

# South Wairarapa District Council Control of Dogs Policy 2013

*This policy remains in force until such time as Council in accordance with Section 10(8) Dog Control Act 1996 proposes any amendment in accordance with the special consultative procedures of the Local Government Act 2002.*

## 1 INTRODUCTION

- 1.1 This policy is prepared in accordance with the requirements of the Dog Control Act 1996.
- 1.2 This policy sets out Council's position on the matters that Council has discretion over within the Dog Control Act 1996. Reference should be made to this Act for the matters which are mandatory.
- 1.3 This policy specifies the nature and application of all bylaws made under the Act and identifies public places where dogs may be given access; may be prohibited, or may be controlled.
- 1.4 This policy also includes details about the following:
  - i) Fees or proposed fees
  - ii) Owner education programmes
  - iii) Dog obedience courses
  - iv) Classifying owners as probationary
  - v) Disqualifying owners from owning dogs
  - vi) The issuing of infringement notices.
- 1.5 When adopting this policy Council had particular regard to:
  - i) The need to minimise danger, distress, and nuisance to the community generally.
  - ii) The need to avoid 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.
  - iii) 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.
  - iv) The exercise and recreational needs of dogs and their owners.

- 1.6 Council recognises that the majority of dog owners in South Wairarapa are responsible and that most interaction between dogs and the public is positive.

## **2 POLICY OBJECTIVES**

- 2.1 This Policy aims to give effect to the Dog Control Act by protecting the health and safety of the public whilst ensuring the well-being and welfare of dogs is protected through responsible dog ownership.
- 2.2 This objective is met by:
- i) Requiring the registration of dogs.
  - ii) Making special provision in relation to dangerous or menacing dogs.
  - iii) Imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person nor injure, endanger, or cause distress to any person.
  - iv) Imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any other dog, stock, poultry, domestic animal, or protected wildlife.
  - v) To make better provision in relation to damage caused by dogs.
  - vi) To provide for the exercise and recreational needs of dogs and their owners.

## **3 POLICY**

### **3.1 Nature & Application of Bylaws**

Council will endorse existing bylaws and amendments which are based on the NZ Standards Association Model General Bylaw.

### **3.2 Public Places where Dogs are to be controlled by Leash**

Dogs are to be kept on a leash at all times in public places within the urban areas of the South Wairarapa District, including public parks, reserves, pensioner flats, transfer stations, recycling stations and also public reserves in rural areas under the control or management of the Council.

Dogs are not required to be kept on a leash in a designated dog exercise area where they are under continuous surveillance and effective control.

### 3.3 Dog Exercise Areas

The Council may, by resolution, designate dog exercise areas.

Council's policy is to provide dog exercise areas in Martinborough, Featherston and Greytown.

### 3.4 Public Places where Dogs are to be Prohibited

Dogs are prohibited from all children's play areas, sports grounds, swimming pools, cemeteries, public buildings under the control or management of Council and any other areas where dogs may pose a threat to the public.

### 3.5 Classification of Dogs

3.5.1 The Dog Control Act requires the Council to classify as menacing dogs, those belonging wholly or predominantly to one or more breeds or types listed in schedule 4, as listed below.

- i) Breed of dog:
  - Brazilian Fila
  - Dogo Argentino
  - Japanese Tosa
  - Perro de Presa Canario
  
- ii) Type of dog:
  - American Pit Bull Terrier<sup>1</sup>

Or

Dogs that the Council considers may pose a threat to any person or animal because of observed or reported behaviour of the dog, or any characteristics typically associated with the dog's breed or type.

3.5.2 The Council's policy is to require that all dogs classified as menacing dogs be neutered in accordance with s33E(1) (b) of the Act within one month after receipt of notice of the classification. In the case of dogs classified as menacing by another council, that the dog be neutered within one month of registration with the Council.

### 3.6 Classification of Owners

The Dog Control Act provides for the Council to classify dog owners as probationary owners if they are convicted of certain offences under the Act.

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<sup>1</sup> Any legislative amendments made to the list of dog breeds and dog types made subsequent to this policy shall be deemed to form part of this policy

A probationary owner may be required to undertake, at their own expense, a dog owner education programme or dog obedience course (or both).

A decision to classify an owner as a probationary owner can be appealed by the owner to Council.

The Council's policy will be to classify owners as probationary where provided for in the Act.

