

# DOG CONTROL POLICY

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## 1. Purpose

Waimate District Council (Council) has a statutory obligation under the Dog Control Act 1996 (the Act) to adopt a policy and subsequently approve a Bylaw to effect this policy.

Council recognises that dogs are an important part of our community and can enhance the social wellbeing of people in the district, providing companionship and positive experiences for their owners. The value of working farm dogs in the rural community is also recognised by Council.

This policy will outline how Council will manage the balance between dogs, dog owners and the community whilst keeping people safe and minimising danger and nuisance to the community in general.

The proper management and control of dogs enables Council to meet its Long Term Strategic direction which is underpinned by the Community Outcomes of:

- Making Waimate a place where people are safe in their homes, work and public spaces
- Our services, infrastructure and environment enhance the quality of life.

This policy outlines how Council will fulfil its obligations under the Act, and provide the framework of responsibilities and obligations of dog owners within the District.

In adopting a policy under section 10 of the Act, Council must have regard to:

- The need to minimise danger, distress, and nuisance to the community generally; and
- 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; and
- The importance of enabling, to the extent that is practicable, the public (including families) to use the streets and public amenities without fear of attack or intimidation by dogs; and
- The exercise and recreational needs of dogs and their owners.

The policy shall include:

- The nature and application of any bylaws made or to be made under section 20 of the Act
- Identification of any public places where dogs are to be prohibited, either generally or at specific times
- The identification of any particular public places and any areas in the district in which dogs (other than working dogs) are required to be controlled on a leash
- Notification of dog exercise areas where dogs may be exercised at large
- Fees or proposed fees
- Owner education programmes
- Dog obedience courses
- The classification of owners
- The disqualification of owners
- The issuing of infringement notices.

## 2. Scope

This policy covers the management of dogs and dog owners in the Waimate District in conjunction with the Act.

### 3. Effect of Policy

This policy shall take effect as from 4 December 2018 and revokes all previous Dog Control Policies. This policy is given effect by the Act and is to be implemented through the adoption of chapter 6 of the Waimate District Consolidated Bylaw 2018.

### 4. Definitions

Except for those described below all terms have the same definition as specified in section 2 of the Act and in any subsequent amendments to that Act.

**Act** means the Dog Control Act 1996.

**Bylaw** means the Waimate District Consolidated Bylaw 2018.

**District** means the area designated as the Waimate District for which the Waimate District Plan applies.

**District Plan** means the District Plan of the Council which is in force as the operative District Plan for Waimate for the purposes of the Resource Management Act 1991.

**Dog Exercise Area** means a public place identified in this policy as an area where dogs may be exercised at large without being controlled on a leash.

**Dog on Leash** means that the dog must be continually controlled on a leash by the owner or person in charge of the dog.

**Leash** means a lead which is capable of restraining a dog.

**Neutered dog** means a dog that has been spayed or castrated and does not include a dog that has been vasectomised.

**Policy** means the Waimate District Dog Control Policy.

**Prohibited Public Place** means a public place identified in the policy as a place where dogs are prohibited, except as provided for in this policy or the Act.

**Rushing Dog** has the same meaning as that provided by section 57A of the Act.

**Under Control** means the dog is not causing a nuisance or danger and that the person in charge of the dog has the dog under continual surveillance and is able to obtain the desired response from the dog by use of a leash and, when not on a leash, by use of voice commands, hand signals, whistles or other effective means.

**Urban** means any area which is not zoned Rural in the Waimate District Plan.

**Working Dog and Working Farm Dog** have the same definition as provided by the Act.

**Waimate District Council** means the Local Authority of any staff delegated to act on behalf of the Local Authority.

## **5. Dog Management and Control Issues**

### **Mandatory Obligations under the Act**

The Act sets out provisions that Waimate District Council is obliged to comply with and enforce i.e. Waimate District Council has no discretion to set these aside.

