

# Central Otago District Council

## Dog Policy

Prepared pursuant to section 10 of the Dog Control Act 1996

August 2006

## TABLE OF CONTENTS

|        |   |    |
|--------|---|----|
| 1.0    | Introduction.....   | 3  |
| 2.0    | Dog Management and Control Issues .....                                   | 4  |
| 3.0    | Management and Control of Dogs in the Central Otago District .....        | 6  |
| 3.1    | Council Aims for Dog Management and Control.....                          | 6  |
| 3.2    | Mandatory Obligations Under The Act .....                                 | 6  |
| 3.3    | General Policies .....  | 7  |
| 3.3.1  | Access by dogs to public places.....                                      | 7  |
| 3.3.2  | Specific Dog Exercise Areas .....   | 8  |
| 3.3.3  | Conservation Areas .....  | 8  |
| 3.3.4  | Access Exemptions .....   | 9  |
| 3.3.5  | Maximum of number of dogs permitted to reside on a private property ..... | 9  |
| 3.3.6  | Setting Fees .....  | 9  |
| 3.3.7  | Registration Fees.....  | 9  |
| 3.3.8  | Differential Fees.....  | 10 |
| 3.3.9  | Impounding Fees.....  | 10 |
| 3.3.10 | Part Year Fees .....  | 10 |
| 3.3.11 | Other Fees .....  | 10 |
| 3.3.12 | Dog Education Programmes .....  | 10 |
| 3.3.13 | Property Visits .....   | 10 |
| 3.3.14 | Uncontrolled Dog Management.....  | 11 |
| 3.3.15 | Infringement Notices and Fines.....                                       | 11 |
| 3.3.16 | Bylaw Offences.....   | 11 |
| 3.3.17 | Impounding Dogs.....  | 11 |
| 3.3.18 | Abatement of Nuisance.....  | 12 |
| 3.3.19 | Barking Dogs .....  | 12 |
| 3.3.20 | Fouling in Public Places.....   | 12 |
| 3.3.21 | Classification and restrictions on dogs and dog owners .....              | 12 |
| 4.0    | Dog Control Bylaw.....  | 15 |
| 5.0    | MAPS – Permitted Dog Exercise Areas .....                                 | 16 |
| 6.0    | Appendices.....   | 18 |

## **1.0 Introduction**

This policy has been prepared to meet the obligations of the Central Otago District Council (CODC) under section 10 of the Dog Control Act 1996 (The Act) as amended by the Dog Control Amendment Act 2003. The 2003 Amendment Act requires existing dog policies be reviewed to ensure compliance with changes to section 10(4) (see Appendix One). This proposed policy replaces the Central Otago Dog Control Policy 1997.

The Act makes provision for the care and control of dogs and in relation to damage caused by dogs. The Act outlines the mandatory responsibilities of a territorial authority with regard to dogs and dog control. The Amendment Act increases the scope of local authorities to address dog related issues. Changes include increased requirements to use a leash, requirements to microchip dogs, new classifications of dogs and dog behaviour, restrictions on import of some breeds and increased fines.

A local authority must have a dog policy under section 10 of the Act. The legislation specifies what must be included in a dog policy and also gives local authorities discretion to address issues relevant to the district. Notwithstanding this discretion, Council must have regard to the exercise and recreational needs of dogs and their owners and the need to minimise danger, distress and nuisance to the community in general.

This policy incorporates the requirements of the Dog Control Act 1996, subsequent amendments and also identifies and addresses dog management and control issues with particular relevance to Central Otago. This policy will be adopted subject to the outcomes of the special consultative procedures specified in section 83 of the Local Government Act 2002.

This policy document is in four sections. Section One identifies dog management and control issues in the Central Otago area. Section Two identifies Councils aims for dog control, mandatory dog control requirements and specific Council policies with regards to the management of dogs. Section Three makes outlines the CODC Dog Control Bylaw and Section Four contains maps which identify areas where dogs are permitted in the Central Otago District.

