

# **DOG CONTROL BYLAW AND POLICIES**

**CONSULTATION  
DOCUMENTATION**



**TE WAIROA  
WAIROA DISTRICT**

## Statement of Proposal

### Review of Wairoa District Council Board Dog Control Bylaw, Dog Control Policy, and Selected Owner Policy.



#### Reason for the Proposal

The primary focus of Wairoa District Council's Dog Control services is to provide a cost effective and professional service through monitoring, compliance and enforcement activities. Council's principal involvement in dog control is in response to the legislative obligations set out in the Dog Control Act 1996.

#### More Information

##### Where to get a copy of the Summary of Information and submission form

The Summary of Information and the submission form may be collected from the Council's Main Office in Wairoa, or from the Council's website [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz)

##### Period for Consultation

Written submissions on the Review of Wairoa District Council Board Dog Control Bylaw, Dog Control Policy, and Selected Owner Policy may be made until **5pm Friday 30<sup>th</sup> June 2017**.

Those who make a written submission may choose to make an oral submission. Hearings of oral submissions are tentatively scheduled for Tuesday 11<sup>th</sup> July at 10am.

Please indicate on your submission form if you wish to speak to your submission.

If you have any questions please contact Charlotte Knight, Governance Advisor & Policy Strategist on 06 838 7309

# SUMMARY OF INFORMATION: DOG CONTROL BYLAW & POLICIES

SUBMISSIONS DUE FRIDAY 30<sup>TH</sup>  
JUNE 2017 AT 5PM



**TE WAIROA**  
**WAIROA DISTRICT**







# Ture a-Rohe Whakararata Kuri Dog Control Bylaw

DATE



**TE WAIROA**  
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# WAIROA DISTRICT COUNCIL CONSOLIDATED BYLAW PART 7 – DOG CONTROL BYLAW 2011

The purpose of the Dog Control Bylaw 2011 is to enable the Council to set standards to be observed by dog owners and provide controls around the keeping of dogs in the Wairoa District in order to minimise danger, distress, and nuisance caused by dogs.

## 1. INTRODUCTION

### 1.1 SCOPE

The purpose of the Dog Control Bylaw 2011 is to enable the Council to set standards to be observed by dog owners and provide controls around the keeping of dogs in the Wairoa District in order to minimise danger, distress and nuisance caused by dogs.

The purpose of this Bylaw as outlined in the Dog Control Policy is to provide controls for:

- a) Prescribing minimum standards for the accommodation of dogs
- b) Regulating and controlling dogs
- c) Requiring dogs to be on a lead at all times in public places
- d) Defining prohibited areas, on-lead and off-lead exercise areas
- e) Requiring owners to immediately remove faeces left by their dog(s) defecating in public places
- f) Providing for breeding kennels and breeding of dogs
- g) Requiring bitches in season to be confined
- h) Impounding dogs
- i) Limiting the number of dogs that may be kept on a property, and
- j) Licensing of additional dogs
- k) Any other purpose that from time to time Council deems necessary or desirable to further control dogs

### 1.2 TITLE

This Bylaw shall be known and cited as the Wairoa District Council Dog Control Bylaw 2011 and shall come into operation on the date specified by public notice after the Wairoa District Council makes this Bylaw. For expediency this Bylaw may be referred to in this or other Bylaws as the Dog Bylaw 2011.

### **1.3 ENABLING ENACTMENTS**

This Bylaw is made pursuant to sections 145 and 146(a)(v) of the Local Government Act 2002 and section 20 of the Dog Control Act 1996. Nothing in this Bylaw shall derogate from any provision of, or the necessity for, compliance with the:

- a) Dog Control Act 1996 and its Amendments;
- b) Local Government Act 2002;
- c) Impounding Act 1955;
- d) Dog Control (Microchip Transponder) Regulations 2005

### **1.4 DOG CONTROL POLICY**

This Bylaw should be read in conjunction with the Wairoa District Council Dog Control Policy.

### **1.5 LIST OF SCHEDULES PASSED IN TERMS OF THE DOG CONTROL BYLAW**

Schedule 1: Application for a Licence to Keep Three or More Dogs on a Property

Schedule 2: Prohibited Areas

Schedule 3: On-Lead Areas

Schedule 4: Off-Lead Exercise Areas

### **1.6 ADOPTION, AMENDMENT, AND REVOCATION OF SCHEDULES**

The Council may from time to time adopt, amend or revoke by resolution the Schedules of this Bylaw listed in section 1.5

## 2. DEFINITIONS & INTERPRETATIONS

2.1 The provisions of the Introduction Bylaw shall apply to this Bylaw.

2.2 For the purposes of this Bylaw the following definitions shall apply:

**AT LARGE** in relation to any dog refers to a dog that is free, roaming or at liberty in an on-lead area, or prohibited area

**BREEDING KENNELS** means any animal hospital, home, boarding or breeding kennel and shall include any establishment where dogs of a greater age than three months are accommodated for reward or payment for the purposes of treatment, custody or whelping and shall also include any establishment where dogs are registered in the name of the person in charge of such hospital, home or breeding kennels.

**CONTROL** in relation to any dog, means that the owner shall have the dog under continuous physical control at all times either on a leash or in a container or other apparatus so as NOT to cause nuisance or become a danger to any person, animal or property; provided that where any person has a dog on a leash that person must themselves be physically capable of restraining that dog by means of the leash and must be in control of that dog. In off-lead areas this refers to the ability to command and control the actions of the dog(s) – including voice command, hand signals or whistling – and carrying a leash or lead at all times.

**DISABILITY ASSIST DOG** means a dog certified as being a dog trained to assist (or as being a dog in training to assist) a person with a disability by one of the following organisations:

- (a) Hearing Dogs for Deaf People New Zealand;
- (b) Mobility Assistance Dogs Trust;
- (c) New Zealand Epilepsy Assist Dogs Trust;
- (d) Royal Foundation for the Blind;
- (e) Top Dog Companion Trust;
- (f) an organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.

**DOG CONTROL OFFICER** means a Dog Control Officer appointed by the Wairoa District Council under section 11 of the Dog Control Act 1996; and includes a warranted officer exercising powers under section 17 of the Dog Control Act 1996.

**DOG RANGER** means a Dog Ranger appointed by the Wairoa District Council under section 12 of the Dog Control Act 1996, and includes an honorary Dog Ranger.

**IMPOUND** means the seizure, taking into custody or receiving into custody, confinement or other exercise of control over a dog by any duly authorised officer of the Wairoa District Council in accordance with the provisions of the Dog Control Act 1996.

**LEAD** or **LEASH** means a line, cord, rope, chain or harness of appropriate material securely attached to a correctly fitted dog collar, held/secured by a person capable of controlling the dog, and of no more than 2.0 metres in length so that a dog cannot break loose.

**MENACING** or **DANGEROUS DOG** means a dog that poses a threat to any person, animal or protected wildlife and/or specific breed as defined in the Dog Control Act 1996.

**NEUTERED DOG** means a dog that has been spayed or castrated but does not include a dog that has been vasectomised.

**OFF LEAD** means a dog that is not on a lead or leash.

**OFF LEAD EXERCISE AREA** means an area described in Schedule 4 of this bylaw where a dog may be exercised whilst not on a leash or lead.

**ON LEAD** means that a dog is on leash or lead, which is held by a person so the dog cannot break loose. The term **ON LEASH** has a corresponding meaning and may be used interchangeably.

