



DOG CONTROL **POLICY**

Keeping communities safe



Responsibility: Regulatory

COUNCIL **POLICY**
Adopted: October 2014 - Amendment Consultation - October 2015

Dog Control Policy



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| Approval authority: | Council | |
| Consultation required: | Yes - Special Consultative Procedure | |
| Associated documents | Dog Control Bylaw 2017 – DocSet 309110 | |

Policy Objectives

Section 10 of the Dog Control Act 1996 requires the Council to develop a policy on dogs. The purpose of the policy is to set out Council's direction for dog control in the district.

Principles

In the development of the policy, there must be consultation with the community so that the adopted policy will reflect the community's expectations in terms of dog control. In developing a Dog Control Policy for the district there are certain mandatory obligations under the Act. As long as there is no conflict with these obligations, each council is free to include other details as it thinks fit. Notwithstanding this discretion, Council must have regard to the following guidelines:

- To minimise danger, distress and nuisance to the community generally
- The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not they are accompanied by adults
- The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs
- The exercise and recreational needs of dogs and their owners
- The policy is also required to identify any land which is a National Park as constituted under the National Parks Act 1980, or is a controlled or open dog area under section 26 of the Conservation Act 1987
- There are a number of appendices that contain material that is referred to in the text. They also include maps of the areas where there are restrictions on dogs.

Background

On 1 July 1996 the Dog Control Act 1996 required every territorial authority to develop a draft Dog Control Policy and, by way of special consultative procedures, invite submissions from the public on the policy before it was finally adopted. The Dog Control Amendment Act 2003 came into force on 1 December 2003 and required a review of these policies. The present policy has been reviewed to include the changes required under the Act.

Policy Statements

1. The need to minimise danger, distress and nuisance to the community generally

1.1 Dog Control Bylaw

The District Council will amend its existing bylaw following the completion of the consultative process and adoption of its policy on dogs. The specific bylaw will include the following provisions to provide controls minimising danger, distress and nuisance to the community:

- a) Identification of public places where dogs are prohibited either permanently or for specific periods.
- b) Require dogs, other than those identified as working dogs, to be on a leash in specified, places or in public places in specified areas or parts of the district.
- c) Regulating and controlling dogs in any other public place.
- d) Designating specific areas as dog exercise areas.
- e) Prescribing minimum standards of accommodation for dogs.
- f) Requiring the owner of any dog that defecates in a public place or land or premises other than that occupied by the owner to immediately remove the faeces.
- g) Providing for the impounding of dogs, whether or not they are wearing a collar having the proper label or disc attached, or have a microchip transponder insertion, that are found at large or in breach of any bylaw.
- h) Prohibiting dogs becoming a nuisance or injurious to health.
- i) Requiring that owners and members of the public ensure dogs in a public place do not become aggravated or restive.
- j) Limiting the number of dogs that may be kept on any land or premises.
- k) Requiring the owner of any dog (being a dog that on a number of occasions has not been kept under control) to cause that dog to be neutered (whether or not the dog has been convicted of an offence against section 53 of the Dog Control Act 1996).
- l) Make it an offence for a person to keep a dog with the intention to rehome that dog if it is not currently registered with Council. This excludes dogs under the age of 3 months.
- m) Require pet shops, breeders and welfare organisations (excluding the New Zealand SPCA) to provide a monthly statement to Council of dogs in their custody that they intend to rehome.

1.2 Fees

Council sets the dog registration fees annually through the Annual Plan process. They shall be those reasonable fees set to cover the management and enforcement of the Dog Control Act and Dog Control Bylaw.

The fee structure has been designed to reward the responsible dog owner by offering substantial fee reductions. This system is the fairest way of setting a fee structure as it takes into account and establishes a difference between responsible and irresponsible dog ownership.

Registration fees are to be paid by 1 July each year. A 50% penalty fee per dog is added after 1 August of each year.

Dog owners, whose dogs are classed as dangerous, must pay registration fees at 50% above the normal rate.

Council will also set fees for the impounding of dogs and associated costs.

In respect of the fees for impounding dogs, should a dog be impounded more than 12 months after the previous impounding, such later impounding shall be treated as a first impounding.