## **2.0 Dog Management and Control Issues**

Dog control issues usually arise when public expectations are not met in some way. The expectations central to the dog control legislation and to this policy are that:

- Dog owners will manage their dogs in accordance with legislative requirements;
- Dogs and their owners have a right to opportunities for exercise and recreation;
- Dogs have a right to adequate care;
- The public at large has a right to enjoy the environment free of perceived risk/nuisance from dogs and from the activities of dogs.

Aspects of dog management and control considered in the preparation of this policy are outlined below. These have been identified from the dog control legislation and/or the Central Otago District Council Residents Opinion Survey 2005. The purpose of identifying these issues is to ensure the policy addresses issues relevant to the district.

### **2.1 Registration**

Identified registration issues include ensuring dog owners meet their obligations to register any dog over three months old, that dogs are micro-chipped from 1 July 2006 and that dog owners keep registration information current. The latter is necessary to ensure the register provides an effective tool for locating dog owners and managing the dog population.

### **2.2 Management of risks to community safety and health**

Health and safety risks may arise from, for example, dangerous dogs or uncontrolled dogs behaving in threatening ways and from dogs fouling in public places. The latter carries an associated risk of spread of dog borne diseases.

### **2.3 Nuisance, annoyance and discomfort**

Nuisance, annoyance and discomfort may arise from the activities of dogs. Such activities include nuisance barking, fouling on public and private land, roaming and/or uncontrolled dogs and the general presence and activities of dogs.

### **2.4 Threatened or actual dog attacks**

Dogs attacking, biting or threatening to attack or otherwise intimidating people, property, stock, and wildlife can cause injury, damage and/or distress. The public is entitled to feel secure and unthreatened in, or by, the presence of dogs. Damage to property and stock by uncontrolled dogs can incur significant costs to members of the community.

## **2.5 Failure of dog owners to meet their dogs physical and psychological needs**

Dog owners have a responsibility under the Dog Control Act to meet the physical and psychological needs of their dogs. Intervention by enforcement officers, including entry to properties, may be required where a dog's needs are not being met, for example, a dog is suspected of being without food, water and/or shelter.

## **2.6 Recreational opportunities for dogs and dog owners**

Provision for recreational access to public places for dogs and dog owners is important to ensure the recreational needs of dogs and dog owners are met while also avoiding potential conflict with non dog owners. Expectations that areas for exercise of dogs at large will be available are likely to be associated with the largely open and rural nature of the Central Otago District.

## **2.7 Public awareness of appropriate behaviour around dogs**

Increasing public awareness of appropriate behaviour around dogs is important to deter dogs being incited to behave badly.

## **2.8 Provision of satisfactory dog control services**

Dog control services provided by Council must be done so at a reasonable cost and in an acceptable manner.

## **2.9 Management of dangerous, prohibited and/or menacing dogs**

Provision for the management of dangerous, prohibited and/or menacing dogs must be made in a manner which ensures public safety.

## **3.0 Management and Control of Dogs in the Central Otago District**

### **3.1 Council Aims for Dog Management and Control**

The aims of the Central Otago District Council (CODC) in relation to Dog Control are:

- 3.1.1 To recognise the rights and expectations of people who own dogs and/or who may be affected by the presence of dogs in the community;
- 3.1.2 To encourage responsible ownership of dogs and compliance of dog owners with their obligations under the Dog Control Act 1996 and subsequent amendments;
- 3.1.3 To recognise and provide for the exercise and recreational needs of dogs and their owners;
- 3.1.4 To administer the Dog Control Act 1996, as amended, effectively and to meet the objectives stated above.

### **3.2 Mandatory Obligations Under The Act**

The Dog Control Act 1996 sets out provisions that CODC is obliged to comply with and enforce. The CODC has no discretion to set these aside. These statutory requirements are summarised below:

#### **3.2.1 Leash**

Those taking dogs out in public will be required to use or carry a leash at all times. Dangerous dogs must be leashed when in public and owners of dangerous and menacing dogs must advise anyone to whom they lend the dog of the requirement that it must be muzzled and leashed (in the case of dangerous dogs) when in public.