**ON LEAD AREA** means any part of any street, road or public place described in the second schedule prescribed from time to time by the Council by resolution publicly notified.

**OWNER**, in relation to any dog, means any 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) Is 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) or 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 Dog Control Act 1996, or the Animals Protection Act 1960 or the National Parks Act 1980, or the Conservation Act 1987, or any order made under the Dog Control Act 1996 or the Animals Protection Act 1960.

**PRINCIPAL ACT** means the Dog Control Act 1996 or any enactment thereafter in substitution.

**PRIVATE WAY** has the same meaning given to it by section 351(1) of the Local Government Act 1974.

**PROHIBITED AREAS** means any of the following places:

- (a) Those places described in Schedule 2 or added to as in b) below.
- (b) Any roads or streets or places specified by resolution of the Council and subsequently advised by public notice as areas or places where dogs are prohibited from frequenting or being present.
- (c) Any recreational buildings owned or controlled by the Council

**PUBLICLY NOTIFIED** means a notice published in the newspapers circulating generally in the District or through any other suitable means.

**RESPONSIBLE PERSON** means any person other than the owner who for the time being is in charge of a dog and who is capable of physically restraining the dog.

**RURAL AREA** means; for the purpose of this Bylaw; any area zoned as Rural under the operative Wairoa District Plan.

**URBAN AREA** means; for the purpose of this Bylaw; any area zoned as Residential or Settlement under the operative Wairoa District Plan.

**WARRANTED OFFICER** means any person who is for the time being a warranted officer within the meaning of the Conservation Act 1987.

**WORKING DOG** means a dog that is:

- (a) Any disability assist dog; or.
- (b) Any dog -
  - (i) Kept solely or principally for the purposes of herding or driving stock; or
  - (ii) Kept by the Police, or any constable, the Customs Department, the Ministry for Agriculture, the Ministry of Fisheries, Department of Conservation, Department of Corrections, Aviation Security Service, or 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 or employee; or
  - (iii) Kept solely or principally for the purposes of destroying pest or agents under any pest management strategy under the Biosecurity Act 1993; or
  - (iv) Certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and power 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 for the purposes of carrying on the business of a security guard; or
- (c) Declared to be a working dog for the purposes of this Bylaw by resolution of the Council.

## **3. OBLIGATIONS OF DOG OWNERS**

### **3.1 REGISTRATION**

3.1.1 The Dog Control Act 1996 requires all dogs over three (3) months old to be registered with Wairoa District Council every year by 1 July.

3.1.2 All owners or persons responsible for a registered dog shall ensure that Wairoa District Council is promptly notified of any change of ownership or address, both within the district and outside of the district.

### **3.2 MICROCHIPPING**

3.2.1 Under the Dog Control Act 1996 microchipping is required for:

- (a) Dogs over three (3) months old that are registered for the first time (except for farm dogs used for working stock);
- (b) Dog classified as dangerous or menacing;
- (c) Unregistered dogs that are impounded; and,
- (d) Registered dogs that are impounded twice.

### **3.3 STANDARDS FOR KEEPING DOGS**

3.3.1 The owner and/or occupier of any land or premises on which a dog is kept shall take all steps necessary to:

- (a) Ensure the dog has adequate shelter; and
- (b) Ensure the dog receives proper care and attention and is supplied with proper and sufficient food and water; and
- (c) Ensure the dog is kept under control at all times; and
- (d) Prevent the dog from becoming a nuisance or a danger to any other animal, person or property; and
- (e) Prevent the keeping of a dog beneath the floor of any building; and



- (f) Restrain the dog behind a fence so as to allow reasonable public access to privately owned land or premises.
- (g) Removal or burial of faeces on owner's private property and removal from other private property and public places.

3.3.2 In addition to Clause 3.3.1, the owner or person responsible for the dog must comply with all other standards for the keeping of a dog or dogs as specified in this Bylaw.

## **3.4 CONTROL OF DOGS**

3.4.1 The owner or person responsible for the dog shall keep the dog under control at all times.

3.4.2 The owner or person responsible for the dog must ensure that the dog is restrained by a lead or leash which is secured or held by a person capable of physically controlling the dog while in any public place or area not designated as an off-lead exercise area.

3.4.3 The owner or person responsible for the dog shall ensure that the dog cannot leave any privately owned land or premises unless it is under the control of its owner or a responsible person.

3.4.4 Owners are permitted to exercise their dogs in Council's designated off-lead exercise areas (see Schedule 4 for exact areas) providing the owners are able to control their dogs by command (including voice command, hand signals or whistlings, and they carry at all times a leash or lead.

3.4.5 Council shall impound any dog found not under control or at large or off-lead when in a public area – including off-lead areas in cases where a dog is not under control as stated in 3.4.4. Repeated infringements will require further measures to be taken, such as requiring the dog to be neutered.

3.4.6 The owner or person responsible for the dog must comply with all other requirements as specified in this Bylaw.

## **4. NUMBER OF DOGS ON LAND OR PREMISES**

### **4.1 LIMITATION ON NUMBER OF DOGS PERMITTED ON LAND OR PREMISES**

4.1.1 No person shall keep or allow to be kept on any land or premises in an urban situation<sup>1</sup> more than two (2) dogs over the age of three months unless there is, in respect of such land or premises, a permit from the Council for such purposes in relation to the additional dog or dogs, pursuant to section 3.3 of this Bylaw.

4.1.2 Nothing in Clause 4.1.1 of the Bylaw shall apply to dogs registered as Working Dogs or Disability Assist dogs.

4.1.3 This permit shall be subject to owners being able to ensure their dogs are controlled at all times and not causing a nuisance, in accordance with the Council's policy and bylaw.

4.1.4 Any nuisance proven to be caused through having more than two (2) dogs on a property may see the permit revoked.

### **4.2 PERMITTING ADDITIONAL DOGS**

4.2.1 A permit is required for any additional dogs in excess of the two (2) dogs permitted under Clause 4.1.1.

4.2.2 Any person making an application for a permit shall do so on the prescribed form (provided in Schedule 1) to the Council within 14 working days from acquiring more than the permitted two (2) dogs.

4.2.3 When considering the application for a permit to keep three (3) or more dogs Council shall have regard to:

- the adequacy of the land or premises for the keeping of the additional dog or dogs specified in the application; and
- the likely effects which the keeping of the additional dog or dogs would have upon the surrounding neighbourhood; and
- the likelihood of the dog or dogs becoming a nuisance; and
- any previous complaints made to that the Council believes is relevant to the application; and,
- Any prior infringements and/or call-outs

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<sup>1</sup> Urban property refers to properties in areas zoned as Residential and Settlement in the District Plan.

4.2.4 Subject to the foregoing provisions of this Bylaw, the Council may issue a permit for the purpose of allowing a person to keep or allow to be kept on any land or premises three (3) or more dogs over the age of three months.

4.2.5 Any such permit may be issued upon or subject to such reasonable terms, conditions and restrictions consistent with the Bylaw as the Council may determine either generally or in a form set out in Schedule 1 and subject to Clause 4.2.6 shall remain in force from the date of issue until such time the Council deems appropriate.

4.2.6 The Council shall specify the fee payable in respect of the issue of any permit under this Bylaw in the Fees and Charges schedule of Council's Annual Plan and/or Long Term Plan. Any fee prescribed shall be paid upon uplifting the permit.