In terms of this policy, the mandatory obligations of the Act are summarised below, but not limited to:

It is unlawful to import any of the following breeds/types of dog:

- American Pit Bull Terrier
- Dogo Argentino
- Brazilian Fila
- Japanese Tosa
- Perro de Presa Canario

If Waimate District Council has reasonable grounds to believe that a dog belongs wholly or predominantly to one of the five breeds/types listed above it must classify the dog as 'menacing'.

Section 33E of the Act lists the full effects of the classification 'menacing'.

### **Exercise**

Council recognises that dogs and dog owners should be free to enjoy recreational activities and suitable places to exercise whilst allowing the public to be safe from dogs causing a danger or nuisance to the public.

Council will identify areas where dogs may be prohibited or kept on a leash or dog exercise areas where dogs can be off leash.

### **Dogs Defecating in Public Places**

Dogs fouling in public places is not only unpleasant and a nuisance to the public, but is also unhygienic, causing a health risk to people and other animals.

Dog owners have a responsibility to remove dog faeces immediately, and should carry suitable receptacles to do so.

Dog owners who fail to clean up after their dog or fail to carry suitable receptacles can be dealt with by way of an infringement in conjunction with Council Bylaws.

### **Uncontrolled Dogs**

It is the responsibility of dog owners to take all reasonable steps to ensure that their dogs are kept under control at all times, and that the dog does not cause a nuisance to any other person.

Uncontrolled dogs can be a threat to people, livestock and other animals and owners who allow their dogs to wander can be held to account.

Council will use the resources and tools provided in the Act and in the Bylaws to manage and reduce the incidence of wandering dogs to keep the community safe and free from nuisance dogs.

### **Responsible Dog Ownership**

Dog owners are obliged to ensure that their dog(s) receives proper care and attention, and are supplied with proper and sufficient food, water and shelter, and that they receive adequate exercise.

Council will educate owners and where necessary use enforcement techniques to encourage dog owners to comply with the current recommended welfare requirements for their dogs.

### **Educational Programmes**

Responsible dog owners are well informed about dog control requirements and the welfare of their dogs.

Council encourages and promotes owner education programmes, and dog obedience courses in our district to enhance the understanding of responsible dog ownership.

### **Menacing and Dangerous Dogs**

A dog can be declared menacing if the dog is considered to pose a threat to any person, stock, poultry, domestic animal or protected wildlife due to any observed or reported behaviour of the dog, or any characteristic typically associated with the dog's breed or type.

Council must classify a dog as a dangerous dog if the owner has been convicted of an offence in relation to the dog under section 57A(2), or Council has, on the basis of sworn evidence attesting to aggressive behaviour of the dog on one or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife; or the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife.

### **Signage**

Council will provide consistent signage across the District to ensure that dog owners and the general public clearly understand Council's expectations for dog management and control.

### **Leash**

Those taking dogs out in public are required to have their dogs on leash at all times, and when in dog exercise areas the owner must carry a leash while maintaining control over the dog.

Dogs that have been classified as Dangerous Dogs or Menacing Dogs under the Act must be **leashed and muzzled** when in public. If the owner allows the dog to be in possession of another person, the owners of any such dangerous and/or menacing dogs must advise that person of these requirements when in public.

### **Unlawful Release of Dog from the Pound**

It is an offence to attempt to unlawfully release a dog from a Waimate District Council controlled pound or be in possession of a dog that has been unlawfully released from such a pound.

### **Control**

Dog owners must ensure at all times that, when their dog is on their property it is either

- (a) Under the direct control of an appropriate person; or
- (b) Confined in such a manner that it cannot freely leave the property.

### **Annual Report**

Waimate District Council is required to report annually on its dog control policies and practices. The report is to contain certain specific information such as the number of dogs registered, the number of dogs declared dangerous or menacing and the number of disqualified or probationary owners and the number of complaints, infringements and prosecutions. The Council must give public notice of the report. A copy of the report must be sent to the secretary of Local Government as per S10A of the Act.

