

Hauraki District Council Dog Control Policy 2011

Note: The Hauraki District Council Consolidated Bylaw Part 3: (Public Safety) supplements the provisions of the Dog Control Act 1996 for the care and control of dogs, and gives effect to the Hauraki District Council's Policy on Dogs.

1. INTRODUCTION

This policy replaces the 2007 Hauraki District Council Dog Control Policy, and the 2010 Franklin District Council's Policy on Dogs which had previously been in place for Kaiaua. As part of this policy's review process the Franklin District Dog Control Bylaw has also been revoked and schedule 6 and 7 of Part Three of the Hauraki District Council Consolidated Bylaw has been updated.

Section 10 of the Dog Control Act 1996 sets out matters which should be addressed in this policy document, namely:

- The nature and application of Bylaws in relation to dogs.
- Identification of public places in which dogs are to be prohibited either generally or at specified times pursuant to the Bylaw.
- Identification of public places and other areas or parts of the District where dogs are to be controlled on a leash pursuant to the Bylaw.
- Identification of exercise areas where dogs may be at large pursuant to the Bylaw.
- Whether dogs classified as menacing dogs are required to be neutered.

In addition section 10 states that Council may include any other detail as it thinks fit including but not limited to:-

- Fees and proposed fees
- Owner education programmes
- Dog obedience courses
- Classification of owners
- Disqualification of owners
- Issuing of infringement notices

In adopting a policy Council must have regard to:

- the need to minimise danger, distress, and nuisance to the community generally; and
- the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and

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

The policy shall identify any land within the Hauraki District that is included in;

- a controlled dog area or open dog area under section 26ZS of the Conservation Act 1987; or
- a national park constituted under the National Parks Act 1980.

2. OBJECTIVE:

Hauraki District Council's Dog Control Policy 2011 aims to promote the control of dogs in the interests of public safety and responsible dog ownership.

3. POLICY:

In order to reach its objective, Council enforces a Dog Control Bylaw and a number of policies in addition to those stipulated in the Dog Control Act 1996. The following are Council's policies in relation to dogs.

3.1 How Council Funds Dog Control

Dog control activities are funded by:-

- Annual registration fees
- Infringement fees
- Pound fees
- Rates

Levels of service and funding are set through Council's Long Term Plan (LTP) The dog registration fees are set annually by resolution of Council.

3.2 Restrictions on the Number of Dogs

Keeping more than two (2) dogs in the urban areas of the District can cause complaints from neighbours with issues such as fouling, disposal of excrement, barking and general nuisance.

No person within an urban zone (residential, town centre, industrial) in the District shall keep, or permit to be kept on any land or on and within any premises, more than two (2) dogs of an age of three months or more at any one time without written consent of Council.

Council's District Plan Rules control the breeding and kennelling of dogs.

3.3 Control of dogs

Section 5 (1)(b) of the Dog Control Act 1996 requires that all dogs be kept under control at all times. In Hauraki this means that:-

- In a public place, other than an exercise area or an area defined in the schedules of part three of the Hauraki Consolidated Bylaw, the dog should be kept on a leash.
- On an owner's property the dog should be under the continuous surveillance or under control of the owner or a responsible person, or confined in such a manner that it can not freely leave the property.
- In an exercise area the dog should be under the control of the owner or a responsible person.

Dogs should be appropriately confined when not under the control of their owner or a responsible person. Council has taken into account the concerns of the Royal New Zealand Society for the Prevention of Cruelty to Animals and the Animal Welfare Act 1999 in determining the following examples of adequate confinement:-

- Small lap type dog that spends its time in the confines of a dwelling and is only let out for exercise under the control of its owner or a responsible person.
- In the case of an urban or rural residential property, dogs are to be confined in a minimum area of property measuring eight (8) metres by four (4) metres. This area should be fully fenced.
- In the case of a dog classified as dangerous, the dog is required to be kept in a securely fenced portion of the owner's property which it is not necessary to enter to obtain access to at least one door of any dwelling on the property. The dog requires a minimum area measuring eight (8) metres by four (4) metres of secure fencing and a lockable gate. The fencing and gate should all be of a minimum height of two (2) metres. The size of the dog will determine any increase in height of the secure fencing above the minimum height.

Every owner allowing a dog to ride on the open tray of a utility vehicle in a public place shall ensure that it is secured by a lead or chain short enough so that the dog cannot fall from the tray and is kept under control at all times.

