioural assessment report, at the owner's expense;
 - (b) the owner has not obtained any infringements in relation to the dog within the preceding 12-month period; and
 - (c) the owner has obtained a responsible dog ownership licence.

- (2) Removing the classification of the dog is at the council's discretion.

Part 3

Enforcement, offences, penalties

18 Enforcement

- (1) The council may use its powers under the Dog Control Act 1996 and the [Local Government Act 2002](#) to enforce this Bylaw.

19 Offences and penalties

- (1) Every person who breaches this Bylaw commits an offence.

- (2) Every person who commits an offence under this Bylaw is liable to a penalty under the Dog Control Act 1996 and the Local Government Act 2002.

Part 4
Savings, transitional provisions

20 Exemption where multiple dog licence not previously required

- (1) This clause applies to any owner to which clause 12 applies, who immediately prior to the date of commencement of this Bylaw, was not required to hold a licence to keep multiple dogs in Auckland.
- (2) Where subclause (1) applies, an application under clause 12(2)(b) is not required unless –
 - (a) the owner changes address; or
 - (b) the number of dogs over 3 months of age (other than a working dog) kept on the premises increases for more than 30 consecutive days.

21 Certain applications to be dealt with under former bylaw

- (1) This clause applies to any application submitted for multiple dogs in Auckland under the Dog Management Bylaw 2012.
- (2) An application to which subclause (1) applies to any valid multiple dog ownership licence held prior to the date of commencement of this Bylaw must be dealt with by the council —
 - (a) under the relevant bylaw in subclause (1) as if it was still in force; and
 - (b) as if this Bylaw had not been made.

22 Existing approvals to continue in force

- (1) Every licence continues in force as if it is a licence of that kind issued pursuant to clause 12(2) of this Bylaw.
- (2) Every licence to which subclause (1) applies expires –
 - (a) if any owner to which the licence applies changes address;
 - (b) if the number of dogs kept on the premises for more than 14 days exceeds the number permitted by the licence;
 - (c) if the number of dogs kept on the premises for a continuous period of more than 12 months is fewer than the number permitted by the licence; and
 - (d) for any reason specified in the licence.
- (3) Unless otherwise stated in the conditions of the licence granted under subclause clause 13(1), the licence will remain valid as long as the circumstances described in the licence remain unchanged.
- (4) The licence cannot be transferred to another person or another premise.

Additional Information to Dog Management Bylaw 2019

This document contains matters for information purposes only and does not form part of any bylaw. It includes matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance of a bylaw.

The information contained in this document may be updated at any time.

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**Section 1
History of Bylaw**

Action	Description	Date of Decision	Decision Reference	Comment
Make	Following dog control bylaws in force on 31 Oct 2010 deemed to have been made by Auckland Council <ul style="list-style-type: none"> •Rodney District Council, Chapter 15 Dog Control •North Shore City Council, Part 23 Dog Control •Waitakere City Council, Bylaw No 29 Dog Control •Auckland City Council, Bylaw No 12 Dog Control 2009 •Manukau City Council, Chapter 6 Dog Control •Papakura District Council, Dog Control Bylaw 2004 •Franklin District Council, Dog Control Bylaw 2010 	01 Nov 2010	Section 63 Local Government (Auckland Transitional Provisions) Act 2010	01 Nov 2010
Revoke and replace	Review of dog control bylaws resulted in replacing the seven existing bylaws with a single bylaw: the Dog Management Bylaw 2012.	22 Nov 2012	GB/2012/157	01 Jul 2013
Amend	Minor edits or amendments.	22 Nov -1 Jul 2013	GB/2012/157	01 Jul 2013
Amend	Time and season dog access rules amended in Hibiscus and Bays Local Board Area to implement decision of the Hibiscus and Bays Local Board on 23 Sep 2013 (Resolution HB/2013/222).	23 Sep 2013	GB/2013/106	26 Oct 2013
Amend	Various dog access rules amended in Hibiscus and Bays and Kaipātiki local board areas. Dog access for new Onehunga foreshore amended.	25 Sep 2014	GB/2014/105	25 Oct 2014
Amend	Various dog access rules amended in Ōrākei local board area.	30 Oct 2014	GB/2014/122	25 Oct 2014
Amend	Various dog access rules amended in Devonport-Takapuna, Kaipātiki, Ōrākei, Puketāpapa, Rodney, Upper Harbour, Waiheke, Waitākere, and Waitemātā local board areas	24 Sep 2015	GB/2015/105	24 Oct 2015
Amend	Various dog access rules amended in the Albert-Eden local board area plus minor edits or amendments	26 Nov 2015	GB/2015/120 GB/2012/157	29 Mar 2016