### **Micro-chipping**

All dogs registered on or after 1 July 2006, **except working farm dogs**, and all dogs classified as dangerous or menacing since 1 December 2003 are required to be micro-chipped.

**Note: No other type of working dog is exempt from micro-chipping under the Act.**

All dogs released from pounds are also required to be micro-chipped, if impounded for a second time.

### **Dogs Wandering at Large**

An Animal Control Officer may seize and impound or return to the owner, any dog wandering freely at large in a public place in contravention of this policy and in accordance with the powers contained in the Act.

### **Waimate District Council Dog Pound – Release of Dogs**

Where a dog is claimed by its owner the dog will not be released from the pound until all fees and charges have been paid or appropriate arrangements for payment are made and all other requirements in accordance with the Act are met.

The dog owner must satisfy an officer that he or she is the rightful owner of the dog or has been duly authorised by the owner to act in that capacity.

Where a dog is released from the pound to a new owner, the new owner may be required to pay a standard release fee, but is also required to pay the cost of registration. The new owner must also agree to arrange and pay for the dog to be vaccinated, micro-chipped and neutered if appropriate.

### **Disqualified/Probationary Dog Owners**

Where an owner is convicted of an offence under the Act or has received three infringement notices within 24 months, Waimate District Council must classify that owner as disqualified from owning or keeping any dog for a period of 5 years. If Waimate District Council deem the disqualification to not be warranted then the owner will be classified a probationary owner for a period of 24 months.

The probationary classification has the following effects:

- The owner is not allowed to own any dogs other than were owned at the time the classification was made
- The owner must dispose of any unregistered dogs
- The probationary owner has the right to object to the classification. The Act sets out a number of matters whereby the two year probationary period can be reduced. In considering the application the Council will have regard to:
  1. The circumstances and nature of the offence(s)
  2. The competence of the person in terms of responsible dog ownership
  3. Any steps taken by the person to prevent further offences
  4. The matters advanced in support of the objection and any relevant matters.

The Waimate District Council will encourage all owners classed as probationary to undertake approved education and obedience courses.

### **Abatement of Nuisance**

If in the opinion of any Animal Control Officer the keeping of dogs on a premises is, or is likely to become, a nuisance or injurious or hazardous to health, property or safety, the Animal Control Officer may, by notice in writing, require the owner or occupier of the premises, within the time specified in such notice, not being less than 14 days, to do all or any of the following:

1. To reduce the number of dogs kept on the premises
2. To alter, reconstruct or otherwise improve the accommodation for dogs
3. To require such dogs to be tied up or otherwise confined by appropriate fencing as determined by the Animal Control Officer.
4. To take other such precautions as may be considered necessary.

### **Barking Dogs**

Where a dog is considered to be causing a nuisance through persistent and loud barking or howling an Animal Control Officer will instigate 'Barking Dog Procedures' which may result in the issue of an abatement notice requiring the owner to make such reasonable provisions to stop the nuisance.

Where such an offence is not complied with this may result in the Animal Control Officer removing the dog from the land or premise, and holding the dog in custody until Council is satisfied the return of the dog will not result in a resumption of the nuisance.

### **Dogs Biting Persons**

In all cases where the victim of the dog bite was going about their lawful business the Waimate District Council may instigate legal action against the dog owner or person in charge of the dog at the time of the offence. A written statement of complaint is required from the complainant.

### **Dogs Attacking or Rushing**

Unless there are extenuating circumstances, the same approach as in 'Dogs Biting Persons' shall apply for investigating incidents of dogs attacking or rushing. The dog may be declared a dangerous or menacing dog unless the dog had offended in a similar manner previously, in which case a destruction order may be requested from the Court pursuant to section 57A of the Act.

### **Requirement to Neuter Dangerous and Menacing Dogs**

Every dog classified by Council as dangerous under section 31 of the Act, or any dog so classified as dangerous which is transferring to the Waimate District is required to be neutered.