1.3 Education programmes

Council will continue to use a variety of mechanisms to promote responsible dog ownership through the education of both dog owners and members of the public. These include:

- a) **Public advertising** – Using radio and newspapers.
- b) **School programme** – A programme of general dog education and bite prevention is offered to all schools. Council endeavours to visit all schools on a rotational basis.
- c) **One-to-one programmes** – Animal Control staff work individually with owners who have received complaints regarding their dogs. The aim of the programme is to obtain compliance and to provide basic education concerning an owner's responsibilities.
- d) **Information pamphlets** – A range of educational pamphlets is available at the Council and veterinary practices or is distributed to owners.

1.4 Classification of owners

Selected owner policy

The Selected owner policy is available for those dog owners who have demonstrated their responsibility. The South Waikato District Council regards this policy as a privilege and not a right. For a selected owner the dog registration fee is substantially lower than the normal standard fee. The criteria are as follows:

The applicant:

- a) is required to have a suitably fenced property.
- b) must have had no complaints regarding his/her dogs for the 12 months prior to the application; (ie no barking, biting or wandering complaints).
- c) must not have had a prosecution for a dog-related offence for the 24-month period prior to the application.
- d) must have paid the dog registration fees before the 1st August each year.
- e) will be asked to sign a declaration form stating that he/she understand and agree to comply with the criteria.
- f) Failing to comply with any of the above will result in the selected owner policy license being revoked.

Registered pig hunters – dogs owned by a registered pig hunter holding the selected owner policy will not lose their status should their dog be impounded when found in the Carter Holt Harvey forests during their specified pig hunting season (first weekend in May to last weekend in August each year). Impounding at any other time or place will result in loss of the selected owner policy.

1.4.1 Probationary owner classification

This classification will be imposed on owners if they have been:

- a) Convicted of an offence against the Dog Control Act 1996; or
- b) Convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999 in respect of a dog; or
- c) Convicted of an offence against Section 26ZZP of the Conservation Act 1987 or Section 561 of the National Parks Act 1980; or
- d) Issued with three or more infringement offences within a 24-month period.

The classification of probationary owner will continue for a period of 24 months unless there were extenuating circumstances involved in any one particular case. A probationary owner is subject to the following restrictions:

- a) Shall not be capable of registering any dog except for the dog/s registered at the time of classification.

- b) Shall, within 14 days, dispose of every unregistered dog in his/her care, in a manner that does not constitute an offence against any Act.
- c) Unless there are unusual circumstances in any particular case, the classification shall continue for a period of 24 months unless Council reduces that time.

1.5 **Disqualification of Ownership**

The dog owner may be disqualified from owning a dog for the same criteria as for Probationary Ownership. The severity of the incidents is the deciding factor. The owner is required to dispose of any dogs within 14 days of notification of the disqualification.

Disqualification shall continue for a maximum of five years after notification on the prescribed form. An objection may be lodged in writing to the Council at any time, but not within 12 months of lodging a previous objection. The owner may appeal to the District Court if he/she is dissatisfied with the outcome of the Council hearing.

1.6 **Classification of dogs**

1.6.1 Dangerous dogs

Council has the authority to classify certain dogs as dangerous dogs and have restrictions placed upon them. Classification as dangerous dogs can be for any of the following reasons:

- a) Where the dog owner has been convicted of an offence pursuant to the Dog Control Act 1996, Section 57A (1).
- b) Any dog which the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife; and
- c) Any dog that the owner admits in writing constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

The owner of the dog commits an offence and is liable on summary conviction to a fine not exceeding \$3,000 in addition to any liability the owner may incur for any damage caused by the dog, and the court may, on convicting the owner, make an order for the destruction of the dog.

The effects of classifying a dog as a dangerous dog are as follows:

- a) The owner shall, not later than one month after classification, ensure that the dog is kept within a securely fenced portion of the owner's property which is not necessary to enter to obtain access to at least one door of any dwelling on the property; and
- b) Shall not allow the dog to be at large or in a public place, other than when confined completely within a vehicle or cage, without being muzzled.
- c) Shall, not later than one month after classification, produce to the territorial authority, a certificate issued by a registered veterinary surgeon, certifying that the dog has been neutered.
- d) Shall be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog.
- e) Shall not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.