#### **3.2.2. Control**

Dog owners must ensure at all times that, when their dog is on their property, it is either under direct control of a person, or is confined in such a manner that it cannot freely leave the property.

#### **3.2.3 Registration - Microchipping**

All dogs first registered on or after 1 July 2006, and all dogs classified as dangerous or menacing since 1 December 2003 will be required to be microchipped. Dangerous and menacing dogs classified before 1 July 2006 must be microchipped within two months of that date. Dogs released from pounds after 1 July 2006 will also be required to be microchipped, if impounded for the second time.

Council staff will not insert microchips; instead owners will be responsible for ensuring that this is done by a vet or trained microchip inserter.

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

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

### **3.2.5 Prohibited Dogs**

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

- American Pit Bull Terrier
- Dogo Argentino
- Brazilian Fila
- Japanese Tosa

If CODC has reasonable grounds to believe that a dog belongs wholly or predominantly to one of the four breeds/types listed above it must classify the dog as ‘menacing’. Menacing dogs must be muzzled when in public.

### **3.2.6 Monitoring and reporting requirements**

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, and the number of disqualified owners. The report must be publicly notified in each financial year. A copy of the report must be submitted to the Secretary for Local Government.

## **3.3 General Policies**

### **ACCESS PROVISIONS**

#### **3.3.1 Access by dogs to public places**

Dogs must be under the control of their owners at all times. Those taking dogs out in public must carry or use a leash at all times as appropriate. Access to public places by dogs is provided for as follows:

Exercise areas

Dogs are allowed and do not have to be on a leash. Dogs must be under control at all times and may not cause a nuisance, annoyance or distress to any person or animal or damage to property.

Controlled areas                      Dogs are allowed only if on a leash. A controlled area is any urban or rural/residential area which is not classified as a prohibited or an exercise area.

Prohibited areas                      Dogs are not permitted in a prohibited area at any time. Prohibited areas include, but are not limited to town centre/retail areas as shown on maps contained in Section 5 of this policy, children’s playgrounds, the designated playing areas of all sports grounds, all cemeteries, school grounds, swimming pools, premises used for the manufacture, preparation, storage or sale of food, and designated bathing areas of lakes or rivers during periods when daylight saving is in force, unless otherwise specified.

The following restrictions may also apply:

Temporarily prohibited              Dogs may be prohibited, as publicly notified, from some areas during periods when a high concentration of people is likely to create potential conflict.

Temporarily restricted                Dog access may also be restricted from time to time in areas, as publicly notified, where potential conflict exists with the general public, wildlife and so on.

Note: a private vehicle is not a public place as defined in the Act and therefore is exempt from the provisions of Section 3.3.1.

### **3.3.2                      Specific Dog Exercise Areas**

Specific dog exercise areas in Alexandra, Clyde, Cromwell, Ranfurly and Roxburgh are identified on the maps contained in Part Five of this policy. Large parts of the district are not specifically identified. Any area not identified as an exercise area or a prohibited area is to be considered a controlled area, whereby dogs are only permitted on a leash.

### **3.3.3                      Conservation Areas**

This policy is required to identify land which is a controlled or open dog area under section 26ZS of the Conservation Act 1987. No areas of conservation land in Central Otago are formally gazetted as open or controlled dog areas under the Conservation Act 1987 or the National Parks Act 1980. The Otago Conservation Management Strategy identifies that dogs are permitted on the Otago Central Rail Trail between Alexandra and Clyde, and on Flat Top Hill Conservation area.

The provisions of the Reserves Act 1977 excludes dogs from national scenic, nature and scientific reserves or any part of a reserve specified as a wilderness area. Dogs are also excluded from wildlife sanctuary, refuge or management reserves.

