



DOG CONTROL POLICY 2004

CONTENTS

PAGE

Part I	- Reason for the Policy	3
Part II	- Purpose of Policy	4
Part III	- General.....	4
Part IV	- Dog Control Policies	5
1.	Bylaws	5
2.	Control of Dogs	6
3.	Care of Dogs	7
4.	Hospital, Boarding and Breeding Kennels	8
5.	Dog Defecation.....	9
6.	Impounding of Dogs	10
7.	Dog Sales.....	11
8.	Relinquishment of Dogs	12
9.	Impounding Fees.....	13
10.	Dangerous Dogs	14
11.	Menacing Dogs.....	15
12.	Microchipping	16
13.	Prohibited Areas	17
14.	Controlled Areas.....	18
15.	Off Lead/Exercise Areas.....	19
16.	Probationary Owners.....	20
17.	Disqualification of An Owner.....	21
18.	Special Purpose Dogs	22
19.	Registration Fees	23
20.	Licensing Of Additional Dogs.....	24
21.	Other Charges	25
22.	Infringement Notices	26
23.	Owner/Public Education	27
24.	Complaints.....	28
25.	Annual Report on Dog Control Policy and Practices.....	29

PART I
REASON FOR THE POLICY

The Dog Control Act 1996 required every territorial authority to adopt a policy in respect of dogs in its District. The Dog Control Amendment Act 2003 further required that the policy be reviewed by 1 September 2004. The Council is required to publicly notify the revised Draft Policy and invite written or verbal submissions.

Through this draft, questions are asked and various options are discussed. Input from interested persons will determine the content of the final policy.

Below is the proposed timetable for this procedure.

Draft to Council	14 September 2004
Public Notification	23 September 2004
Submissions Close	25 October 2004 – 4.00pm
Hear Submissions	November 2004
Adopt Policy	December 2004

PART II

PURPOSE OF THE POLICY

To develop a practical framework for the care and control of dogs throughout the District while minimising any danger, distress and nuisance to the community generally.

The policy aims to integrate control measures passed through the Dog Control Act 1996, the Dog Control Amendment Act 2003 and Council's Dog Control Bylaws together with targeted education to modify the behaviour of both dogs and their owners to avoid nuisance situations.

Council acknowledges it will never succeed in controlling all potential dog problems however it believes that by formulating a Dog Control Policy, it can encourage owners to make better provision for the control and care of their dogs and clarify why it undertakes Dog Control functions, the way those functions are undertaken and how it intends to make changes to continually improve the service.

PART III

GENERAL

THE DISTRICT

In the Wairoa District there are approximately 3,580 registered dogs of which approximately 1,200 reside in the urban area and 2,380 in the rural areas.

OTHER COUNCIL PLANS/POLICY

The Long Term Council Community Plan identifies the total financial commitments, broad work programmes and overall funding requirements for Council activities.

Included in the Long Term Council Community Plan is an Activity Plan that identifies in detail financial and funding requirements for the Animal Control Section and more detailed work programmes and targets and outputs.

Bylaws of the Wairoa District Council are designed to support the Dog Control Policy.

PART IV
DOG CONTROL POLICIES

1. BYLAWS

POLICY

The Council is empowered to make Bylaws in accordance with the Local Government Act 1974 and in accordance with the Dog Control Act 1996 and the Dog Control Amendment Act 2003.

The Council will make and enforce Bylaws for the following purposes;

- Prescribing minimum standards for the accommodation of dogs.
- Regulating and controlling dogs.
- Defining prohibited, controlled and exercise areas.
- Requiring owners to immediately remove faeces left by their dog/s defecating in public places.
- Breeding kennels and breeding of dogs.
- Requiring bitches in season to be confined.
- Impounding of dogs.
- Limiting the number of dogs that may be kept.
- Licensing of additional dogs.

Any other purpose that from time to time Council deems necessary or desirable to further control dogs.

EXPLANATION

The Wairoa District Council reviewed its Dog Bylaw in 1996. In the light of the recently introduced Act, it will be necessary to further review the bylaws and make any necessary adjustments.