Uncontrolled dogs in terms of section 52(2) of the Act will be impounded where appropriate. An infringement notice may be issued for any offence.

Dogs impounded on more than three (3) occasions within a continuous period of 24 months may be required to be neutered.

Complaints of dogs attacking and causing serious injury to a person(s) are to be referred to the NZ Police.

3.4 Infringement Notices

The Council has authorised a number of persons within its monitoring division to issue infringement notices. Within the confines of the law it is proposed that the issue of infringement notices will be left to the discretion of those authorised officers.

The level of infringement fees shall be as contained in the Dog Control Act, 1996.

3.5 Offence of failing to register a dog

If the Hauraki District Council has reasonable grounds to believe that a person has failed to comply with section 42 (1) of the Dog Control Act 1996 a dog control officer may seize and impound the dog. To do so, the dog control officer may at any reasonable time enter any land or premises, (except a dwelling house) occupied by the owner of the dog.

3.6 Prohibited dog areas

Dogs are prohibited from entry to the following public places:-

1. Whiritoa beach including the lagoon: - from December 20 in any one year to March 1 of the following year and on public holiday weekends, between the hours of 9:00am and 7.00pm. Outside these hours but within these dates a dog may be exercised without a leash but must be under the control of its owner or a responsible person.
2. The beach area, defined as east of the boundary of East Coast road to mean low water spring, from the district boundary at Miranda to the southern boundary of Kaiaua which is defined by the southern 50 kilometre per hour speed limit sign.
3. Children's playgrounds.
4. Areas of ecological sensitivity. The Chief Executive is given delegated authority to, in conjunction with the Department of Conservation, determine and publicly notify protected animal and bird habitat areas from which dogs will be banned for a period of time included in the determination.
5. Any other areas as resolved by Council from time to time through the Dog Control Bylaw.

3.7 On Leash Areas

Dogs are prohibited from entry to the following public places unless on a leash:-

1. Urban areas of public use for example, but not limited to, residential areas, picnic areas, sports fields, shopping areas, Council reserves and other similar public places.
2. Whiritoa beach including the lagoon: - from March 2 in any year to December 19 of the same year between the hours of 10:00am and 3:00pm. Outside these hours but within these dates a dog may be exercised without a leash but must be under the control of its owner or a responsible person.
3. Public land between the southern boundary of Kaiaua, defined by the southern 50 kilometre per hour speed limit sign, and the southern boundary of the Wharekawa Recreation Reserve which is defined by the Waihopuhopu Bridge.
4. Entry to land under the control of the Department of Conservation or Auckland Regional parks may be restricted. Owners should consult with the Department of Conservation or Auckland Regional Council prior to entering land under the Department's control.

3.8 Exercise Areas

The following areas of land within the District are available for the exercise and recreational needs of dogs:-

- Stop bank land, down stream of the Criterion Bridge, in Paeroa, owned by Environment Waikato and not sub leased for grazing or other purposes.
- Brenan Field, Paeroa but excluding the skate board area.
- Waihi South Reserve, Consols Street, Waihi.
- Stop bank land in Ngatea owned by Environment Waikato and not sub leased for grazing or other purposes.
- Area of Morgan Park behind the netball courts, Waihi but excluding the children's playground area.
- Public land between the northern boundary of the district and the southern boundary of the Wharekawa Recreation Reserve which is defined by the Waihopuhopu Bridge.

Dogs in exercise areas are required to be under the control of a responsible person over the age of 16.

3.9 Delegations

The Chief Executive has delegated authority and the authority to sub-delegate in respect to all provisions within this policy.

The Manager of Planning and Environmental Services has delegated authority and the authority to sub-delegate in respect to all provisions of this policy and to waive an infringement notice where there are unusual circumstances.

3.10 Prosecutions

It is the Council's Policy that, except in the case of non-registration and dog attack offences, prosecution will be at the discretion of the Council. In the case of non-registration and dog attack offences the Council has delegated the authority to undertake prosecutions to the Manager: Planning & Environmental Services.

3.11 Dog Owner Categories

3.11.1 General Dog Owner

A General Dog Owner is the owner of a dog which resides on any property within the Hauraki District. All dogs including working dogs are required to be registered.

The General Dog Owner pays 100% of the registration fee and is entitled to applicable rebates.