### **3.3.4 Access Exemptions**

Any guide dog, hearing ear dog, companion dog or a working dog carrying out its respective duties is exempt from the above access restrictions. However, all working dogs must be on a leash in a prohibited public place except those herding or driving stock. A dog on a leash may pass through a prohibited area when it is used as a thoroughfare and/or no other reasonable access exists to an area where a dog may be exercised.

### **3.3.5 Maximum number of dogs permitted to reside on a private property**

No more than three dogs older than three months of age (whether or not the dog is registered) may be kept on any property unless the owner or occupier is the holder of a Kennel Licence.

A Kennel Licence shall only be granted to a dog owner if the property upon which the dogs will be kept is of adequate size and location to accommodate the animals and if the presence of four or more dogs will not be detrimental to neighbouring properties.

An annual fee shall be paid by Licence holders to the Council by 1 July of each year.

Note: Section 3.3.5(1) of this policy does not apply to land situated in the Rural Resource Area or Rural Residential properties.

## **FEES AND CHARGES**

### **3.3.6 Setting Fees**

The Dog Control Act 1996 allows a territorial authority to set fees and charges to cover costs associated with dog control. Fees and charges must be publicly notified before the beginning of each registration year. The Central Otago District Council sets registration and other fees annually through the annual plan process. All fees associated with dog control will be set out in each year's Annual Plan.

Fees are established in accordance with the public:private funding ratio established in the CODC Revenue and Financing Policy. Current Council policy requires that dog registration fees and other charges will recover 100% of the cost of dog control activities. Generally the principle of user-pays will apply. Greater emphasis will be placed on fee recovery from dog owners who fail to meet their legal obligations.

### **3.3.7 Registration Fees**

The owner of any dog shall be charged a registration fee payable to the Council by 31 July each year. The fee reflects the actual costs of discharging the Council's obligations under

the Dog Control Act 1996. A late fee will apply if payment is made after August 30 in any year.

### **3.3.8 Differential Fees**

Differential fees may apply for different classes of dogs or owners. Differential fees may be used to recognize a high level of responsible ownership and to act as an incentive for all dog owners to attain a high standard of care and control of their dogs.

A reduced fee may apply for certified companion dogs, hearing dogs, guide dogs and for working dogs.

### **3.3.9 Impounding Fees**

A fee for impounding of dogs and associated costs will be set by the CODC. 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.

### **3.3.10 Part Year Fees**

Registration fees for dogs that are 3 months of age shall be calculated on a pro rata basis. For the first time registration of a dog on its 3-month birthday only the balance of the year will be due. If a dog owner relocates to the Central Otago District, the owner can exchange the registration tag from the previous district for a CODC tag free of charge.

### **3.3.11 Other Fees**

Fees will be charged for the destruction of dogs and for the issue of replacement registration tags. Other fees related to the costs of dog control may also be payable as determined by Council resolution.

## **DOG MANAGEMENT**

### **3.3.12 Dog Education Programmes**

CODC may from time to time undertake education and promotional programmes which promote responsible dog ownership and other issues related to management and control of dogs.

CODC will recognise and promote privately operated dog education and/or training courses and act as a referral agent to dog owners for these courses

### **3.3.13 Property Visits**

CODC dog control personnel may undertake property visits where mistreatment of dogs is suspected. A programme of property visits may be implemented to ensure compliance with act and as an education and bylaw enforcement tool.

### **3.3.14 Uncontrolled Dog Management**

A large proportion of dog related complaints stem from roaming dogs. Random patrols to monitor wandering dogs may be undertaken from time to time. Any uncontrolled dog may be impounded or an infringement notice issued where the dog owner can be identified.

## **ENFORCEMENT ACTIVITIES**

### **3.3.15 Infringement Notices and Fines**

Animal control officers may issue infringement notices, where appropriate, in order to meet the objectives of the CODC Dog Policy 2006. Sections 65 and 66 of the Dog Control Act 1996, as amended, identify a range of offences for which an infringement notice may be issued (Appendix Four). Fines not paid may be recovered through the courts as provided for in the Summary Proceedings Act 1957. Infringement notices and/or associated fines will only be waived in exceptional circumstances as determined by Council.