4.2.7 Permits for additional dogs are not transferable to any subsequent owner(s).

4.2.8 The Council may at any time while a permit is in force revoke the permit if the Council is satisfied that

- a) The keeping of the additional dog or dogs on the land or premises specified in the permit has caused or materially contributed to a nuisance or the likelihood of injury to health; or
- b) The keeping of the additional dog or dogs on the land or premises specified in the permit has caused a detrimental effect upon the surrounding neighbourhood; or
- c) There has been a failure to comply with all or any of the terms, conditions and restrictions of the permit.

In any such above case or cases the Council may revoke the permit.

4.2.9 Where Council resolves to revoke or amend the original decision on an application for a permit after it has made its determination in accordance with Clause 4.2.8, the owner shall comply with the decision within 14 days of receipt of written notice of the decision.

4.2.10 Where the owner of a revoked permit applies for a new permit as in Clause 4.2.2, the application will be deemed to be a new permit. If granted, the new permit is therefore subject to Clause 4.2.6.

4.2.11 Pursuant to sections 4.1 and 4.2 of this Bylaw the keeping of more than two dogs without a permit is an offence against this Bylaw.

## 5. STANDARDS FOR KEEPING OF DOGS

### 5.1 ADEQUATE SHELTER

5.1.1 The owner or person responsible for any dog shall provide for the dog or dogs adequate shelter which is:

- a) Able to confine the dog within the shelters dimensions; and
- b) Accessible in order to provide the dog with clean water and food; and
- c) Of sufficient size to allow the dog to freely move, stretch out and recline; and
- d) Of sufficient height so that the dog may stand freely; and
- e) Is located on dry ground; and
- f) Provided with a floor and constructed so that surfaces are easily cleaned; and
- g) Able to be kept in a clean and sanitary condition; and
- h) Situated not closer than 3 metres from the boundary of any adjoining land.

Where a shelter has no means of confinement, the dog must be provided with a fixed chain that allows the dog free movement. Note that this is not considered to be an appropriate long-term solution.

5.1.2 If the Council considers that the keeping of a dog or dogs is such that Clause 5.1.1 is breached, Council may serve a notice on the owner of the dog and/or owner and/or occupier of the land or premises on which the dog is kept to take actions to require the conditions under which the dog is kept to be improved, so as to comply with Clause 5.1.1. The notice may specify all or any of the following actions to be taken and, except in the case of ongoing actions, the time which such actions must be undertaken within to achieve compliance:

- a) Reduce the number of dogs kept (not withstanding the existence of a permit under Clause 4.2);
- b) Construct, alter or reconstruct kennels or other places where dogs are kept;
- c) Keep dogs confined, controlled or restrained in specific ways, in specified area and for specified time, including specifying the height and construction type of a secure fence and gate that must be installed;
- d) Clean kennels and other places where dogs are kept;
- e) Take such other action as may be reasonably necessary to provide adequate shelter for the dog or dogs or to reduce or eliminate any nuisance or injury to health cause by or to such dog/s.

5.1.3 The Council shall only specify actions under Clause 5.1.2 which are reasonable having regard to the inadequacy of shelter or confinement of the dog, or the nature of the nuisance or injury to health being caused. In specifying any action under Clause 5.1.2 the Council shall have regard to:

- a) The need for adequate shelter or space and the need of the dog or dogs to be provided with a clean and healthy living area;
- b) The proximity of dwellings, kennels or other places so as not to cause a nuisance;
- c) The use of materials which are easily cleaned in kennels and other places dogs are kept;
- d) The construction of the flooring or ground treatment of any kennel or other place where dogs are kept, whether it is graded and whether it is drained to a sewer drain;
- e) The need for cleaning of kennels or other places where dogs are kept.

5.1.4 Notwithstanding these provisions Council may permit alternative accommodation for a dog where it is satisfied that the owner or person responsible for the dog will be providing adequately for the need of the dog or dogs and no other reasonable person in its opinion is adversely affected.

## **5.2 CONFINEMENT OF DOGS AT NIGHT**

The owner or person responsible for any dog shall ensure that the dog or dogs are securely tied up or otherwise confined or under direct control during the period of time between half an hour after sunset on any one day and half an hour before sunrise on the next day.

Where a shelter has no means of confinement, the dog must be provided with a fixed chain that allows the dog free movement. Note that this is not considered to be an appropriate long-term solution.

## 6. DOGS IN VEHICLES

6.1 No person shall:

- a) Take a dog in a motor vehicle or leave a dog unattended in a vehicle or on the open tray of any vehicle unless the dog is physically secured so that the dog cannot lunge or snap at passersby and is unable to leave the vehicle;
- b) Leave a dog unattended in a vehicle in such a manner as to cause the dog undue distress.

6.2 While a vehicle is on a road or highway, a dog shall not be carried on the open rear of a vehicle unless it is secured or enclosed in a dog crate, so as to prevent the dog from leaving the vehicle or endangering passing pedestrians or vehicles.

6.3 Subject to compliance with the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004 (SR 2004/427); working dogs shall be exempt from complying with 6.2 when used for the purpose herding and driving stock on a road or highway.

## **7. DOGS IN PUBLIC PLACES**

### **7.1 CONTROL OF DOG IN PUBLIC PLACES**

7.1.1 No person shall cause or permit or allow any dog or dogs that they own or are responsible for or are in possession of to be at large in or remain on any public place or private way or any land or premises other than land or premises owned and/or occupied by the owner or person responsible for the dog.

7.1.2 Menacing and Dangerous dogs must be muzzled and on a lead or leash when in any public place or area.

7.1.3 Nothing in Clause 7.1 shall apply to Disability Assist dogs.

### **7.2 PROHIBITED DOG AREAS**

7.2.1 No person shall cause or permit or allow any dog onto or into any place or area designated as a PROHIBITED AREA.

7.2.2 The Council may, by publicly notified resolution, designate an area within the District or under its control to be an area prohibited to dogs.

7.2.3 The areas designated as prohibited are listed in Schedule 2 to this Bylaw.

7.2.4 Nothing in Clause 7.2 shall apply to any Disability Assist dogs.

7.2.5 Areas prohibited to dogs shall be publicly notified and marked by at least one sign.

### **7.3 ON-LEAD AREAS**

7.3.1 The Council may, by publicly notified resolution, designate dog ON-LEAD areas.

7.3.2 The areas designated as ON-LEAD areas are listed in Schedule 3 to this Bylaw.

7.3.3 Areas designated as “on-lead” will be publicly notified and may be marked by appropriate signs.

7.3.4 Nothing in Clause 7.3 shall apply to Disability Assist dogs or Working Dogs in rural areas.

7.3.5 If a litter bin or similar container is available in a public place, the owner may dispose of the dog's faeces after enclosing the faeces in a suitable plastic or leak proof bag.

## **7.4 OFF-LEAD EXERCISE AREAS**

7.4.1 The Council may, by publicly notified resolution, designate dog OFF-LEAD exercise areas.

7.4.2 The areas designated as OFF-LEAD exercise areas are listed in Schedule 4 to this Bylaw.

7.4.3 Areas designated as "OFF-LEAD exercise areas" will be publicly notified and shall be marked by appropriate signs.

7.4.4 The owner or person responsible for the dog shall keep the dog under control and shall have in their possession a leash or lead at all times.