3.11.2 Responsible Dog Owners & Responsible Owner Licenses (R.O.L)

Council will encourage responsible dog ownership by formally recognising responsible dog owner status, dog ownership education programmes and dog obedience courses.

Council runs a responsible owner license (R.O.L) scheme to encourage responsible dog ownership. Applications for R.O.L will be accepted between 1 June and 15 July in each year. In order to apply for a R.O.L, dog owners are required to:

- Show a consistent record of registration by registering their dogs by 31 July in each and every registration year.
- Have no complaints or impounding in the preceding 12 months. (*Evidence of this previous 12 months history of good ownership will be taken from Council's records. Where the dog does not have this 12 months previous history, because it is new to the Hauraki District, written evidence provided by the owner of the dog from another registration authority will be considered.*)
- Prove through inspection that they provide appropriate means of confining the dog at their own premises. Approval of adequate confinement will be at the discretion of the dog ranger taking into account the size and nature of the dog and the importance of the dog not creating a barking nuisance. Typically this will require secure fencing around the property.
- Pay a once only application fee set by resolution of Council from time to time within its schedule of fees and charges.
- Pass a written examination on the legal obligations for owners and dog care (assistance with this exam can be sought for those with special requirements).

The responsible dog owner pays a reduced percentage of the General Dog registration fee as set by resolution of Council.

Probationary, disqualified and menacing or dangerous dog owners are not entitled to obtain responsible dog ownership status or the rebates associated with it. Owners are entitled to any other applicable additional rebates.

3.11.3 Working Dog Special Purpose Owner

A Working Dog Special Purpose Owner is the owner of a dog as defined as a "Working Dog" under the Dog Control Act 1996; for example a police dog or disability assist dog. This excludes dogs kept solely or principally for the purposes of herding or driving stock*.

A dog classified under this category must be registered but is exempt from the payment of registration fees.

*Dogs used for herding or driving must be registered as a general dog. In cases where more than three (3) dogs are being used, each additional herding or driving dog pays a discounted price as set by Council.

3.11.4 Probationary Dog Owner

A 24 month probation classification may be imposed where any person is convicted of an offence under any of the following:-

- The Dog Control Act 1996,
- Parts 1 or 2 of the Animal Welfare Act 1999,
- Section 26zzp of the Conservation Act 1987,
- Section 56(1) of the National Parks Act 1980, or
- Where a person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months.

Effects of Probationary Owner Category

A Probationary Dog Owner:-

- Will not be allowed to be the registered owner of any dog unless that person was the registered owner before the classification was imposed.
- Will dispose of every unregistered dog, in a manner that does not constitute an offence, within 14 days.
- May be required to undertake a dog owner education programme or dog obedience course (or both), at their own expense, approved by Council.

Unless there are exceptional circumstances in any particular case, this classification will be imposed.

The Probationary Owner pays 100% of the registration fee and is entitled to any applicable rebates.

3.11.5 Disqualified Dog Owner

Up to 5 year disqualification of dog ownership may be imposed where any person is convicted of a serious offence under any of the following:-

- The Dog Control Act 1996,
- Parts 1 or 2 of the Animal Welfare Act 1999,
- Section 26zzp of the Conservation Act 1987,
- Section 56(1) of the National Parks Act 1980, or
- Where a person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months.

Effects of Disqualification

A person disqualified from owning a dog:-

- Must dispose of every dog owned by that person, in a manner that does not constitute an offence, within 14 days.
- Must not be in possession of a dog for the period of classification.
- Must not dispose of the dog to any person who resides at the same address.

Unless there are exceptional circumstances in any particular case, this classification will be imposed.

3.12 Dog Classifications

3.12.1 Menacing Dog

A dog is classified as menacing if:

- Council considers that it poses a threat to any person, stock, poultry, domestic animal or protected wildlife because of:-
 - any observed or reported menacing behaviour of the dog, or
 - any characteristics typically associated with the dog's breed or type.

Council must classify dogs belonging wholly or predominantly to one of the following restricted breeds or types as menacing:-

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

Menacing Dogs must be muzzled in public places and private ways (except when confined completely within a vehicle or cage).

Hauraki District Council requires that Menacing Dogs are neutered.

Owners of Menacing Dogs pay 100% of the applicable dog registration fee.

3.12.2 Dangerous Dog

A Dangerous Dog is:

- any dog in respect of which the owner has been convicted of an offence under section 57A (2) of the Dog Control Act 1996; or
- the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
- the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife

Dangerous Dogs must be muzzled in public places and private ways (except when confined completely within a vehicle or cage).