### **3.3.16 Bylaw Offences**

In addition to offences listed in the Act, CODC may impose further penalties for offences peculiar to this District by way of the Dog Control Bylaw. For example, the Bylaw requires dog owners to carry a suitable receptacle (e.g. plastic bag) for removing and disposing of faecal matter when their dog is not on their property. An infringement fee for a prescribed amount exists for contravention of this bylaw.

CODC has no provision to set fees for any infringement offences. Infringement fees for all offences are prescribed within the Act.

### **3.3.17 Impounding Dogs**

Any Dog Control Officer and/or persons he or she recruits to assist may impound any dog. Impounding may occur whether or not the dog is wearing a collar with the proper label attached.

Any dog may be seized if it is considered to be not under control and/or likely to cause annoyance, distress or damage to any person or property. A dog is considered to be 'not under control' if it is at large on land or premises without the consent of the occupier or person in charge of that property.

A seized dog will be either returned to its owner or impounded by the dog control officer. Dog control officers may also impound any dog seized by a property owner or person in charge of a property if a dog is on their land or premises without permission. Prior to

release from a pound any unregistered dog must be registered and/or micro-chipped as appropriate.

Any dog may be impounded where an inspection of a dog and the conditions in which it is being kept and/or there is good cause to suspect that an offence against the Act has been committed.

### **3.3.18 Abatement of Nuisance**

Where a complaint is received and a Dog Control Officer considers that a nuisance exists, the officer may issue the owner with an abatement notice. This will require the owner to take such steps as specified in the notice to abate the nuisance. These notices shall be issued pursuant to the Dog Control Bylaw.

### **3.3.19 Barking Dogs**

Where any reasonable complaint relating to persistent loud barking or howling of any dog is received, a Dog Control Officer may enter a property where the dog is kept (with exception of a dwelling house), to inspect the animal's living condition and/or give written notice to the dog owner which will require them to take reasonable action to limit the disturbance.

If written notice has been given to the dog owner and a further complaint of continued barking or howling by the dog is received, the dog may be impounded until the situation can be remedied.

### **3.3.20 Fouling in Public Places**

Any person having charge of any dog shall at all times while exercising the dog, whether within a designated Exercise Area or any public place, carry a suitable receptacle to remove and dispose of dog droppings immediately after the dog has deposited them.

In the event that a dog fouls in any public place with droppings, or on land or premises other than that occupied by the owner, the owner or person in charge of the dog must remove the droppings immediately.

Where a public litter bin or similar receptacle is used to dispose of the droppings, they must be suitably wrapped or contained to prevent fouling the receptacle.

## **CLASSIFICATION OF DOGS AND DOG OWNERS**

### **3.3.21 Classification and restrictions on dogs and dog owners**

The Act enables CODC to classify a dog owner as a probationary or disqualified owner and a dog as dangerous and/or menacing. That classification will apply to the dog or dog owner

regardless of their location in New Zealand. The classifications provide a tool to manage the behaviour of dogs and dog owners. The Act makes provision for a dog owner to appeal against any such classification. The classifications are summarised below.

**(a) Probationary Dog Owner**

A dog owner may be classified as a ‘probationary’ owner if that person incurs more than 3 infringement offences within 2 years or is or has been convicted of any offence (not including an infringement notice) relating to dog treatment and control under the Dog Control Act 1996, the Dog Control Amendment Act 2003, Part 1 or Part 2 of the Animal Welfare Act 1999, the Conservation Act 1987 or the National Parks Act 1980. A ‘probationary’ classification applies for 24 months from the date of the offence, unless terminated earlier as allowed for in the Act.