7.4.5 Any bitch 'in season' (on heat) is to be prohibited from any OFF-LEAD exercise areas.

## **7.5 FOULING IN PUBLIC PLACES**

7.5.1 Every dog owner or person responsible for any dog which fouls in any public place or on land not occupied by the owner must remove and dispose of the faecal matter immediately in a way that does not cause a nuisance.

7.5.2 Every dog owner or person responsible for any dog shall at all times, when in a public place or off-lead exercise area with their dog, carry a suitable receptacle to enable them to remove any faeces of that dog immediately.

7.5.3 If a litter bin or similar container is available in a public place, the owner may dispose of the dog's faeces after enclosing the faeces in a suitable plastic or leak proof bag.

7.5.4 No offence shall be deemed to have been committed against this Bylaw where the owner or person responsible for or in possession of the dog removes the dog's faeces immediately for disposal in a hygienic manner



## **8. INFECTED OR IN SEASON DOGS**

8.1 No person owning or having control of or in possession of any dog infected with an infectious disease shall take the infected dog into any public place or allow it to wander free and at large.

8.2 The owner or person responsible for any dog infected with an infectious disease shall ensure that the dog is properly treated and, unless taking the dog for treatment, shall ensure that the dog is confined to land occupied by the owner while it is so affected.

8.3 Where there is two (2) or more dogs kept at privately owned land or premises and only (1) dog is infected with an infectious disease, provision must be made to quarantine the affected dog within a dog-proof enclosure away from unaffected dogs or other animals.

8.4 If a dog is suffering from an infectious disease (such as fleas, worms, or a virus) or is in season (on heat), exercising must be carried out on the owner's property until the dog is no longer infectious or in season.

## 9. NUISANCE, MENACING OR DANGEROUS DOGS

9.1 The owner or person responsible for any dog or the owner and/or occupier of the land or premises where any dog or dogs are kept shall:

- a) Keep every bitch in season (on heat) on the premises confined within a dog- proof enclosure but adequately exercised whilst it is in that condition for the duration of the oestrus cycle;
- b) Take such steps as are necessary to prevent dogs on the premises from causing a nuisance to any other person, stock, poultry, domestic animal or protected wildlife (this includes excessive barking);
- c) Take such steps as are necessary to prevent dogs on the premises from causing damage to or endangering any property adjoining or in the surrounding neighbourhood;
- d) Be requested to comply with actions specified in Clause 5.1.2 or any other action as may be deemed necessary by an Animal Control Officer.

9.2 Menacing and Dangerous dogs must be muzzled and on a lead or leash when in any public place or area.

9.3 The Council may prohibit any dog classified as a dangerous dog from being exercised in any particular area or areas which shall be specified in a notice given to the owner or person responsible for the dog.

9.4 Any person served a notice under Clause 9.3 may object in writing to Council who shall consider the objection and may confirm, modify or cancel the notice.

9.5 Any person who behaves so as to cause any dog in any public place to become aggravated causing the dog to become a nuisance, menacing or dangerous; whether or not that person is the owner; shall be guilty of an offence against this Bylaw.

## 10. IMPOUNDING

10.1 Any dog found at large, roaming or in breach of this Bylaw may be impounded by the Dog Control Officer, Dog Ranger or duly authorised officer of Council.

10.2 Any dog found in a public place not being an OFF-LEAD exercise area and not being on a leash or lead shall be considered uncontrolled and/or at large and may be seized and impounded by any Dog Control Officer, Dog Ranger or duly authorised officer of Council.

10.3 Any owner or person responsible for a dog impounded on two (2) or more occasions within any two (2) year period may be required to neuter the dog.

10.5 No dog shall be released from any pound of the Council unless:

- a. Proof of ownership and identity of the dog is established; and
- b. In the case of any dog three or more months of age, the current annual registration fee payable under the Dog Control Act 1996 is paid unless such fee has previously been paid; and,
- c. Payment has been received of any other fees and/or charges that have been issued by the Council under this bylaw or the Dog Control Policy; and,
- d. Any dog three or more months of age where the dog is registered or unregistered and impounded by the Council, the dog shall be microchipped prior to release.

10.6 It shall be an offence for any person to remove any dog from any pound without the approval of the Council and then only in accordance with Clause 10.5.

10.7 Council will destroy any impounded dog after seven days if the owner is not known or cannot be located or after all reasonable steps have been taken.

## **11. DOG HOSPITALS, BOARDING, BREEDING KENNELS**

11.1 No person shall establish, maintain any hospital, home, boarding or breeding kennels for dogs except on a site approved by the Council and subject to such conditions as may be reasonably imposed. In addition, a Resource Consent may be required under the Resource Management Act 1991.

## 12. OFFENCES

12.1 Any person commits an offence against this Bylaw, who:

- a) Contravenes, or permits a contravention of the provisions of this Bylaw and any notice issued pursuant to this Bylaw; and
- b) Does not cease any action which that person is required to cease under this Bylaw; and
- c) Obstructs or hinders any officer in the exercise of any power conferred by this Bylaw.

12.2 Every person who commits a breach of any provision of this Bylaw may be issued with an infringement notice under Schedule 1 of the Dog Control Act 1996 or shall be liable for summary conviction to a fine not exceeding \$20,000 prescribed by section 242(4) of the Local Government Act 2002.

12.3 Council may apply for an injunction preventing a person from continuing to breach this Bylaw, in accordance with section 162 of the Local Government Act 2002.

12.4 Council may impound any dog in accordance with Clause 10 Impounding where there is a breach under Clauses 3.3 and 7.1 relating to the Control of Dogs.

12.5 Council may disqualify a person from owning a dog or declare them to be a probationary owner in accordance with the Dog Control Act 1996.

## **13. NOTICES**

13.1 Any notice required by this Bylaw to be given in writing to the owner and/or occupier of any premises may be posted or delivered to that person by normal mail or may be affixed to the premises, and shall be deemed to have been served.

13.2 Every person who commits a breach of any provision of the Bylaw shall be liable to an infringement fine as specified in the Dog Control Act 1996.

## **14. DISPENSING POWER**

14.1 The Council may grant a dispensation from full compliance with any provision in this Bylaw where it is of the opinion that full compliance would needlessly and injuriously affect any person or business without corresponding benefit to the public or any section of it.

14.2 Written applications for dispensation shall be made to the Council giving full details of and the reasons why relief is sought.

14.3 The Council may in its absolute discretion, either refuse the application, or grant it subject to such conditions as it may consider appropriate.

14.4 The Council may impose a fee or charge for any hearing or consideration of any application under this clause for a dispensation.

## 15. COMMENCEMENT OF BYLAW

THE COMMON SEAL of THE WAIROA DISTRICT COUNCIL

was affixed this [        day of May 2017] in the presence of:

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MAYOR

A signed and sealed copy is available on request from the Main Council Offices.

---

CHIEF EXECUTIVE



# SCHEDULE 1: APPLICATION FOR A LICENCE TO KEEP THREE OR MORE DOGS ON A PROPERTY

FULL NAME OF APPLICANT: [Click here to enter text.](#)

DATE OF BIRTH OF APPLICANT: [Click here to enter a date.](#)

PROPERTY ADDRESS FOR WHICH A LICENCE IS SOUGHT:

[Click here to enter text.](#)

PHONE NUMBER OF APPLICANT: [Click here to enter text.](#)

NUMBER OF DOGS OVER THE AGE OF 3 MONTHS: [Click here to enter text.](#)

NAMES OF CANINE OBEDIENCE CLUB OR RELATED AFFILIATIONS:

[Click here to enter text.](#)

## **DETAILS OF DOGS**

REG NO.	NAME	COLOUR	BREED	AGE	SEX

Any or all dogs are kept for breeding purpose

If there is an existing permit to keep 3 or more dogs please attach a copy to the permit as evidence.