### **3.7 Disqualification of Owners**

Council must disqualify a person from being the owner of a dog if that person is convicted of certain offences, unless Council is satisfied the circumstances of an offence do not warrant disqualification.

Where a person who is classified as a probationary owner and is convicted of certain offences the Council may disqualify that person from being the owner of any dog. The disqualification can be for any period up to a maximum of 5 years. A disqualified owner must dispose of any dog/s owned within 14 days.

Council's policy will be to classify an owner as disqualified for an appropriate period as provided for in the Act.

A decision to classify an owner as a disqualified owner can be appealed by the owner to Council.

### **3.8 Dog Control Fees**

The Council will annually review its dog control fees to suit operational requirements. The structure of dog control fees will be aligned with the Annual Plan each year. The Council aims to self fund dog control operations from dog control fees, with the exception that from time to time the Council may approve a contribution from the general ratepayer base. All dogs over 3 months must be registered.

i) Neutering

The Council will continue to promote neutering of dogs by imposing a lower registration fee for spayed or castrated dogs.

ii) Late registration

A late registration penalty fee will be added for all dogs not registered by the end of the first week of August as set by the Council of the registration year. The penalty fee will be 50% of relevant registration fee, or as set by the Council.

iii) Rural dogs

It is recognised that rural dogs cause fewer dog control problems and therefore a differential between rural and urban fees will apply.

iv) Disability Assist dogs

Disability Assist dogs will not be charged a fee upon registration under the Dog Control Act.

### 3.9 Conviction and Fines

Every person commits an offence, who does anything prohibited, or who fails, refuses or neglects to do anything to be done according to the South Wairarapa District Council Control of Dogs Bylaw and is liable to:

- i) The penalty provisions of section 242 Local Government Act 2002; or
- ii) Any other penalty pursuant to the Dog Control Act 1996; or
- iii) Be served with an infringement notice pursuant to section 66 of the Dog Control Act 1996.

### 3.10 Issuing of Infringement Notices

The Dog Control Act provides for infringement notices for certain offences under the Act. Infringement notices can be served at the time of the offence on the owner as defined in the Act and generally the person in charge of the dog. The infringement requires an infringement fee to be paid or for the owner to request a court hearing in respect of the alleged offence.

### 3.11 Infringement Offences and Fees

Section	Description of offence	Infringement fee (\$)
18	Willful obstruction of dog control officer or ranger	750
19(2)	Failure or refusal to supply information or willfully providing false particulars	750
19A(2)	Failure to supply information or willfully providing false particulars about a dog	750
20(5)	Failure to comply with any bylaw authorised by the section	300
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	300
24	Failure to comply with obligations of probationary owner	750
28(5)	Failure to comply with effects of disqualification	750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	300
32(4)	Fraudulent sale or transfer of dangerous dog	500
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	300

33F(3)	Failure to advise person of muzzle and leashing requirements	100
36A(6)	Failure to implant microchip transponder in dog	300
41	False statement relating to dog registration	750
41A	Falsely notifying death of dog	750
42	Failure to register dog	300
46(4)	Fraudulent procurement of attempt to procure registration label or disc	500
48(3)	Failure to advise change of dog ownership	100
49(4)	Failure to advise change of address	100
51(1)	Removal, swapping, or counterfeiting of registration label or disc	500
52A	Failure to keep dog controlled or confined	200
53(1)	Failure to keep dog under control	200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	300
54A	Failure to carry leash in public place	100
55(7)	Failure to comply with barking dog abatement notice	200

62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	300
62(5)	Failure to advise of muzzle and leashing requirements	100
72(2)	Releasing dog from custody	750

The Council's policy is to issue infringement notices where appropriate to promote the objectives set out in this policy.

### 3.12 **Open and Controlled Dog Areas under Conservation and National Parks Acts**

At this stage there are no areas gazetted under the Conservation and National Parks Acts. The Department of Conservation is preparing guidelines for local DOC branches for the creation of controlled and open dog areas. These areas will be determined and gazetted following public consultation.

### 3.13 **Owner Education**

Owner education is seen as an important part of the policy. Officers will work with dog owners, schools, and the community to:

- i. Inform and educate dog owners and the general public about responsible dog ownership by raising awareness through education programs, distributing information and the use of media.
- ii. Ensure complaints received are followed up by Officers with appropriate action taken.
- iii. Promote the availability of dog obedience classes.