All dogs over the age of three months and classified as menacing after the implementation of this policy, must be neutered within one month's notification as per the above provisions of section 33E of the Act.

Where the dog is classified as dangerous, or menacing by breed and is required to be neutered, the owner shall be notified in writing of the requirement. The notice shall specify the date by which the dog shall be neutered, being not less than one month from the issue of the notice. The notice shall be served on the owner in accordance with the Act, and shall contain details on rights of appeal.

## **6. Selected Owner Status**

Dog owners who meet the following criteria may apply to Council to have "**Selected Owner**" status.

- (a) No dog owned by them in the last two years has:
  - (i) Been impounded, chased or returned home by a Council Animal Control Officer; or
  - (ii) Been the subject of a bona-fide complaint.
- (b) The dog owner has not received infringement notices from Council in the last two years.
- (c) The owner has been a registered dog owner who has resided within the Waimate District for at least one year. An exemption to this may be made for dogs transferring from another district where written evidence has been provided by the relevant authority that this status or similar was held.
- (d) The dog(s) is not classified as dangerous.
- (e) The dog(s) is not classified as menacing by breed or deed.
- (f) The owner's property is suitably fenced and gated to ensure it is dog proof.



- (g) Independent access, clear of any area where dogs may be at large is available to at least one door of the dwelling.
- (h) The owner's section is appropriate for the number and size of the dog(s).
- (i) All dogs owned or kept by the owner have been registered, kept and controlled in accordance with the Act and the current Council Dog Control Bylaw.
- (j) All dog registration fees have been paid for the past two years by the due date.
- (k) A Selected Owner status application fee is payable in accordance with Council's schedule of fees.
- (l) The dog(s) is micro-chipped (excluding farm working dogs).
- (m) Any information regarding the purchase of, death, sale or transfer of dogs to and from the applicant's property, including movement of any pups born on the premises shall continue to be notified in writing to Council within one month.
- (n) Any change of residential address shall be notified in writing to the Council within 14 days.
- (o) Any faecal matter (droppings) deposited by the applicant's dog(s) in any public place or on any land other than that occupied by the applicant will be removed appropriately and deposited in a suitable receptacle.
- (p) The applicant understands that any breach of the Selected Owner status conditions will lead to the immediate cancellation of their privileges under this Policy.
- (q) All applications for permit will require a site assessment by a Council Animal Control Officer.
- (r) Council Animal Control staff reserve the right to make a property inspection when re-assessing any application for permit.

### **Three or More Dogs**

Dog Owners (excluding NZKC registered breeders or any approved property used for the business of dog boarding kennels) may apply for a permit to accommodate more than two dogs over the age of three months on an urban property (as defined in the Appendix 4 of the Waimate District Council Bylaw).

## **7. Fees**

### **Fee Structure**

Fees are reviewed annually by Waimate District Council and the structure is designed as a 'user pays' system. This takes into account the actual cost of the services used by dog owners and can cover up to 100% of the costs of the dog control activities.

Fees cover all the management and enforcement of the Act and Bylaw and cover such issues as welfare and dog control. The fees do not cover the costs of any prosecution. Waimate District Council may seek a solicitors fee from any person convicted of an offence under the Act or Bylaw.

### **Differential Fees**

Differential fees will apply for different classes of dogs or owners. Differential fees will be used to recognise a high level of responsible ownership.

The following ratios will apply for registration fees relating to dog management and control:

<b>Non-working dogs</b>	<b>100%</b>
<b>Neutered non-working dogs</b>	<b>60%</b>
<b>Selected Owner</b>	<b>30%</b>
<b>Working Dog</b>	<b>30%</b>
<b>Farm Pet</b>	<b>30%</b>
<b>Dangerous Dogs</b>	<b>150%</b>

### **Impounding Fees**

A fee for impounding of dogs and associated costs will be set by Council. Impounding fees may be set at different rates for registered versus non registered dogs and may be graduated according to the number of impounding offences against the same dog. Council may set a fee for the return of dogs which are not impounded.