Dangerous Dogs are required to be neutered.

The dog is required to be kept in a securely fenced portion of the owner's property which it is not necessary to enter to obtain access to at least one door of any dwelling on the property. The dog requires a minimum area measuring eight (8) metres by four (4) metres of secure fencing and a lockable gate. The fencing and gate should all be of a minimum height of two (2) metres. The size of the dog will determine any increase in height of the secure fencing above the minimum height.

Owners of Dangerous Dogs pay 150% of the applicable dog registration fee.

4. RELEVANT LEGISLATION:

- The Dog Control Act 1996 and its subsequent amendments up to the Dog Control Amendment Act 2010
- Parts 1 or 2 of the Animal Welfare Act 1999.
- Section 26zzp of the Conservation Act 1987.
- Section 56(1) of the National Parks Act 1980, or

5. RELATED HDC BYLAW:

The Council maintains a Bylaw regarding the control of dogs, which will provide minimum requirements for:

- Housing of dogs
- Control of dogs on private land and in a public place
- Confinement of dogs in season and during hours of dark
- Numbers of dogs on premises
- Fouling by dogs
- Nuisances created by dogs
- Diseased and unmanageable dogs
- Impounding
- Dog Prohibited and Restricted areas
- Dog exercise areas
- Setting of dog control fees.

The bylaw will have application throughout the Hauraki District and is titled Public Safety, Part 3 of the Hauraki District Council Consolidated Bylaw.

6. DEFINITIONS:

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

“**Council**” means the Hauraki District Council.

“**District**” means a territorial authority district as defined under the Local Government Act 2002.

“**Disability assist dog**” has the same meaning as the definition in the Dog Control Act 1996.

“Dog control officer” means a dog control officer appointed under section 11 of the Act; and includes a warranted officer exercising powers under section 17 of the Act.

“Dog ranger” means a dog ranger appointed under section 12 of the Act; and includes an honorary dog ranger.

“Domestic animal” includes—

- (a) Any animal (including a bird or reptile) kept as a domestic pet,
- (b) Any working dog,
- (c) Any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

“Infringement offence” has the meaning given to it in section 65(1) of the Act.

“Leash” means an adequate restraint held by a responsible person physically capable of restraining the dog.

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

“On a Leash” means that a dog is kept under control by means of leash, lead or chain which is secured or is held by a capable person so that the dog cannot break loose.

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

- (a) Owns the dog, or
- (b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner, or
- (c) The parent or guardian of a person under the age of 16 years who—
 - (i) is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition, and
 - (ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian; but does not include any person who has seized or taken custody of the dog under the Act or the [Animal Welfare Act 1999] or the National Parks Act 1980 or the Conservation Act 1987 or any order made under this Act or the [Animal Welfare Act 1999].

“Private way” means any roadway, place or arcade laid out or formed within a district on private land, whether before or after the commencement of Part 21 of the Local Government Act 1974, by the owner thereof, but intended for the use of the public generally.

“Public place”—

- (a) Means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place, and
- (b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

“Rural” means land zoned rural in the operative Hauraki District Council District Plan.

“Rural Residential” means land zoned rural residential in the operative Hauraki District Council District Plan.

“Territorial authority” means a city council or a district council named in Part 2 of Schedule 2 to the Local Government Act 2002.

“Under control” means that the dog is not causing a nuisance, distress, danger, injury to any person, domestic animal, stock, poultry or protected wildlife, or causing any property damage and; the person in charge of a dog has the dog under continuous surveillance and is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles, or other effective means.

“Urban” means land zoned residential, town centre and industrial in the operative Hauraki District Council District Plan.


“Working dog” has the same meaning as the definition in the Dog Control Act 1996.

7. AUDIENCE:

This policy is for the use of all dog owners within the Hauraki District. It also applies to those people visiting the District with dogs, or those people looking after dogs for other people.

The policy is for the general use of the community also, due to its purpose of minimising danger, distress and nuisance to the community.

8. DOCUMENT MANAGEMENT AND CONTROL:

	Title:		<i>Dog Control Policy 2011</i>	
	Sponsor:		Approved By:	
	<i>Russell Bierre</i>		<i>Council</i>	
	Adopted:	Review Date:	Version:	File Ref:
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