While classified as ‘probationary’ a dog owner:

- may not become the registered owner of a dog (unless the person was the registered owner of the dog on the date of the offence, or the date of the third infringement offence in respect of which the classification was made)
- must dispose of any unregistered dog in his/her care in a manner that does not constitute an offence within 14 days
- will be charged a 50% surcharge on all dog control fees payable during the classification period. Such fees are calculated on a pro-rata basis for any period outside a full registration year. If the surcharge is not paid within four weeks, the dog shall cease to be registered.
- may be required to attend a dog education programme

**(b) Disqualified Dog Owner**

The provisions of the Amendment Act 2003, allow Council to disqualify any probationary dog owner from owning any dog if that owner commits an offence in terms of the Act. Disqualification may apply for up to five years after the offence has taken place

A disqualified owner may not be in possession of a dog for the period of disqualification and must dispose of every dog that he or she owns within 14 days of the conviction. Disposal must be in accordance with the Act and not to any person living at the same address as the disqualified owner.

**(c) Dangerous Dogs**

The Dog Control Act 1996 as amended in 2003 enables a dog to be classified as dangerous. This provides a mechanism to control individual dogs that have behaved in an aggressive or dangerous way and/or whose behaviour has resulted in injury, death and/or damage to property.

Council may declare any dog “dangerous” if:

- the owner has been convicted of an attack offence under section 57(6) of the Act

- Council has sworn evidence that the dog has shown aggressive behaviour on one or more occasions or there are reasonable grounds to believe that the animal has threatened the safety of any person or animal
- the owner admits the dog is a threat to the safety of any person, animal or stock.

A dog classified as dangerous must be muzzled when in public, must be neutered or spayed within one month of classification and must be kept in a fenced area which is separated from access to the house. Dangerous dogs must not be sold or given away without the Council's approval. Any dog classified as dangerous after 1 December 2003 must be micro chipped from 1 July 2006. Council can seek an order for destruction, fines and/or criminal action if the owner of a dangerous dog does not meet the requirements of the Act. A dog declared dangerous by the Council will be subject to a 50% surcharge on normal registration fees.

Complaints of dog attacks causing serious injury will be referred to the Police as a criminal matter.

**(d) Menacing and prohibited dogs**

Council may classify any dog as 'menacing' if that dog is considered to pose a threat to any person or livestock and has not been classified as dangerous. A dog classified as menacing must be muzzled in a public place, may be required to be neutered under the Dog Control Bylaw and must be implanted with a micro-chip within two months after 1 July 2006. Exceptions to these requirements may be made by permit in special circumstances e.g. dog shows.

## 4.0 Dog Control Bylaw

This policy provides the framework for a revised CODC Dog Control Bylaw which gives effect to the Dog Control Policy in accordance with section 10(6) of the Act. The review of the CODC Dog Control Bylaw 1996 is undertaken pursuant to the Dog Control Act 1996 and the Local Government Act 2002.

CODC will amend its existing Bylaw following completion of the consultative process and adoption of this Policy. The specific Bylaw will include the following provisions:

- a. Providing for any requirements of the Act and subsequent amendments.
- b. Prescribing minimum standards for the accommodation of dogs
- c. Requiring dogs to be on a leash at all times in controlled areas.
- d. Identifying public places where dogs are permitted to be exercised at large or prohibited.
- e. Requiring the owner / person in charge 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.
- f. Requiring diseased dogs to be kept on the owner's property
- g. Preventing dogs becoming a nuisance or injurious to health.
- h. Requiring a license for any premises keeping more than 3 dogs within a residential zone.
- i. Providing for the impounding of dogs.
- j. Penalties for people breaching the bylaw.
- k. Authorising CODC to disqualify any person convicted of offences under the Act, the Amendment Act or the CODC bylaw, from owning a dog if a disqualification is deemed reasonable.
- l. Authorising CODC to classify a dog as 'menacing' or 'dangerous'.