### **Registration Fees**

All dogs are required to be registered in accordance with the Act and dog registration fees will be set annually by Waimate District Council.

Waimate District Council has a tiered structure allowing fees to be set at various levels for those categories of dogs that the Council may from time to time choose to recognise. A schedule of fees for dog registration shall be available from Waimate District Council.

Registration fees shall be known by dog owners before the end of each registration year (30 June).

Waimate District Council wishes to encourage the neutering of dogs as part of promoting responsible ownership and reducing the incidents of straying and unwanted dogs and has therefore set a lower rate for neutered dogs. A neutered dog shall be verified by a veterinary certificate or by a sworn declaration.

Where the full amount of registration demand is unpaid by 1 August of any year, 50% of the registration demand will be added to the outstanding balance of the fee.

Where a dog owner with a selected owner status fails to pay the registration demand by 31 July of any year, the registration fee will revert to the standard fee for the classification of dog and the owner will lose the selected owner status for that year. The selected owner status can be achieved by meeting and maintaining the standards defined by Waimate District Council.

## **8. Policies**

### **8.1 Access to Public Places**

This will allow dogs and owners access to public places while ensuring public safety and comfort. Where it has been determined that there is a potential for conflict with the general public, restricted access will apply to identified areas.

Dogs are allowed anywhere in the district on a leash except for those particular areas identified as "Prohibited Public Places".

Three defined areas identify access restrictions to public places. The Act classifies public places as:

- **controlled** – dogs are allowed if controlled on a leash
- **prohibited** – dogs are not allowed under any circumstances
- **exercise** – dogs are allowed and are not required to be on a leash.

***Dogs must be kept under control at all times.***

### **Exemptions for certain dogs**

The following classes of dogs will be exempt from all the restrictions over public places specified in this section.

- Hearing Ear dogs
- Guide dogs
- Companion dogs
- Working dogs (when working stock).

### **Other Legislation**

Dog access is also controlled by other legislation. The Dog Control Policy is required to define specific areas of land designated under other legislation. These include:

- a controlled area – Conservation Act 1987
- an open dog area – Conservation Act 1987
- a national park – National Parks Act 1980.

#### **Policy**

That dogs and their owners shall be provided with a reasonable level of access to public places, however this must be balanced with the need to prevent danger and to minimise distress and nuisance to the public at large.

#### **Policy**

That where the likelihood of conflict exists between dogs and the public at large, access by dogs to the public places shall be restricted.

#### **Policy**

That where the likelihood of conflict exists between dogs and wildlife, access for dogs to those places shall be restricted.

#### **Policy**

That the Council will, from time to time, make areas temporarily prohibited to dogs when there is the potential for conflict with people, domestic animals, or at the advice of the Department of Conservation, wildlife. Temporary prohibitions will be notified by signage placed at the main points of entry to the areas and where practicable, public notice in the newspaper.

### **8.1.1 Controlled Public Places**

All public places in the Waimate District area are classified as controlled public places where dogs may go when controlled on a leash, except for public places classified as:

- **Prohibited** under section 8.1.2 of this policy. In these areas dogs are not allowed unless they are dogs as outlined in 8.1.
- **Exercise Area** under section 8.1.3 of this policy. In these areas dogs are allowed and are not required to be on a leash.

### 8.1.2 Prohibited Public Places

These are areas where it is considered that a significant risk of conflict between dogs and the public at large exists. In order to prevent danger and to minimise the nuisance caused by dogs, they are prohibited from these areas.

The following areas will be classified as **Prohibited Areas** pursuant to a bylaw made under section 20(1)(a) of the Act.