The above conditions transfer to the new owner if the authority gives written permission for such transfer.

Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$3,000 who fails to comply with any of the above. In addition, the court shall, on convicting the owner, make an order for the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not justify the destruction of the dog.

The owners of any dog with the classification of dangerous can, within 14 days upon receipt of the notification, object to the classification in writing and shall be entitled to be heard in support of his or her objection.

1.6.2 Menacing dog classification

The government has introduced two new classification levels for dogs. These are the breed specific classification for dog breeds and type listed in Schedule 4 - The Brazilian Fila, the Dogo Argentino, Japanese Tosa and the American Pit Bull Terrier.

The dogs listed in Schedule 4 are to wear a muzzle when in public and to be neutered if required by Council. Council will require dogs to be neutered if there has been a record of irresponsible ownership over the previous two-year period. Irresponsible ownership includes a poor history of registration, a history of complaints against the dog or the dog being impounded.

The other menacing classification is on the basis of observed or reported behaviour of the dog. The dog will be required to wear a muzzle when in public and be neutered if required by Council. The Council has decided that all these dogs will be required to be neutered.

The owner has the right to object to either of the classifications within 14 days in writing. The Regulatory Committee of the Council listens to objections concerning the classification of owners or dogs.

1.7 Property visits

Property visits are seen as being an important way of providing contact between Council and its residents on dog control issues. It provides an opportunity to discuss relevant educational issues.

2. The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults

2.1 Areas where dogs have restricted access

Places have been identified in Tokoroa, Putāruru, Tīrau and Arapuni where dogs are either prohibited, or must be controlled on a leash. Maps of these areas are found in Appendix C.

The commercial areas of the district and areas of high public use or the proximity of children's play equipment have been designated prohibited dog areas to avoid possible nuisance and intimidation by dogs.

2.2 Control of dogs

Dog owners are required to keep their dogs confined on their sections. Dogs must not have free access to the street. Any dogs that are loose on their section with access to the street may be impounded or the owners issued with an infringement notice.

Dog owners are to carry or use a leash when in public with their dog. Failure to comply may result in an infringement notice being issued.

2.3 Diseases which affect humans

Toxocara canis or dog roundworms can affect children. Preventing dogs from being in children's play areas minimises the risk of infection. Animal Control officers will provide advice on avoiding infection.

3. Enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs

3.1 Attacks on people or animals

The owner of any dog that attacks may be prosecuted or the dog classified as either dangerous or menacing. Convictions may result in the dog owner being classified as probationary or being disqualified from owning a dog.

3.2 Rushing at people, stock or vehicles

A dog that rushes out at people, stock or vehicles may be classified as dangerous or menacing. The owner may be issued with an infringement notice.

3.3 Serious injury

Where a dog causes serious injury, the case is referred to the police. The penalties are such that the police are better equipped to handle the matter. The penalty may be up to five years in prison and/or a fine of a maximum of \$20,000.

3.4 **Infringement notices**

Section 68 of the Dog Control Act allows local authorities to issue infringement notices. Where an Animal Control officer has reasonable grounds to believe that a person has committed an infringement offence under the Act, an infringement notice may be issued. If payment of fines remains outstanding, recovery is sought through the district courts. Dog Control officers have guidelines for issuing infringement notices.

4. **Exercise and recreational needs of dogs and their owners**

4.1 **Exercise areas**

The Council has provided areas for dogs to be exercised at large. Dog exercise areas are chosen because they are away from the highly used public areas.

4.2 **Dog obedience classes**

The Council encourages Dog Obedience clubs and other recreational pursuits involving dogs. The resulting well-behaved dogs and knowledgeable owners benefit themselves and their community. Agility classes are also available for the interested dog owner.

The probationary owner classification may require the owner to attend a dog obedience course or dog education programme. Information about the programme is available from the Animal Control section.

5. **Rehoming of dogs from Pound Facility**

All dogs rehomed from the South Waikato District Pound must be speyed/neutered before their release to a new owner at no additional cost to the new owner after the required rehome fee and current registration fee has been paid in full.