Action	Description	Date of Decision	Decision Reference	Comment
Amend	Various dog access rules amended in Great Barrier, Puketāpapa Papakura, and Whau local board areas plus minor amendments in the Waiheke local board area	29 Sept 2016 16 Jun 2016	GB/2016/225 GB/2015/105	21 October 2016 24 Oct 2015
Make	A review of the Auckland Council Policy on Dogs, a new Dog Management Bylaw was created to reflect and implement the changes in the 2019 Policy.	25 July 2019	GB/2019/71	1 November 2019

Section 2 Related Documents

Document Title	Description of Document	Location of Document
Various, related to Hibiscus and Bays Local Board decisions	Hibiscus and Bays Local Board decisions related to amendments to time and season dog access rules in Hibiscus and Bays Local Board Area	<ul style="list-style-type: none"> • Bylaw amended: Agenda and minutes of Governing Body meeting on 26 Sep 2013 • Policy amended: Agenda and minutes of Hibiscus and Bays Local Board meeting on 23 Sep 2013 • Hearing / Decision Report: Agenda and minutes of Hibiscus and Bays Local Board Hearing Panel hearing and deliberations on 19 and 20 Sep 2013 • Statement of Proposal: Agenda and minutes of Hibiscus and Bays Local Board on 7 Aug 2013
Policy on Dogs	Provides broad approach to dog management in Auckland	https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-policies/Pages/policy-on-dogs.aspx
Decision Minutes and Agenda	Background to policy and bylaw on dogs (Decisions on submissions to Statement of Proposal including final policy and bylaw on dogs)	Agenda and minutes of Governing Body meeting on 22 Nov 2012
Hearing Report	Summary of submissions to publicly notified statement of proposal	Deliberations Report to Hearing Panel meeting on 21 June, 26 June and 4 July.

Document Title	Description of Document	Location of Document
Statement of Proposal	Background to policy and bylaw on dogs (Proposals in relation to review of policies and bylaws on dogs publicly notified for submissions)	Agenda and minutes of Governing Body meeting on 28 February 2019
Dog Control Act 1996	Legislation	http://www.legislation.govt.nz/act/public/1996/0013/latest/whole.html#DLM374410
Local Government Act 2002	Legislation	www.legislation.govt.nz
Local Government (Auckland Transitional Provisions) Act 2010	Legislation	www.legislation.govt.nz
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws	www.legislation.govt.nz
Interpretations Act 2009	Provides for certain matters related to the interpretation of bylaws	www.legislation.govt.nz
Report on Dog Policy and Practices	Provides annual report on dog policy and practices, including statistical information	www.aucklandcouncil.govt.nz

Section 3
Delegations for matters contained in Bylaw

Clause	Function, Duty, Power to be Delegated	Delegated Authority	Date of Delegation Decision	Decision Reference	Commencement of Delegation
All	All powers, duties and functions.	Licensing and Regulatory Compliance (Tier 6)	22 Nov 2012	GB/2012/157	01 Jul 2013
6(2)	To impose reasonable conditions on the entry and presence of working dogs in prohibited areas	Licensing and Regulatory Compliance (Tier 6)	22 Nov 2012	GB/2012/157	01 Jul 2013
		Infrastructure and Environmental Services (Tier 5)	22 Nov 2012	GB/2012/157	01 Jul 2013
		Parks, Sports and Recreation (Tier 5, 6)	22 Nov 2012	GB/2012/157	01 Jul 2013