2. CONTROL OF DOGS

POLICY

- 2.1 Owners must ensure that their dogs are under the direct control of a person or are confined so that they cannot freely leave the owners property.
- 2.2 Council shall impound any dog found at large other than when under proper control. At all times dogs shall be confined on private property with adequate shelter and in conditions that do not give rise to a nuisance, distress or cause any suffering to the dog or any person.
- 2.3 If diseased or in season (on heat), the dog must be confined to and exercising must be carried out on, the owner's property.
- 2.4 No more than two dogs over the age of three months may be housed on an individual property other than in rural areas. This number may only be exceeded with the written consent of Council.

EXPLANATION

Dogs that are not kept confined to and under control on their property, especially in city and urban environments, can cause annoyance, distress, nuisance and danger to individual persons in the community.

They can be threatening and be a hazard to traffic and road users.

The extent of any nuisance is often related to the number of dogs being kept, the size and nature of the dogs and the size and location of the property on which they are being kept. It is also recognised that many problems occur due to loneliness or boredom of any individual dog and dogs that are diseased or in season (on heat) can also have a disruptive influence on other dogs. Council recognises that breeding and boarding establishments will require the opportunity to retain more than two dogs.

3. CARE OF DOGS

POLICY

- 3.1 Dog owners shall be required to keep their dogs in clean and hygienic conditions and maintain appropriate facilities for the housing and care of dogs in a good state of repair.
- 3.2 Council may prohibit the keeping of dogs on properties that can result in a nuisance or a health risk being generated.

EXPLANATION

Dog ownership carries with it responsibilities to provide proper care, attention and facilities. Failure to do so can lead to unhealthy conditions for the dog and give rise to nuisance to neighbours through odours, vermin and pests and noise from dogs barking or howling.

(Note: Bylaws define the standards for the care and keeping of dogs).

4. HOSPITAL, BOARDING AND BREEDING KENNELS

POLICY

- 4.1 Dog hospitals, boarding or breeding kennels shall only be established on sites approved by a Resource Consent from Council issued under the Resource Management Act 1991.
- 4.2 The approval of Council shall be subject to such conditions that may be imposed to ensure there are no adverse effects on neighbouring properties.

EXPLANATION

Council recognises that keeping of dogs can give rise to business opportunities. There will always be a need for dog care centres and boarding establishments for the supply of dogs for pets, breeding and show purposes. These activities can have a detrimental effect on adjoining properties where sitings are ill conceived or facilities and conditions are not adequate.

5. DOG DEFECACTION

POLICY

- 5.1 Owners are required to immediately remove their dog faeces from public places or private land not belonging to the dog owner and daily from their own property.

EXPLANATION

Dog excrement harbours disease and parasitic infection as well as being unsightly and unpleasant when deposited in public places or on private property.

6. IMPOUNDING OF DOGS

POLICY

- 6.1 Any dog in breach of these Policies and Bylaws, may be impounded and held until claimed by the owner, sold or destroyed.
- 6.2 Impounded dogs shall only be released when proof of ownership has been established, upon payment of registration where applicable, and all other fees and charges generally.
- 6.3 Any dog impounded for a second time, after 1 July 2006, will be microchipped before being released.
- 6.4 It shall be unlawful to remove any dog from the pound or from a Council vehicle without the approval of a Council officer.

EXPLANATION

Council will normally open the pound by arrangement between:

9 am till 4 pm Monday to Friday.

Impounded dogs are in breach of the Bylaws and incur a cost to Council in catching, collecting, housing and feeding the dogs and in administration.

It is important that impounded dogs are returned to their correct owners as soon as possible and that costs are fully recovered.

7. DOG SALES

POLICY

- 7.1 All dogs sold from the pound shall be registered prior to release, with a minimum price also being charged for the dog to the purchaser.
- 7.2 The sale of any dog shall be conditional upon a satisfactory report that the property where it will be kept is suitable for the purpose.
- 7.3 Dogs shall only be sold following the acceptance by the purchaser through a signed disclaimer that Council shall not be held responsible for the health of the dog or any claim by a previous owner.
- 7.4 Dogs deemed to be unsuitable for rehoming, will not be made available for sale to the public.
- 7.5 Reasonable efforts shall be made to promote the sale of suitable dogs.