Sketch attached

Please attach a sketch of the property showing the position of all kennels and runs of the property. Please note on the boundaries in the sketch where the parties noted in the below section reside.

Names and addresses of person/s whose property has a common boundary with the land on which the dogs are to be kept:

1. Name and address [Click here to enter text.](#)

2. Name and address [Click here to enter text.](#)

3. Name and address [Click here to enter text.](#)

4.Name and address [Click here to enter text.](#)

**DECLARATION BY APPLICANT**

I, Full name of applicant [Click here to enter text.](#) , declare the information above to be correct and hereby apply for a licence to keep [insert number of dogs] [Click here to enter text.](#) on the abovenamed property.

Signatures:

Permit Holder

Dated:

APPROVED/DECLINED

Bylaw Officer

Dated:

## **SCHEDULE 2: PROHIBITED AREAS**

All dogs with the exception of Disability Assist Dogs are prohibited from the following areas:

1. All school grounds throughout the district
2. All pre-school/kindergarten/early childhood centre facilities throughout the district
3. All playgrounds throughout the district
4. All sports facilities throughout the district
5. Wairoa District Council buildings
6. Any other areas as that Council deems necessary, either permanently or temporarily, and which will be publicly notified and sign-posted accordingly.

## **SCHEDULE 3: ON-LEAD AREAS**

Dogs shall only be allowed in the following areas while under continuous direct physical control by its owner or responsible person by way of an effective lead or being carried in a vehicle while tethered to the vehicle.

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

## SCHEDULE 4: OFF-LEAD EXERCISE AREAS

The following areas are designated off-lead exercise areas:

- a) Private properties with suitable means of containment of the dogs;
- b) Old landfill site at Fraser Street (please see Map A for precise area); and,
- c) Whakamahia Road reserve from the end of the limestone walkway to the estuary excluding the DOC land that is fenced off (please see Map B for precise area).

### MAP A

Old landfill site at Fraser Street



## MAP B

Whakamahia Road reserve from the end of the limestone walkway to the estuary  
excluding the DOC land that is fenced off



**Kaupapa  
Here  
Whakararata  
Kuri  
Dog Control  
Policy**

**DATE ADOPTED**



**TE WAIROA  
WAIROA DISTRICT**

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<b>PERSON RESPONSIBLE:</b>	Chief Operating Officer	<b>FILE REFERENCE:</b>	A.04.11/ I.09
<b>CATEGORY:</b>	Regulatory	<b>STATUS:</b>	DRAFT
<b>DATE REVISED POLICY ADOPTED:</b>		<b>APPROVAL BY:</b>	Council
<b>REVIEW PERIOD:</b>	5 Years and As required	<b>NEXT REVIEW DUE BY:</b>	2022
<b>DATE PREVIOUSLY ADOPTED:</b>	13 September 2011	<b>REVISION NUMBER:</b>	1

## INTRODUCTION

This policy on dogs is prepared in accordance with the requirements of Section 10 of the Dog Control Act 1996 (the Act) and originally came into force in 2011. This section requires every territorial authority to adopt a policy in respect of dogs within its district and requires the policy to be reviewed at least every five years.

## ROLE AND LEGISLATIVE FRAMEWORK

The primary focus of Wairoa District Council's Dog Control services is to provide a cost effective and professional service through monitoring, compliance and enforcement activities. Council's principal involvement in dog control is in response to the legislative obligations set out in the Dog Control Act 1996.

This includes:

- The maintenance of the National Dog Database and the registration of dogs within the District, including the identification and processing of unregistered dogs.
- Providing a dog ranging service and facilities for the impounding and care of stray and seized animals.
- Providing public education on dog control ownership and safety.
- Providing a compliant investigation and resolution service, including an after-hours service.
- Classifying specified breeds of dogs as dangerous or menacing.
- Microchipping specified dogs.
- Monitoring and enforcing the provisions of the Dog Control Act and Council's Dog Control Bylaw.

The legislation sets out Council's and dog owners' responsibilities. The Council's approach to dog control is one of assisting owners to understand their responsibilities,

rewarding those owners who exercise good control of their dogs and taking any necessary action against those who do not meet their obligations.

## **POLICY & BYLAW REVIEW PROCESS**

The Council has previously determined that it is necessary to have controls on dogs in addition to the controls provided by the Dog Control Act 1996, and a Bylaw is the most appropriate means of achieving this.

Section 10AA of the Dog Control Act 1996 requires the Dog Control Policy to be reviewed, if after a review of its Dog Control Bylaw, the territorial authority considers the Bylaw should be amended, revoked or replaced.

The Dog Control Bylaw is required to be reviewed in accordance with sections 158 and 159 of the Local Government Act 2002. If after the review process the territorial authority considers that the Bylaw should be amended, revoked or replaced, the proposed Bylaw must be open to public consultation in accordance with the Special Consultative Procedure set out in section 86 of the Act. The proposed Bylaw changes will therefore be open to public submission and submitters have the opportunity to appear before the Council in support of their submissions.

## **PLANNING & BUDGETARY FRAMEWORK**

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

At an operational level the Bylaw Compliance Activity Plan identifies in detail financial and funding requirements for Council's Dog Control unit and more detailed work programmes and targets and outputs.

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

## WHAT IS A RESPONSIBLE OWNER?

A responsible owner is someone that:

- Chooses the right dog and treats them well.
- Ensures their dog has adequate exercise.
- Considers the health benefits for their dog of neutering them at an early age.
- Registers and microchips their dog.
- Teaches their dog basic obedience (keeps their dog under control at all times).
- Knows the best locations where they are allowed to take (exercise) their dog.
- Is particularly vigilant near children and closely supervises interaction between children and their dog.
- Knows when their dog will ignore commands: put dog on-leash, shorten leash, or avoid the area altogether (even if in an off-leash area).
- Respects other people's personal space. Public places are for everyone's enjoyment and not everyone is fond of dogs.
- Ensures their dog cannot leave their property by itself.
- Knows when their dog must be on a leash, and always carries a leash.
- Picks up after their dog and carries the means (e.g. a bag) to pick-up their dog's faeces.

## **PURPOSE**

The purpose of this policy is to provide a practical framework to give effect to the Act regarding the care and control of dogs throughout the Wairoa district in order to minimise any danger, distress or nuisance caused by dogs to the community in general whilst ensuring the wellbeing and welfare of dogs is protected through responsible ownership.

## **POLICY OBJECTIVES**

The expected outcomes to be achieved as a result of this policy are:

1. Effective dog control practices and the proper control of dogs at all times
2. Minimise the risk of dog attacks
3. Ensure appropriate levels of monitoring and enforcement of dog control legislation
4. An enjoyable environment and lifestyle where both dogs and people can happily and peacefully co-exist

The community expects dog owners to act responsibly. Many in the community believe dogs can play a positive role in society and provide enjoyment for individuals and families. Council believes that by formulating a Dog Control Policy it can balance these two perspectives by encouraging owners to make better provision for the control and care of their dogs as well as clarifying how and why it undertakes dog control functions.