Clause	Function, Duty, Power to be Delegated	Delegated Authority	Date of Delegation Decision	Decision Reference	Commencement of Delegation
CI 10	Temporary Changes to Dog Access Rules (Schedules)	Community Empowerment (Tier 6)	22 Nov 2012	GB/2012/157	01 Jul 2013
		Infrastructure and Environmental Services (Tier 5)	22 Nov 2012	GB/2012/157	01 Jul 2013
		Parks, Sports and Recreation (Tier 5)	22 Nov 2012	GB/2012/157	01 Jul 2013
		Licensing and Regulatory Compliance (Tier 4)	22 Nov 2012	GB/2012/157	01 Jul 2013
CI 13	Controls for licence for multiple dogs	Licensing and Regulatory Compliance (Tier 3)	22 Nov 2012	GB/2012/157	01 Jul 2013
CI 14	Requirement to Neuter Uncontrolled Dog	Licensing and Regulatory Compliance (Tier 6)	22 Nov 2012	GB/2012/157	01 Jul 2013
15	Objection to Requirement to Neuter Uncontrolled Dog	Regulatory Committee	16 Dec 2010 (updated 12 Oct 2011)	GB/2010/54	16 Dec 2010
Sch 1	To grant permission and impose reasonable conditions on the entry and presence of dogs in places with restricted access	Community (Tier 6)	22 Nov 2012	GB/2012/157	01 Jul 2013
		Libraries and Information (Tier 4)	22 Nov 2012	GB/2012/157	01 Jul 2013
		Parks, Sports and Recreation (Tier 5)	22 Nov 2012	GB/2012/157	01 Jul 2013
Sch 1	To grant permission and impose reasonable conditions on the entry and	Parks Managers (Tier 5)	22 Nov 2012	GB/2012/157	01 Jul 2013

Clause	Function, Duty, Power to be Delegated	Delegated Authority	Date of Delegation Decision	Decision Reference	Commencement of Delegation
	presence of dogs in cemeteries				
Sch 1	To grant permission and impose reasonable conditions on the entry and presence of dogs in camping grounds and holiday parks	Parks Managers/ Team Leader (Tier 6)	22 Nov 2012	GB/2012/157	01 Jul 2013

A responsibility, duty or power delegated to an officer holding a named position is also delegated to any officer who performs or exercises the same or a substantially similar role or function, whatever the name of his or her position.

Section 4 Register of controls for matters contained in bylaw

Action	Description	Date of Decision	Decision Reference	Commencement

* None attached at this time. Refer to delegated authorities in section 3.

Section 5 Licence process for matters contained in bylaw

Action	Description	Date of Decision	Decision Reference	Commencement

* None attached at this time. Refer to delegated authorities in section 3.

Section 6 Enforcement powers for matters contained in bylaw

Legislative Provision	Description of Legislative Provision
Section 162 Local Government Act 2002 (s20(5A) Dog Control Act 1996)	District Court may issue an injunction restraining a person from committing a breach of a bylaw.

Section 7
Offences and penalties for matters contained in bylaw

Provision	Description of Offence	Fine	Infringement Fee	Other Penalty
cl 18(2)	Breach of bylaw	Max. \$20,000	\$300	

Section 8
Monitoring and review for matters contained in bylaw

Performance Indicator	Measured By	Target

* None attached at this time. Refer to Report on Dog Policy and Practices in section 2.

Section 8
Delegated authority template



Memo

(Type date here)

To: (Type recipient/s name **here**) Manager Policies and Bylaws

cc: (Type name/s **here**. Delete this line if not required)

From: (Type sender/s name and position who has delegated authority **here**)

Subject: (Type subject **here** e.g. Delegated Authority Control / Licence Process pursuant to Clause # of the XYZ Bylaw)

That-

- (1) pursuant to the delegation from the Governing Body of the (Type "Auckland Council" or "Auckland Transport" here)
- (2) to the (Type delegated authority position here)
- (3) under (Type standing order reference here)
- (4) in relation to (Type the control, or licence process here)
- (5) under clause (Type clause here) of the (Type bylaw title here)

The following (Type "control", or "licence process" here) is (Type "made", "amended", "revoked", "replaced" here) as follows:

(Insert matters here)

Signature: (Appears at the end of document, delete if not required)

(Type name here)

(Type position here)

Encl [attach any attachments, e.g. maps]