EXPLANATION

The Act requires that a territorial authority may sell, destroy or otherwise dispose of an impounded dog only after the expiration of seven days.

As dog sales would provide some cost recovery, they should be pursued with responsible owners and with proper undertakings being put into place.

Charges for all dogs sold should recover the cost of registration and seek to ensure responsible ownership while also being set at a level which will not deter the purchase.

8. RELINQUISHMENT OF DOGS

POLICY

- 8.1 The Council shall accept at its discretion unwanted dogs into the pound, for disposal either by sale or euthanasia for a fee and upon receipt of a declaration of release from the owner.
- 8.2 Dogs will be accepted for relinquishment, as a means of resolving a complaint, for a fee and upon receipt of a declaration of release from the owner.
- 8.3 The service shall be provided without any privileges, concessions or offerings being made to the owner.

EXPLANATION

Owners may relinquish a dog in order to resolve a problem and when they have accepted responsibility for a complaint received by Animal Control Officers.

To prevent the release of unwanted dogs into the community, the Council will accept dogs into the pound for disposal, in appropriate circumstances, including when an owner can no longer care for or afford to keep a dog.

However care must be taken with these decisions, and owners should be directed to use vets in the first instance.

9. IMPOUNDING FEES

POLICY

- 9.1 Payment of impounding fees shall normally be required from all dog owners prior to release of a dog from the pound.
- 9.2 The fees shall be set at a level so as not to discourage the retrieval of a dog from the pound.
- 9.3 The fees shall increase to impose a greater penalty element for any subsequent impounding of that same dog.
- 9.4 No unregistered dog shall be released until payment of registration fees has been made.
- 9.5 Sustenance charges shall be set to recover all the costs of feeding, housing and caring for dogs in the pound
- 9.6 No dog will be released after a second impounding without the cost of microchipping being recovered.

EXPLANATION

The majority of impoundings are caused by dogs wandering at large. Some are seized following an offence by which seizure is an option. In general, impounding of wandering dogs reflects a lack of the responsibility by dog owners and the cost of recovery should squarely lie with the owner of that dog.

Revenue collected shall reflect the cost of the time involved in the recovery, the cost of transport, the provision of food, veterinary care, microchipping, shelter and maintenance of the pound. The charge shall also reflect the imposition of a penalty for a breach of the bylaw.

The Dog Control Amendment Act 2003 requires that all dogs impounded for a second time must be microchipped (effective from 1 July 2006).

10. DANGEROUS DOGS

POLICY

10.1 Council shall classify dangerous dogs, in accordance with the provisions of the Dog Control Act 1996 and the Dog Control Amendment Act 2003.

10.2 The owner of a dangerous dog shall:

- A) Be given notice of the dog's classification in writing.
- B) Be allowed to object to the classification and be heard.
- C) Comply with the requirements of the Act to keep the dog fenced in, muzzled/caged/leashed when in public and have the dog neutered.
- D) Pay a surcharge of 150% on dog control fees.
- E) Not dispose of the dog to any other person without Council's written approval.
- F) Shall advise any person in possession of the dangerous/menacing dog of the requirement to muzzle, cage, and leash the dog when in public.
- G) Shall ensure that the dog is microchipped effective 1 July 2006.

EXPLANATION

Section 31 of the Dog Control Act 1996, allows the territorial authority to classify dogs as dangerous and this has been further enhanced by the Dog Control Amendment Act 2003.

In order to indicate to the public generally that aggressive or threatening dogs, that may pose a risk to the safety of people or other animals, and to create a regulatory requirement for more responsible ownership, Council will penalise the owners of such dogs.

11. MENACING DOGS

POLICY

- 11.1 Council may classify menacing dogs in accordance with the provisions of the Dog Control Amendment Act 2003.
- 11.2 The owner of a menacing dog shall:
- a) Be given written notice of the dog's classification
 - b) Be allowed to object to the classification and be heard
 - c) Comply with the requirements of the Act to keep the dog muzzled/caged when in public and may be required to have the dog neutered.
 - d) Advise any person in possession of the menacing dog of the requirement to muzzle/cage the dog when in public
 - e) Ensure that the dog is microchipped (effective after 1 July 2006)
- 11.3 Council must classify dogs belonging to the breed or type, listed in Schedule 4 of the Dog Control Amendment Act 2003 as menacing.