# POLICY STATEMENTS

There are 19 policy points that current dog owners must adhere to and prospective owners should consider before taking a dog into their care.

## STATEMENT 1: COUNCIL BYLAW

1.1 The Council is empowered under the Local Government Act 2002 and the Dog Control Act 1996 to make and enforce Bylaws for the following purposes:

- Prescribing minimum standards for the accommodation of dogs.
- Regulating and controlling dogs.
- Requiring dogs to be on-lead at all times in public places
- Defining prohibited, on-lead areas and off-lead or exercise areas.
- Requiring owners to immediately remove faeces left by their dog(s) defecating in public places.
- Providing for breeding kennels and breeding of dogs.
- Requiring bitches „in season“ to be confined.
- Providing for the impounding of dogs.
- Limiting the number of dogs that may be kept.
- Providing for the licensing of additional dogs, or
- Any other purpose that from time to time Council deems necessary or desirable to further control dogs.

1.2 Council has a Dog Control Bylaw that outlines matters regarding (but not limited to): obligations of dog owners (registration, microchipping etc.); number of dogs on land or premises; standards for keeping dogs; dogs in vehicles; dogs in public places; infected dogs; nuisance, menacing, or dangerous dogs; impounding; breeding kennels; offences; notices; dispensing power; and, commencement of bylaw.

1.3 This policy should be read in conjunction with the bylaw by dog owners and prospective dog owners in order to ensure an understanding of their ownership responsibilities under the Council’s policy and bylaw.

## **STATEMENT 2: CARE OF DOGS**

2.1 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, pests, and noise from dogs barking or howling.

2.2 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.

2.3 Council may prohibit the keeping of dogs on properties that can result in a nuisance or a health risk being generated in accordance with the relevant bylaw provisions<sup>1</sup>.

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<sup>1</sup> RELEVANT SECTIONS OF BYLAW

## STATEMENT 3: IMPOUNDING OF DOGS

3.1 The Council's dog pound is not open to the public due to health and safety issues posed by dangerous dogs, only authorised Council officers will be permitted entrance to the Council's dog pound. There are no exceptions to this policy statement.

3.2 Any dog found in breach of the Council's policy or bylaw, may be impounded and held until claimed by the owner, or destroyed if not claimed by its owner within seven days<sup>2</sup>.

3.3 Impounded dogs shall only be released when:

- Proof of ownership has been established;
- The dog has a working microchip (where applicable);
- Registration fees have been paid (where applicable); and,
- When payment is received of all other fees and charges that have been issued by the Council under this policy or the bylaw.

3.4 Costs are incurred by Council in catching, collecting, housing and feeding the dogs as well as for the administration of impounded dogs – where possible these will be passed on to the dog owner in question. It is important that impounded dogs are returned to their correct owners as soon as possible and that costs are fully recovered to ensure that costs do not become a burden on ratepayers.

3.5 Any dog impounded that does not have a working microchip in accordance with Council's bylaw will be microchipped at the owner's cost before being released. The relevant charge can be found in the Council's Fees and Charges schedule – this is set every year through either the Annual Plan or Long Term Plan process.

3.6 It shall be unlawful to remove any dog from the pound, or from a Council vehicle without the approval of a Council officer who holds the appropriate delegations to do so.

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<sup>2</sup> Relevant bylaw section

## **STATEMENT 4: RELINQUISHMENT OF DOGS**

4.1 To prevent the release of unwanted dogs into the community, the Council will accept dogs into the pound for disposal, in appropriate circumstances for a fee and upon receipt of a declaration of release from the owner. Owners may voluntarily relinquish a dog in order to resolve a problem and when they have accepted responsibility for a complaint received by the Council under the Dog Control Act 1996.

4.2 Dogs may be accepted for relinquishment, as a means of resolving a complaint or for a fee, and upon receipt of a declaration of release from the owner.

4.3 The service shall be provided without any privileges, concessions or offerings being made to the owner.



## **STATEMENT 5: FEES & CHARGES**

5.1 The majority of impoundings are caused by dogs wandering at large. Some are seized following an offence under the Dog Control Act 1996 by which seizure is an option. In general, impounding of wandering dogs reflects a lack of the responsibility by dog owners and the actual and reasonable cost of recovery should follow user-pays principles. Payment of impounding costs shall therefore squarely lie with the owner of that dog and not the ratepayer.

5.2 Revenue collected shall reflect the actual and reasonable 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 Council's Dog Control Bylaw.

5.3 All registered dogs impounded must be microchipped prior to release, in accordance with section 69A(4) of the Dog Control Act 1996.

5.4 Payment of impounding fees shall be required from all dog owners prior to release of any dog from the pound.

5.5 The fees shall be set at a level so as not to discourage the retrieval of a dog from the pound whilst covering the actual and reasonable costs incurred by Council.

5.6 The fees shall increase to impose a greater penalty element for any subsequent impounding of that same dog.

5.7 No unregistered dog or dog impounded shall be released until payment of registration and microchipping fees has been received.

5.8 Sustenance charges shall be set to recover all the costs of feeding, housing and caring for dogs in the pound.

5.9 Registration fees, infringement fees, and other relevant fees and charges will be set in the annual Fees and Charges schedule. Council's bylaw will outline any additional fees/charges for any infringement of the bylaw.

5.10 Dog registration fees shall be calculated to provide sufficient revenue to fund the service.

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

5.12 The Dog Control Act also 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.

5.13 Time and costs associated with monitoring and compliance activities, investigating complaints, and generally carrying out dog control activities will be reflected in the dog registration fees.

5.14 Dog registration fees shall be set to ensure that all costs associated with monitoring, investigation, compliance and general dog control activities are adequately funded.

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

5.16 A discount scheme will be provided for those owners who pay on time, and for those who acquire Selected Owner Status – as per the Selected Owner Policy.

5.17 Dog control funds shall be set aside for the sole purpose of funding dog control activities.

5.18 Fees and charges not specifically provided for in the Council's Fees and Charges schedule shall be set to recover all the costs reasonably incurred by Council.

## STATEMENT 6: DANGEROUS DOGS

6.1 Section 31 of the Dog Control Act 1996, allows the territorial authority to classify dogs as dangerous. Council will classify dangerous dogs, in accordance with the provisions of the Dog Control Act 1996. Through this policy and the bylaw, Council will create a regulatory requirement for more responsible dog ownership of dangerous dogs.

6.2 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 by Council in a hearing (subject to the payment of any hearing fees and charges).
- c) Be given notice of Council's decision on any objection and the reasons for that decision as soon as practicable.
- d) Comply with the requirements of the Dog Control Act 1996 to keep the dog securely fenced within a portion of the owner's property so that it is not necessary to enter the secured area in order to obtain access to any dwelling on the property.
- e) Comply with the requirements of the Dog Control Act 1996 to ensure that the dog is not at large or in any public place or private way unless confined completely within a vehicle or caged or muzzled and controlled on a leash or lead.
- f) The dog must also be neutered.
- g) Pay the Class D – Dogs classified Dangerous registration fee (as set by Council in the annual Fees and Charges)
- h) Not dispose of (e.g. sell or give) the dog to any other person without Council's written approval.
- i) Shall advise any person in possession of the dangerous dog of the requirement to muzzle, cage, and leash the dog when in public as outlined in point E.
- j) Shall ensure that the dog is microchipped.