## **5.0 MAPS – Permitted Dog Exercise Areas**

(Maps can be downloaded from [www.codc.govt.nz/services/dog\\_control](http://www.codc.govt.nz/services/dog_control))

### **1. Alexandra**

- **The Alexandra Pines, State Highway 8**
- **The Linger and Die, between Rivers Street and Manuherikia River**
- **Town Belt between State Highway 85 and Manuherikia River**

### **2. Clyde**

- **Sunderland Street Road Reserve**
- **True left bank of Clutha river between Clyde Bridge and Dunstan Hospital**

### **3. Cromwell**

- **Victoria Park Reserve, Alpha Street**
- **Plantation area adjacent to transfer station, Bannockburn Road**
- **Plantation area, between Pearson Road and Bannockburn Road**

### **4. Naseby**

- **Eastern side of Hogburn Creek, between Hogburn Bridge and town boundary**
- **Vacant land, Channel Road**

### **5. Ranfurly**

- **Vacant land, Pery/Tyrone Street intersection**

### **6. Roxburgh**

- **Ladysmith Walkway**

## **Prohibited Areas – Town Centre/Retail Area**

(Maps can be downloaded from [www.codc.govt.nz/services/dog\\_control](http://www.codc.govt.nz/services/dog_control))

- 1. Alexandra Town Centre**
- 2. Cromwell Mall**
- 3. Old Cromwell**
- 4. Ranfurly Town Centre**
- 5. Roxburgh Town Centre**

## Appendices

### Appendix One      Functions, duties and powers of territorial authorities

Section 6 of the Dog Control Act 1996 as amended by the Dog Control Amendment Act 2003

*(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 principle requirements on the Council, and its powers under this Act:

#### Sections

- 10 Duty of territorial authorities to adopt policy on dogs
- 10A Report on the administration of the Dog Control Policy
- 11 Every territorial authority shall appoint one or more dog control officer...
- 14 Power of Entry on to land where there is 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 and power to have such classified dogs be neutered.
- 33A-F Requirement to classify menacing dogs, but owner may object.  
Requirement for the microchipping of dogs for those dogs first registered after 1 July 2006
- 37 Requirement to set reasonable fees for the registration and control of dogs
- 50 Power to seize dogs not under proper control in public places
- 52 Requirement to confine dogs on a property.
- 54A Requirement that an owner must carry or use a leash at all times in a public place

- 55 Power to stop the nuisance caused by persistently barking dogs and in extreme cases, remove the dog from the property
- 57 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
- 63 Power to recover damages from an owner whose dog has bitten or worried
- 64 Owner responsibility to prove destruction of a dog
- 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 threat to public safety  
Power to impose fines ranging from \$500 to \$3000

### **Duty of Territorial Authority to adopt policy on dogs**

Section 10(4) of the Dog Control Act as amended by the Dog Control Amendment Act 2003.

- (4) In adopting a policy under this section, the territorial authority must have regard to—
  - (a) the need to minimise danger, distress, and nuisance to the community generally; and
  - (b) 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
  - (c) 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; and
  - (d) the exercise and recreational needs of dogs and their owners.]

## Appendix Two      Definition of terms

Terms used in the policy and bylaw are those described in the Dog Control Act 1996.

Companion Dog      means a dog certified by the Top Dog Companion Trust as being a companion dog or a dog under training as a companion dog.

Guide Dog      means a dog certified by the [Royal New Zealand Foundation of the Blind] as being a guide dog or a dog under training as a guide dog.

Hearing Ear Dog      means a dog certified by [Hearing Dogs for Deaf People New Zealand Trust] as being a hearing ear dog or a dog under training as a hearing ear dog.