Definitions

Barking dogs

Excessive barking of dogs causes a nuisance and is not acceptable to residents in the district. Complaints are dealt with by considering the circumstances and looking at the causes of the barking. If the issue cannot be minimised in this way, the dog may be removed from the property.

Dogs attacking or biting people, their pets or property

Dog attacks can put lives in jeopardy. People can be threatened by aggressive behaviour and are entitled to feel secure.

Dogs defecating in public places

There is a continuing problem with dogs fouling private and public places. Faeces are not only an unsightly nuisance, but also a health risk.

Education

A lack of understanding of dog behaviour by owners and members of the public is an important issue. There is also a need to ensure dog owners know how to care for their dogs and make adequate provision for their needs.

Exercise areas

Dogs require exercise. However, there is often a conflict between dog owners and non-dog owners. It is therefore important to identify areas where it is appropriate for dogs to be exercised. There is reasonable provision made for areas where dogs can be exercised on a leash or under control but unleashed.

Non-registration

Every dog owner is required to register his or her dog annually and to advise the Council promptly of any change of address or ownership of the dog.

Council Animal Control staff spend a significant part of their time locating unregistered dogs every year. If owners do not register their dogs, infringements are issued.

The other main issue associated with non-registration is that people do not meet their obligation of ensuring Council records are up to date in respect of the location of dogs. This causes difficulties in finding owners of impounded and injured dogs.

Providing satisfactory service

It is clear that the community expects a high degree of service. The Animal Control Section expects to maintain a high standard of community satisfaction.

Stock attacks

Uncontrolled dogs can do tremendous damage to farm stock. It is a particular problem on the district's town boundaries.

The risk of the spread of disease from dogs

Dogs are potential carriers and distributors of dog roundworm, *Toxocara canis* which can cause impaired vision or total blindness. Eggs are passed out with the dog faeces. Humans become infected when they ingest the minute sticky eggs.

Uncontrolled dogs causing nuisance to others

Council regularly finds dogs roaming free. Dogs that are uncontrolled cause a nuisance to the public. Owners are required to have control of their dogs in exercise areas whether or not the dog is on a leash.

Relevant delegations

References and relevant legislation

Annotations

| Res No | Date | Subject/Description |
|---------------|-------------|--|
| 04/302 | 26/08/04 | Draft adopted and released for public consultation |
| 05/026 | 10/02/05 | Policy adopted |
| 06/132 | 23/03/06 | Reconfirmed/amended |
| 14/101 | 17/04/14 | Policy amended and adopted |
| 14/268 | 16/10/14 | Policy amended and adopted |
| 15/357 | 01/10/15 | Policy amended and adopted |
| 21/41 | 04/03/21 | Policy amended and adopted |

Appendix A - Functions, duties and powers of territorial authorities

Section 6 – Dog Control Act 1996

Functions, duties and powers of territorial authorities

1. Every territorial authority shall perform any function or duty and may exercise any power imposed or conferred on it by this Act.
2. In addition to any power conferred on a territorial authority by this Act, any territorial authority may:
 - a) Either singly or jointly with any other territorial authority or any other organisation or group or body of persons (whether incorporated or not) undertake, promote, and encourage the development of such services and programmes as it considers desirable to promote responsible dog ownership and the welfare of dogs;
 - b) Make grants to any organisation or group or body of persons (whether incorporated or not) whose objects include the care, custody, training, or welfare of dogs or the instruction or education of persons concerning such care, custody, training or welfare;
 - c) Engage in publicity for the purposes of this Act.

The following are the principal requirements on Council and its powers under this Act:

Section

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| 10 | Duty of territorial authorities to adopt policy on dogs |
| 10A | Territorial authority must report on Dog Control Policy and practices |
| 11 | Every territorial authority shall appoint one or more Animal Control Officers |
| 14 | Power of entry on to land where there are reasonable grounds for believing an offence under the Act has been committed |
| 20 | Power to make Dog Control Bylaws |
| 21 | Power to classify probationary owners |
| 25 | Power to disqualify certain dog owners from being the owner of any dog |
| 30 | Requirement to keep detailed records of owners and their dogs |
| 31 | Requirement to classify dangerous dogs |
| 33A | Requirement to classify dogs as menacing |
| 33C | Requirement to classify dogs listed in Schedule 4 as menacing |
| 37 | Requirement to set reasonable fees for the registration and control of dogs |
| 50 | Power to seize dogs not under control in public place |
| 55 | Power to stop the nuisance of persistently barking dogs, and, in extreme cases, remove the dog from the property |
| 57 | Power to seize and destroy dogs attacking persons or animals |
| 58 | Placing liability on the owner of a dog that causes serious injury to any person or kills wildlife |
| 60 | Power to seize or destroy dogs running amongst stock |
| 62 | Power to prosecute an owner for allowing a dangerous dog to be at large unmuzzled or to seize the dog |
| 63 | Power to recover damages from an owner whose dog has bitten or worried stock |
| 66 | Power to issue infringement notices |
| 67/69 | Power to set up pounds and impound dogs |
| 71 | Power to hold a dog deemed to be a threat to public safety. |

Appendix B - Obligations of dog owners

Section 5 - Dog Control Act 1996

Obligations of dog owners

1. The obligations imposed on dog owners by this Act require every owner of a dog-
 - a) To ensure that the dog is registered in accordance with this Act, and that all relevant territorial authorities are promptly notified of any change of address or ownership of the dog
 - b) To ensure that the dog is kept under control at all times
 - c) To ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter
 - d) To ensure that the dog receives adequate exercise
 - e) To take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means
 - f) To take all reasonable steps to ensure that the dog does not injure, endanger, intimidate or otherwise cause distress to any person
 - g) To take all reasonable steps to ensure that the dog does not injure, endanger or cause distress to any stock, poultry, domestic animal, or protected wildlife
 - h) To take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person
 - i) To comply with the requirements of this Act and of all regulations and bylaws made under this Act.
2. Nothing in this Act limits the obligations of any owner of a dog to comply with the requirements of any other Act or of any regulations or bylaws regulating the control, keeping and treatment of dogs.

Appendix C - List of maps - areas where dogs are prohibited and permitted

Prohibited Dog Areas

Map 1 - Tokoroa

Tokoroa Commercial Area

Tirau and Putāruru CBD's are now dogs on leash areas

Map 2 – Putāruru

Putāruru Commercial Area

Map 3 - Tirau

Tirau Shopping Area

Play area on corner Prospect Avenue/Okoroire Road

Church Street Playground

Map 4 – Arapuni

Prohibited Dog Areas - Public Playgrounds (Refer to Bylaw)

Youth Park Reserve, Tokoroa

Lake Moana-nui Reserve, Tokoroa

Dunham's Park Reserve, Tokoroa

Skate Park, Tokoroa

Kauri Street, Tokoroa

Inman Street Reserve, Tokoroa

Glenkill Reserve, Tokoroa

Elizabeth Park Reserve, Tokoroa

Putaruru Skate Park, Putaruru

Overdale Road Reserve, Putaruru

Grey Street Reserve, Putaruru

Church Street Playground, Tirau

Pioneer Reserve, Arapuni

Jones Landing Reserve, Lake Arapuni

Dog Exercise Areas

Map 1 - Tokoroa

Benalder Reserve
St Andrews Drive Reserve
John Street Reserve
Dalmeny Street/Railway Reserve
Benella Street Reserve
Whakauru Stream Reserve (Watermark/Devon Place)
Matarawa Stream (Maraetai Road/Matarawa Park)
Matarawa Stream (Baird Road/Cullen Crescent)
Inman/Chartwell Drive Reserve
West side of Lake Moananui
Both sides of Maraetai Road to Princess Beatrice Avenue

Map 2 - Putāruru

Buckland Street/Railway
Galway Crescent Reserve
Freyburg Crescent Reserve
Barnett Street Reserve
Glenshea Park by Reservoir