## **STATEMENT 7: MENACING DOGS**

7.1 Section 33A of the Dog Control Act 1996, 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 Act 1996 as menacing. Through this policy and the bylaw, Council will create a regulatory requirement for more responsible dog ownership of menacing dogs.

7.2 Council may classify menacing dogs in accordance with the provisions of the Dog Control Act 1996.

7.3 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 by Council in a hearing (subject to the payment of any hearing fees and charges).
- c) Be given notice of Council's decision on any objection and the reasons for that decision as soon as practicable.
- d) Comply with the requirements of the Dog Control Act 1996 to keep the dog muzzled and/or caged and controlled on a leash or lead when in a public place or private way.
- e) The dog must be neutered within 1 month of receipt of notice of classification.
- f) Advise any person in possession of the menacing dog of the requirement to muzzle/cage the dog when in public, as outlined in Point D.
- g) Ensure that the dog is microchipped.
- h) Pay the Class M – Dogs classified Menacing registration fee (as set by Council in the annual Fees and Charges)
- i) Not dispose of (e.g. sell or give) the dog to any other person without Council's written approval.

7.4 Council must classify all dogs belonging to the breed or type, listed in Schedule 4 of the Dog Control Act 1996 as menacing.

## **STATEMENT 8: MICROCHIPPING**

8.1 Section 36A of the Dog Control Act 1996, requires dogs to be provided with a permanent identification. Dogs registered as Working Dogs under the Dog Control Act 1996 are exempt from microchipping requirements.

8.2 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.

8.3 In accordance with the Dog Control Act 1996, Council will ensure that systems are in place to provide information to the National Dog Control Information Database.

8.4 Council requires dogs to be microchipped in accordance with the Dog Control Act 1996 as stated in the bylaw<sup>3</sup>.

8.5 Any registered or unregistered dog impounded that has not been microchipped will be microchipped prior to release. Owners of impounded dogs will be given the choice of having their dog microchipped by Council or their vet – this must take place at the pound prior to release of the dog.

8.6 A fee will be charged to cover any microchipping and administration costs incurred by Council. The fee will be reviewed annually to cover costs incurred. This service is available to all dog owners in the district, not just owners of impounded dogs.

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<sup>3</sup> Section 3.2

## **STATEMENT 9: PROHIBITED AREAS**

9.1 Council recognises that there are areas in the district 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.

9.2 Dogs (with the exception of identifiable disability assist dogs as per statement 14) are prohibited from the following areas (in line with the bylaw):

- a) Wairoa District Council buildings including public libraries, and 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 that Council deems necessary, either permanently or temporarily, and which will be publicly notified and sign-posted accordingly.

## **STATEMENT 10: ON-LEAD AREAS**

10.1 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.

10.2 Constraint via a leash will:

- a) Ensure proper control of a dog in areas of high activity;
- b) Enable fouling to be immediately recognised and cleaned up; and,
- c) Enable secure tethering of the dog when momentarily left unattended.

10.3 Dogs shall only be allowed in the following areas while under continuous direct physical control by its owner or responsible person by way of an effective lead or being carried in a vehicle while tethered to the vehicle.

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

## **STATEMENT 11: OFF-LEAD EXERCISE AREAS**

11.1 Council has a legal requirement to have regard to;

- a) The exercise and recreational needs of dogs under section 10(6) of the Dog Control Act 1996 in that the Council must give effect to a policy by making a bylaw. However it is noted that this policy does not mandatorily require the designation of OFF-LEAD Exercise Areas.
- 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.

11.2 However, Council does recognise that it may not be practical or enforceable to require dogs at all time to be on lead and/or leash control.

11.3 Dog owners however have a responsibility to ensure that animals do not cause a nuisance, run amongst traffic, and to remove and appropriately dispose of any dog faeces. Any dog off a lead must therefore be kept under continual surveillance and be responsive by verbal calls, hand signals, whistles or other commands from the owner or person responsible for, or in charge of, the dog at any time.

11.4 Private properties with suitable means of containment of the dogs shall be declared an OFF-LEAD exercise area.

11.5 Council may from time to time designate dog OFF-LEAD exercise areas in the bylaw.

11.6 Any such public places, specifically identified by Council, will be notified to the public and sign-posted accordingly.



## STATEMENT 12: PROBATIONARY OWNERS

- 12.1 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 Dog Control Act, or other Acts or they commit three or more infringement offences within 24 months.
- 12.2 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.
- 12.3 Council shall adopt a classification of probationary owners in accordance with the Dog Control Act 1996. A probationary owner shall;
- a) Be given notice of the classification as soon as possible in writing;
  - b) Be allowed to object to a classification and be heard by Council in a hearing (subject to the payment of any hearing fees and charges);
  - c) Be so classified for 24 months unless terminated earlier;
  - d) Not own a dog other than those they already own;
  - e) Pay a surcharge of 50% on all Dog Control fees payable;
  - f) Pay a surcharge of 5% of annual Dog Control fees for each month of any part year the classification applies;
  - g) Dispose of any unregistered dog in their possession;
  - h) Be so classified over the whole of New Zealand.
- 12.4 In accordance with the Dog Control Amendment Act 2003, a “probationary owner” will be required to undertake a dog owner education programme or a dog obedience course with each dog that they own (or both).

## **STATEMENT 13: DISQUALIFICATION OF AN OWNER**

13.1 Section 25 of the Dog Control Act 1996 allows a territorial authority the power to disqualify a person from being an owner of a dog if they are convicted of an offence (not being an infringement offence) against the Dog Control Act 1996 or they are convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 561 of the National Parks Act 1980, or they commit three or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months.

13.2 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.

13.3 Council shall disqualify dog ownership in accordance with the Dog Control Act 1996.

13.4 A disqualified owner shall;

- a) Be given notice of the classification as soon as possible in writing;
- b) Be disqualified for a period decided by the territorial authority up to five years;
- c) Be allowed to object to the disqualifications and be heard by Council in a hearing (subject to the payment of any hearing fees and charges);
- d) Dispose of every dog owned by them to a person that does not reside with them.
- e) Be so disqualified over the whole of New Zealand.

## **STATEMENT 14: DISABILITY ASSIST DOGS & WORKING DOGS**

14.1 It is generally recognised that this class of dog poses no risk or 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.

14.2 It is also acknowledged that working dogs used for public duties, kept solely or principally for the purposes of herding or driving stock, and used for assisting people with disabilities are unlikely to present problems. The animals' general demeanour, their housing, location and their use as working animals ensure owner responsibility.

14.3 Council will promote and encourage access to any public place and registered premises for disability assist dogs.

14.4 In recognition of the value of dogs trained for the public good and where used by people with disabilities, dog registration fees for such dogs shall be set to recover as near practicable the cost of the registration process. Disability assist and working dogs will have their own registration classification. The registration fee for this will be set annually as part of the Council's Fees and Charges Schedule.

14.5 Such dogs may include:

- Guide dogs
- Hearing ear dogs
- Dogs kept by the: Police, Customs Department, Ministry of Agriculture, Ministry of Fisheries, Ministry of Defence, and Department of Conservation.

14.6 It is noted that the definition of Working Dog does not include dogs used for hunting.

## **STATEMENT 15: PERMISSION TO KEEP ADDITIONAL DOGS**

15.1 Owners who can demonstrate that they are responsible dog owners and who have suitable facilities, may be granted the opportunity to keep more than 2 dogs in an urban situation<sup>4</sup>.