**Table 1 – Prohibited Public Places**

All designated and marked sports fields, children’s playgrounds and public swimming pools
All cemeteries – Individual exemptions available subject to application
Areas that from time to time the Council will notify by way of signage and public notification that there is a temporary dog prohibition in place because of wildlife, stock or other issue e.g. large public gatherings.
The Sandhurst Bridge Reserve, Hakataramea Township Town Belt Seddon Square
<b>Conservation/Wildlife Areas</b> Mount Nimrod Scenic Reserve (DOC) Otaio Scenic Reserve (DOC) Studholme Management Area (DOC) Waihao Box Wild Life Management Reserve (DOC)

### Right of Access

In an area of ‘children’s play equipment’ or ‘fixed exercise equipment’ owners shall be allowed to move through the area for the purpose of moving from one side of the prohibited area to the other. Any owner and their dog are required to move directly through the prohibited area via the most direct path.

Any owner and their dog will not be allowed in any area of ‘children’s play equipment’ or ‘fixed exercise equipment’ for more time other than is reasonably necessary for passing through the area.

The dog(s) must be on a leash.

**Table 2 – Areas where a Hunting Permit is Required**

Permits are necessary to take your dog into the following areas for hunting purposes.

No areas identified presently
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### 8.1.3 Exercise Areas

The following areas shall be classified as Exercise Areas where dogs can be exercised off their leash. Owners are required to maintain continuous control over their dog at all times.

**Table 3 – Designated Dog Exercise Areas**


Victoria Park excluding sport and play areas as marked on attached map
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William Boland Park excluding areas as marked on attached map  
Knottingley Park excluding sport and play areas as marked on attached map  
Gretna Green as marked on attached map  
St Andrews Recreation Reserve excluding play areas as marked on attached map

*(NOTE: Dogs are not permitted in children's playgrounds or on marked sports grounds adjacent to any of these exercise areas)*

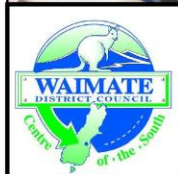
# Appendix 1 Dog Exercise and Prohibited Area Maps



	Public Dog Exercise and Prohibited Areas <b>Cemeteries</b>	Date: 7/10/2014 Scale: 1:2,500
		Original Sheet Size A4



	<p>Public Dog Exercise and Prohibited Areas</p> <p><b>Knottlingley Park</b></p>	<p>Date: 7/10/2014</p> <p>Scale : 1:5,000</p>
		<p>Original Sheet Size</p> <p>A4</p>




Public Dog Exercise and Prohibited Areas

**Norman Kirk Memorial Swimming Pool, William Boland Park, Skate Park**


Date: 10/10/2014  
 Scale : 1:1,100  
 Original Sheet Size  
 A4





 <p><b>WAIMATE</b> DISTRICT COUNCIL Centre of the South</p>	Public Dog Exercise and Prohibited Areas <b>Seddon Square</b>	Date: 8/10/2014 Scale : 1:1,000
		Original Sheet Size A4



	Public Dog Exercise and Prohibited Areas <b>St Andrews Recreation Reserve</b>	Date: 7/10/2014 Scale : 1:2,000
		Original Sheet Size A4



**Dog Exercise and Prohibited Areas**

- Dog Exercise Areas
- Dog Prohibited Public Areas



Public Dog Exercise and Prohibited Areas  
Victoria Park

Date: 7/10/2014  
Scale : 1:2,000  
Original Sheet Size  
A4




Public Dog Exercise and Prohibited Areas  
Event Centre

Date: 11-Jun-18


Scale: 1:1,000

Original Sheet Size  
A4



	Public Dog Exercise and Prohibited Areas <b>Town Belt</b>	Date: 7/10/2014 Scale : 1:1,000
		Original Sheet Size A4



 <p><b>WAIMATE</b> DISTRICT COUNCIL Centre of the South</p>	Public Dog Exercise and Prohibited Areas <b>Gretna Green</b>	Date: 7/10/2014 Scale : 1:700

## 9. Publication Details

All inquiries or suggestions regarding this document should be referred to:	Property and Regulatory Group Manager
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