EXPLANATION

Section 33A of the Dog Control Amendment Act 2003, allows the territorial authority to classify dogs as menacing.

Furthermore section 33C requires that Council must classify the breeds or types in Schedule 4 of the Dog Control Amendment Act 2003 as menacing.

In order to indicate to the public generally that aggressive or threatening dogs, that may pose a risk to the safety of people or other animals, and to create a regulatory requirement for more responsible ownership, Council will penalise the owners of such dogs.

12. MICROCHIPPING

POLICY

- 12.1 In accordance with the Dog Control Amendment Act 2003, Council will ensure that systems are in place to provide information to the National Dog Control Information Database.
- 12.2 Any dogs registered for the first time on or after 1 July 2006, will be microchipped.
- 12.3 Dogs classified as dangerous or menacing on or after 1 December 2003 will be microchipped, from 1 July 2006.
- 12.4 Any dog impounded for a second time, after 1 July 2006, will be microchipped before being released.
- 12.5 Owners of dogs will be given the choice of having their dog microchipped by Council or providing a vet certificate as proof that their dog has been microchipped.
- 12.6 A fee will be charged to cover the microchipping and administration costs incurred by Council. The fee will be reviewed annually.

EXPLANATION

Section 36A of the Dog Control Amendment Act 2003, requires dogs to be provided with a permanent identification.

Microchipping will ensure that dogs can be permanently and easily identified, provide a secure link to their owner and will also facilitate the reuniting of the dog with its owner in instances where it has strayed from its property.

13. PROHIBITED AREAS

POLICY

13.1 Dogs are prohibited from the following areas:

- a) Wairoa District Council Buildings, public libraries, public swimming pools/paddling pools;
- b) Children's playing areas under the control of the Wairoa District Council;
- c) All areas under the control of the Wairoa District Council set aside for organised games or sports.
- d) Any other areas as Council deems necessary and which will be publicly notified and signed accordingly.

EXPLANATION

Council recognises that there are areas in the city where the presence of a dog is undesirable such as;

- a) Areas of high activity used by people in pursuit of sporting or recreational activities;
- b) Areas where dog fouling would have a higher chance of causing a health risk;
- c) Areas where the presence of dogs threaten the peace or comfort of those present.

14. CONTROLLED AREAS

POLICY

14.1 Dogs shall only be allowed in the following areas while under continuous control by an effective lead or being carried in a vehicle.

- a) Streets within any residential or commercial area and all public places within these.
- b) All public parks, carparks, public reserves and parts of parks and reserves under the control of Council which are neither prohibited areas, off lead areas or exercise areas.

EXPLANATION

In many cases dogs form an integral part of family life or offer companionship to their owners.

While it is desirable to prohibit dogs in areas of high public usage, it is recognised that socialising is an inherent requirement for both owners and dogs.

In such cases it will be necessary for dogs to be under more stringent control by the use of a leash or enclosure in a vehicle. Constraint via a leash will enable:

- a) Visits to shops providing exercise for both owner and dog.
- b) Ensure proper control in areas of high activity.
- c) Enable fouling to be immediately recognised and cleaned up.
- d) Enable secure tethering of the dog when momentarily left unattended.

15. OFF LEAD/EXERCISE AREAS

POLICY

- 15.1 Private properties with suitable means of containment of the dogs throughout the whole of the Wairoa District, shall be declared an off lead area.
- 15.2 Council may from time to time designate dog exercise areas.
- 15.3 Any such public places, specifically identified by Council, will be notified to the public, and signed accordingly.

EXPLANATION

It would not be practical nor enforceable to require dogs at all times to be under leash control.

Council also has a legal requirement to have regard to;

- a) Exercise and recreational needs of dogs and their owners.
- b) The need to minimise danger, distress and nuisance to the community generally would be met if areas where dogs may be exercised at large were specifically provided. This would not only allow dog owners' freedom areas but signal to the public generally to expect the presence of dogs in those areas.

Dog owners however have a responsibility to ensure that animals do not cause a nuisance, run amongst traffic and to clear up any dog fouling. Any dog off a lead must therefore be kept under continual surveillance and be readily at call and under control.