Owner, in relation to any dog, means every person who—

- (a) Owns the dog; or
- (b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- (c) The parent or guardian of a person under the age of 16 years who—
  - (i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
  - (ii) Is a member of the parent or guardian's household living with and dependent on the parent or guardian;—

but **does not include** any person who has seized or taken custody of the dog under the Act or the [Animal Welfare Act 1999] or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Act or the [Animal Welfare Act 1999]:

public place—

- (a) 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
- (b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

working dog means—

- (a) Any guide dog, hearing ear dog, or companion dog;
- (b) Any dog—
  - (i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or
  - (ii) Kept solely or principally for the purposes of herding or driving stock; or
  - (iii) Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
  - (iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
  - [(iva) kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
  - (ivb) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
  - (ivc) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or]
  - (v) Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or
  - (vi) Declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

The following terms are not defined in the Act and the following definitions will apply to this policy:

**Control**                      The owner or person in possession or charge of the dog shall have it on a lead or confined within a vehicle or other container. The person must be physically capable of directing or commanding the dog whilst off the lead where it is permitted to be so.

**Suitable receptacle**      Means plastic bags, paper bags or acceptable pooper scoopers.

## **Appendix Three      Obligations of Dog Owners**

Section 5 of the Dog Control Act 1996 and as amended by the Dog Control Amendment Act 2003 identifies the obligations of dog owners as follows:

- (1) The obligations imposed on Dog Owners by this Act require every owner of a dog –*
- 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:*
  - To ensure that the dog is kept under control at all times:*
  - To ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter*
  - To ensure that the dog receives adequate exercise*
  - 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 other means:*
  - To take all reasonable steps to ensure that the dog does not injure, endanger, intimidate or otherwise cause distress to any person:*
  - 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:*
  - To take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person:*
  - To comply with the requirements of this Act and all of the 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 Four      Infringement Offences and Fees as specified in Schedule 1 of the Dog Control Act 1996**

| Section of Act  | Action   | Infringement fee (\$) | Max. fine on conviction (\$) |
|-----------------|--|-----------------------|------------------------------|
| 18              | Wilful obstruction of dog control officer or dog ranger(in the exercise of his/her powers) | 750                   | 3,000                        |
| 19(2)<br>19A(2) | Failure/refusal to supply information/wilfully stating false particulars                   | 750                   | 3,000                        |
| 20 (5)          | Failure to comply with a bylaw   | 300                   | 20,000                       |
| 28(5)           | Failure to comply with effects of disqualification   | 750                   | 3,000                        |
| 32(2)           | Failure to comply with effects of classification as dangerous dog                          | 300                   | 3,000                        |
| 32(4)           | Fraudulent sale/transfer of a dangerous dog  | 500                   | 3,000                        |
| 33E(2)          | Failure to comply with effects of classification of dog as a menacing dog                  | 300                   | 3,000                        |
| 36A(6)          | Failure to implant microchip transponder in dog  | 300                   |                              |
| 41              | False statement relating to registration   | 750                   | 3,000                        |
| 42              | Keeping an unregistered dog  | 300                   | 3,000                        |
| 46(4)           | Fraudulent attempt to procure replacement tag  | 500                   | 3,000                        |
| 48(3)           | Failure to advise change of ownership of a dog   | 100                   | 500                          |
| 49(4)           | Failure to advise a change of address  | 100                   | 500                          |
| 51(1)           | Removal or swapping of labels or discs   | 500                   | 3,000                        |
| 52A             | Failure to keep dog controlled or confined   | 200                   | 3,000                        |
| 53(1)           | Failure to keep a dog under proper control   | 200                   | 3,000                        |
| 54(2)           | Failure to meet obligations of a dog owner   | 300                   | 5,000                        |
| 54A             | Failure to carry a leash in public   | 100                   | 500                          |
| 62(4)           | Allowing a dangerous dog to be at large unmuzzled  | 300                   | 3,000                        |

Offences other than infringement offences

| Section of Act | Action   | Max. fine on conviction (\$)         |
|----------------|--|--------------------------------------|
| 55(7)          | Barking dog  | 1,500                                |
| 57 ,<br>57A    | Dogs attacking persons or animals or rushing at vehicles | 3,000                                |
| 58             | Dogs causing serious injury                              | 3 years imprisonment and/or \$20,000 |