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

15.3 A permit is required to keep more than two (2) dogs housed on an urban property. Upon receipt of an application and fee, dog owners will be required to meet all conditions and requirement of section 4 of the Wairoa District Council Dog Control Bylaw 2011, together with the requirements of the permit application.

15.4 Any nuisance proven to be caused through having more than two (2) dogs on a property may see the permit revoked.

15.5 If the conditions of the permit have not been complied with, Council may revoke the permit.

15.6 The fee for the permit to keep more than two (2) dogs shall cover all the inspection and administration costs incurred by Council. The fee will be reviewed annually and is set out in the Fees and Charges Schedule.

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<sup>4</sup> Urban property refers to properties in areas zoned as Residential and Settlement in the District Plan.

## **STATEMENT 16: INFRINGEMENT NOTICES**

16.1 An Infringement Notice is an instant fine and if paid within a certain period of time avoids the need to prosecute through the Court.

16.2 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 Act 1996.

16.3 Failure to comply with an Infringement Notice can lead to court proceedings.

16.4 The advantage of the Infringement Notice system is the provision of fixed, instant fines with the vagaries of judge's decisions removed. It also allows for the withdrawal of the notice at the discretion of Council Officers. Direct action with an offender reduces the cost of legal advice and infringement fees are retained by Council.

16.5 Council will use infringement notices as provided in the Dog Control Act 1996.

## **STATEMENT 17: OWNER AND PUBLIC EDUCATION**

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

17.2 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.

17.3 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.

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

17.5 Council will use focus particularly on developing knowledge and good attitude towards dog ownership through community engagement and education.

17.6 Topics include:

- 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; and,
- How to stop a dog barking to avoid being a nuisance.

## **STATEMENT 18: COMPLAINTS**

18.1 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 incident to Council Officers and to expect action to be taken, in a consistent and effective manner.

18.2 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.

18.3 Council endeavours to handle each complaint in a manner appropriate to the particular circumstances. The complainant will be made aware of the process when their complaint is received by a member of the Bylaw Enforcement Team.

18.4 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.

18.5 Complaints will be investigated promptly and within agreed levels of service.

## **STATEMENT 19: ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES**

19.1 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 Act 1996 establishes the process by which this must happen.

19.2 Council is required under Section 10A of the Dog Control Act 1996, to report annually on its policy and practices this is available on the Council's website.

19.3 The report is required for each financial year and must cover the administration of:

- its dog control policy
- its dog control practices

19.4 The report must include information relating to the number of:

- registered dogs in the district;
- probationary owners and disqualified owners in the district;
- dogs classified as dangerous, and menacing;
- infringement notices issued; and,
- complaints received and the number of prosecutions taken.

19.5 A copy of the report must then be sent to the Secretary for Local Government.



**Kaupapa  
Here  
Ringamau  
Kowhiri  
Selected  
Owner Policy**

**DATE ADOPTED**



**TE WAIROA  
WAIROA DISTRICT**

<b>PERSON RESPONSIBLE:</b>	Chief Operating Officer	<b>FILE REFERENCE:</b>	A.04.11/ I.09
<b>CATEGORY:</b>	Regulatory	<b>STATUS:</b>	DRAFT
<b>DATE REVISED POLICY ADOPTED:</b>		<b>APPROVAL BY:</b>	Council
<b>REVIEW PERIOD:</b>	5 Years and As required	<b>NEXT REVIEW DUE BY:</b>	2022
<b>DATE PREVIOUSLY ADOPTED:</b>	13 September 2011	<b>REVISION NUMBER:</b>	1

## INTRODUCTION

### WHAT IS A RESPONSIBLE OWNER?

A responsible owner is someone that:

- Chooses the right dog and treats them well.
- Ensures their dog has adequate exercise.
- Considers the health benefits for their dog of neutering them at an early age.
- Registers and microchips their dog.
- Teaches their dog basic obedience (keeps their dog under control at all times).
- Knows the best locations where they are allowed to take (exercise) their dog.
- Is particularly vigilant near children and closely supervises interaction between children and their dog.
- Knows when their dog will ignore commands: put dog on-leash, shorten leash, or avoid the area altogether (even if in an off-leash area).
- Respects other people's personal space. Public places are for everyone's enjoyment and not everyone is fond of dogs.
- Ensures their dog cannot leave their property by itself.
- Knows when their dog must be on a leash, and always carries a leash.
- Picks up after their dog and carries the means (e.g. a bag) to pick-up their dog's faeces.

## **PURPOSE**

The purpose of this policy is to provide incentive to dog owners to take good care of their dogs and be a responsible dog owner.

## **POLICY OBJECTIVES**

As a way to encourage dog owners in our community to take good care of their dogs and be a responsible dog owner, Wairoa District Council has a Selected Dog Owner Policy.

This policy will reward responsible dog owners that are complying with the Dog Control Policy provisions and the Dog Control Bylaw with a discounted registration fee of 12.5% on top of the early payment discount.

See the Fees and Charges Schedule for more information on the discounted registration fee.

## **HOW TO BECOME A SELECTED OWNER**

If you are a responsible dog owner and your property is a dog proof section that meets the below requirements regarding fencing, and you meet the following criteria you can apply to be a selected dog owner.

- We would prefer that your dog be neutered unless it is used specifically for breeding or show purposes
- Your dog is microchipped
- Your dog registration must always be paid before 31st July each year
- History proving good dog ownership history, no record of impounding, infringements or any justified complaints against your dog
- If you have more than two dogs on the property you must have a permit to keep more than 2 dogs

Exclusions:

- Dogs registered as Working Dogs

## **PROPERTY COMPLIANCE**

Your dog must be contained on your property within a

- Fully fenced dog proof property, or within the property a fully fenced containment area suitable to the size of the dog.
- Containment area (enclosure) a suitable kennel raised off the ground, and size dependant on the dog

Visitors to your property must have free access to your front door, therefore you must have a suitable gated entrance to the front door, without entering the area where the dog is kept.

## **APPLICATION PROCESS**

There is no cost to apply; applications need to be received before the 1<sup>st</sup> May, as the discount will apply from the following annual registration period i.e. 1 July that year.

Fill out the application form and return it to Council, when the form is returned an Animal Control Officer will arrange a time and day to inspect your property to ensure compliance with the requirements above. You would need to be present at the inspection to discuss the obligations of being a Selected Owner.

The Selected Owner Policy applies to the owner and only to the property that we have inspected. If you move you will need to notify us so that the new property can be inspected for compliance. If you sell or otherwise re home your dog(s) the discounted registration does not apply to the new owner.

If you have been a Selected Owner in another district, it does not automatically qualify you for this status in the Wairoa district

The Wairoa District Council reserves the right to revoke an owner's Selected Owner Policy status for any breach of the policy's conditions.

The Menacing category will be included for the first year of the policy as a trial to see whether this incentive decreases the number of incidents attended to by Animal Control Officers involving this category.

As noted above, owners of dogs registered as Working Dogs will be excluded from the discount associated with being a selected owner as their registration fees are set to only recover as near practicable the cost of the registration process as per the Council's Dog Control Policy.

Example of Discounted Registration Fees – please see Fees and Charges Schedule for current fee

Standard Breed:	Before 31 <sup>st</sup> July \$65.00 less 12.5% discount \$56.90
Menacing Breed:	Before 31 <sup>st</sup> July \$110.00 less 12.5% discount \$96.30