16. PROBATIONARY OWNERS

POLICY

16.1 Council shall adopt a classification of probationary owners in accordance with the Dog Control Act 1996. A probationary owner shall;

- 1) Be given notice of the classification as soon as possible in writing.
- 2) Be allowed to object to a classification and be heard.
- 3) Be so classified for 24 months unless terminated earlier.
- 4) Not own a dog other than those they already own.
- 5) Pay a surcharge of 50% on all Dog Control fees payable.
- 6) Pay a surcharge of 5% of annual Dog Control fees for each month of any part year the classification applies.
- 7) Dispose of any unregistered dog in their possession.
- 8) Be so classified over the whole of New Zealand.

16.2 In accordance with the Dog Control Amendment Act 2003, a “probationary owner” may also be required to undertake a dog owner education programme or a dog obedience course (or both).

EXPLANATION

Section 21 of the Dog Control Act 1996 allows the territorial authority to classify owners as probationary owners if they are convicted of any offence against the Act, or other Acts or they commit three or more infringement offences within 24 months.

This policy aims to indicate to the public generally that poor dog control is not acceptable and to create a regulatory requirement for more responsible ownership, irresponsible dog owners should be penalised for their actions.

17. DISQUALIFICATION OF AN OWNER

POLICY

17.1 Council shall disqualify dog ownership in accordance with the Dog Control Act 1996 and the Dog Control Amendment Act 2003. A disqualified owner shall;

- A) Be given notice of their disqualification in the prescribed form.
- B) Be disqualified for a period decided by the territorial authority up to five years.
- C) Be allowed to object to the disqualification and be heard.
- D) Dispose of every dog owned by them and to a person who does not reside with them.
- E) Be so disqualified over the whole New Zealand.

EXPLANATION

Section 25 of the Dog Control Amendment Act 2003 allows the territorial authority the power to disqualify dog owners from being a dog owner if they are convicted of an offence against this Act or other Acts or commit three or more infringement notices.

In order to indicate to the public generally that repeated irresponsibility will lead to severe restriction on dog ownership, the disqualification system provides for Council to restrict ownership of dogs, where required.

18. SPECIAL PURPOSE DOGS

POLICY

18.1 Council will promote and encourage access to any public place and registered premises for guide dogs, and hearing ear dogs,

18.2 In recognition of the value of dogs trained for the public good and where used by people with disabilities including;

- Guide dogs
- Hearing ear dogs
- Dogs kept by the Police
- The Customs Department
- The Ministry of Agriculture
- The Ministry of Fisheries
- The Ministry of Defence
- The Department of Conservation

The registration fee shall be set to recover as near as practical only the cost of the registration process.

EXPLANATION

It is generally recognised that this class of dog pose no problems to the community. The use of dogs to assist people with disabilities warrant special attention and in many cases applying bylaws relating to access would be to deny the rights of disabled persons.

It is also acknowledged that working dogs used for public duties and for assisting people with disabilities pose no real problems. The animals' general demeanour, their housing, location and their use as working animals ensure owner responsibility.

19. REGISTRATION FEES

POLICY

19.1 The funding of the Dog Control operations will be derived from dog owners and the community generally where this is deemed appropriate by Council.

19.2 A discount scheme will be provided for those owners who pay on time.

EXPLANATION

The basic registration fee shall be calculated to provide sufficient revenue to fund the service after taking into account all other income and likely concessions.

Currently Council's funding policy indicates a 10% input from Rates to recognise the Public Good aspect of Dog Control.

The Act requires that all monies received for Dog Control may only be spent on such activities. All excess money shall be placed in the Dog Control reserve account for use in following years.

20. LICENSING OF ADDITIONAL DOGS

POLICY

- 20.1 If there are more than 2 dogs housed on an urban property (except rural) and upon receipt of an application and fee, dog owners will be required to meet all conditions and requirements of 3.9 of the Wairoa District Council Dog Control Bylaws 1996, together with the requirements of the licence application.
- 20.2 Any nuisance proven to be caused through having more than 2 dogs on a property may see any licence revoked.
- 20.3 If the conditions of the licence have not been complied with, Council may revoke the licence.
- 20.4 The fee for the licence to keep more than 2 dogs shall cover all the inspection and administration costs incurred by Council. The fee will be reviewed annually.