Map 3 - Tīrau

Prospect Avenue/Railway

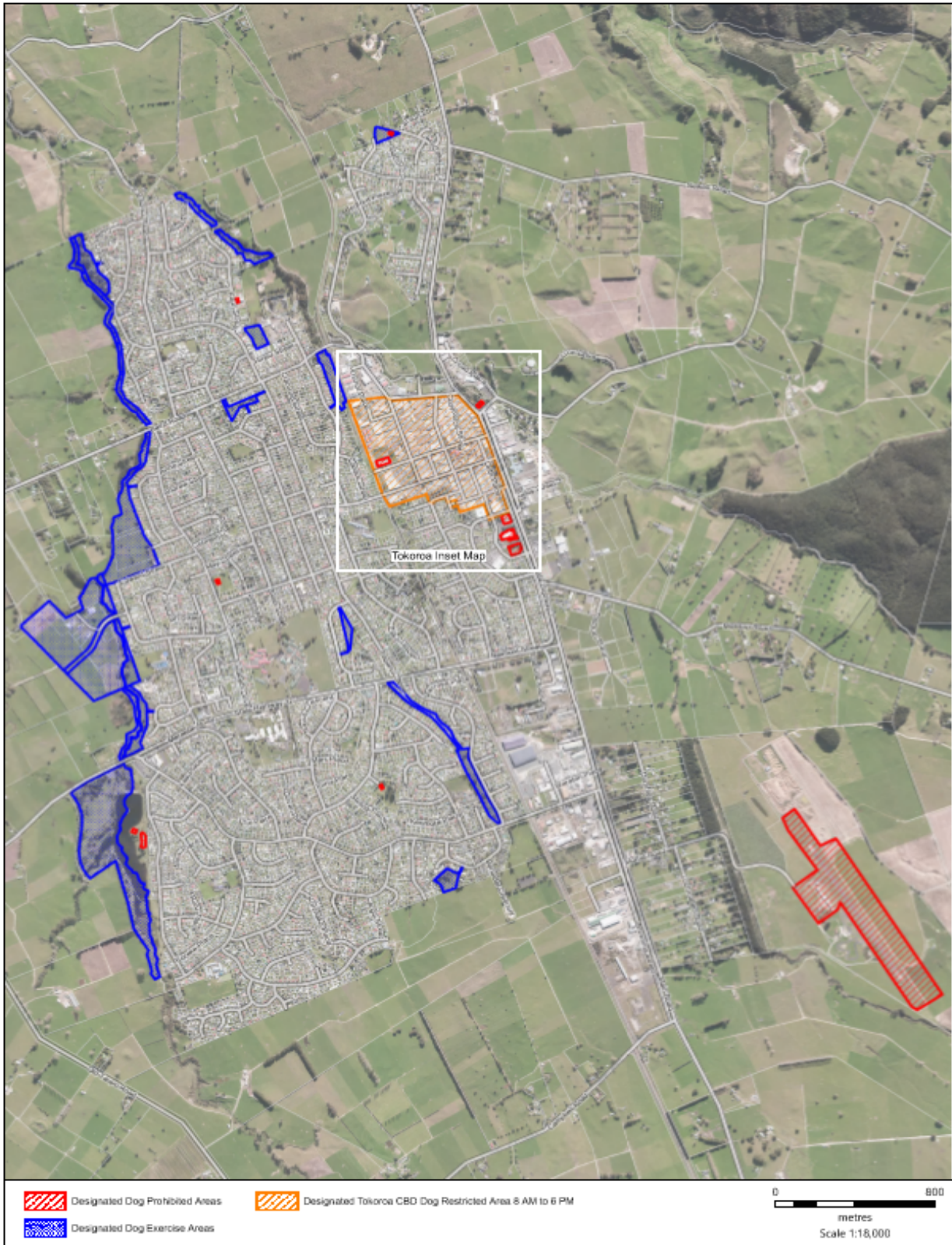
Map 4 - Arapuni

Upper right side of Village Green
Pioneer Crescent by Short Street

Dog Leash Areas

All public areas and roads in the district, rural and urban not otherwise designated. This will not apply to working dogs while moving or herding stock.

DOG CONTROL POLICY 2020
TOKOROA



DOG CONTROL POLICY 2020
PUTARURU





DOG CONTROL POLICY 2020
TIRAU





South
Waikato
District
Council
25/09/2020

DOG CONTROL POLICY 2020 ARAPUNI



Designated Dog Prohibited Areas



Designated Dog Exercise Areas

0 100



metres
Scale 1:3,500