EXPLANATION

Owners who can demonstrate that they are responsible dog owners and who have suitable facilities, should be granted the opportunity to keep more than 2 dogs in an urban situation.

However this licence shall be subject to owners being able to ensure that their dogs are controlled at all times and not causing a nuisance.

Urban property would include those zoned as Residential, Commercial, Industrial and Settlement.

21. OTHER CHARGES

POLICY

21.1 Fees and charges not specifically provided for shall be set to recover all the costs reasonably associated with the article or time and materials provided by Council.

EXPLANATION

The Dog Control Act 1996 sets out procedures for replacement tags.

At times Animal Control Officers are called to carry out inspection procedures and other services.

The costs of these materials and/or services to Council shall be fully recovered.

22. INFRINGEMENT NOTICES

POLICY

22.1 Council will use infringement notices as provided in the Dog Control Act 1996 and the Dog Control Amendment Act 2003.

EXPLANATION

An infringement notice, like a parking ticket, is an instant fine and if paid within a certain period of time avoids court procedures.

An infringement notice is only able to be issued for an infringement offence. The offences and fixed fines are specified in the first schedule of the Dog Control Amendment Act 2003.

Failure to comply with an infringement notice can lead to court proceedings.

The advantages of the infringement notice system is fixed fines, with the vagaries of judge's decisions removed. It also allows for the withdrawal of the notice at the discretion of the officers. Direct action with an offender cuts down on the use of legal advisors and all the infringement fees are retained by Council.

23. OWNER/PUBLIC EDUCATION

POLICY

23.1 Council will encourage responsible dog ownership through owner education and encouragement to attend obedience courses and other methods of responsible dog management and control.

23.2 Council will focus particularly on developing knowledge and good attitude towards dog ownership through public meetings and school promotion programmes, teaching:

- The correct way to approach a dog.
- Responsibilities of dog owners.
- How to read a dog's body language.
- How to behave if an aggressive dog is encountered.
- Basic care of dogs.
- Disease prevention in dogs.
- Correct way to handle a dog.
- How to control a dog.

EXPLANATION

Owners who attend obedience courses generally reflect a sensible and caring attitude towards their pets.

Obedient dogs may still wander and be allowed by their owners to contravene a bylaw, foul in public places and cause a nuisance in public.

Through public and school education, people will be given the knowledge to deal with some of the situations and nuisances that they may come in contact with. That education may also lead to a more responsible attitude towards dog ownership in the future.

24. COMPLAINTS

POLICY

24.1 Council will have established procedures to enable the public to lay complaints regarding dog behaviour.

24.2 The procedures will include methods to:

- record the complaint.
- ensure action is taken by officers.
- ensure that a report on the complaint is completed.
- ensure that the complainant is advised of the outcome.
- provide for a means of review of the actions taken/outcome.

EXPLANATION

Owners have a responsibility to ensure that their dogs are under control at all times.

If a dog is not under control, the public have the right to report the event to Council Officers and to expect action to be taken, in a consistent and effective manner.

The public therefore need to be aware of, or have access to, the methods of making their concerns known, how those concerns will be dealt with, what the outcome of their complaint has been, and any rights to have a review of that process undertaken.

25. ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES

POLICY

- 25.1 Council is required under Section 10A of the Dog Control Amendment Act 2003, to report annually on its policy and practices.
- 25.2 The report is required for each financial year and must cover the administration of –
its dog control policy
its dog control practices
- 25.3 The report must include information relating to:
- the number of registered dogs in the district,
 - the number of probationary owners and disqualified owners in the district,
 - the number of dogs classified as dangerous, and menacing,
 - the number of infringement notices issued,
 - the number of complaints received and the number of prosecutions taken.
- 25.4 A copy of the report must then be sent to the Secretary for Local Government

EXPLANATION

Dog control matters are of interest to both dog owners and the general public.

Council has a responsibility to keep the public informed of dog control issues and Section 10A of the Dog Control Amendment Act 2003 establishes the process by which this must happen.