



Hauraki District Council Dog Control Policy

2016



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1. INTRODUCTION

- 1.1 Section 10(1) of the Dog Control Act 1996 (the Act) states that every territorial authority must adopt a policy in respect of dogs in its District. The Council's obligations in relation to dog control are set out in the Act. This Policy should be read in conjunction with the Act.
- 1.2 Under section 10(6) of the Act, the Council must give effect to its Policy by having a bylaw. The Dog Control Bylaw is contained in Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw (the Bylaw).
- 1.3 As from the day on which this Policy is adopted, the Hauraki District Council Dog Control Policy 2011 shall be revoked.

2. APPLICATION OF THE POLICY

- 2.1 This Policy is for the use and information of all dog owners within the Hauraki District and also members of the wider community. It applies to those people visiting the District with dogs and those people looking after dogs for other people in the Hauraki District.

3. OBJECTIVES

- 3.1 On behalf of the communities of the Hauraki District, the Council will endeavour to:
 - i) Minimise any potential danger, distress and nuisance to the community, domestic animals and wildlife caused by dogs.
 - ii) To the extent that it is practicable, enable the community to use streets and other public places without fear of attack or intimidation by dogs.
 - iii) Enable people to enjoy the benefits of dog ownership by providing for the exercise and recreational needs of dogs and their owners.
 - iv) Promote responsible dog ownership and increase the number of dog owners in the District that undertake the responsible owner licensing scheme each year.
 - v) Reward people that neuter their dogs and/or undertake the responsible owner licensing scheme with applicable reductions in dog registration fees.

4. STRATEGIC ALIGNMENT

- 4.1 This Policy aligns with the Hauraki District Council's Community Outcomes; in particular 'Lifestyle Hauraki' where the Council has committed to providing an environment that encourages vibrant communities and an enhanced quality of life.

5. CONTROL OF DOGS IN PUBLIC PLACES

- 5.1 In any public place in the Hauraki District, other than a designated dog exercise area, dogs must be kept on a leash at all times.
- 5.2 Certain sites or areas in the District have been set aside as dog prohibited areas because of the important recreation, conservation, cultural or human safety values associated with that site.
- A working dog, as defined in the Act, is exempt from this prohibition while it is engaged in or being used for its working purpose.
- 5.3 Certain sites in the District have been set aside as dog exercise areas. In a dog exercise area dogs can be off leash but must be under the control of the owner of the dog or a responsible person over the age of 16 years.
- 5.4 Entry to land under the control of the Department of Conservation may be restricted. Dog owners should consult with the Department of Conservation prior to entering land under the Department's control.
- 5.5 The tables below list general dog control sites in the District, including dog exercise areas (off-leash areas) and prohibited areas. For more specific site details please refer to Part 3: Public Safety of the Hauraki District Council Consolidated Bylaw.

AREA AND DESCRIPTION	RULES
DISTRICT WIDE	
All public places, but excluding designated dog exercise areas and prohibited areas to dogs. <i>Note: Public places include, but are not limited to Council recreation reserves, beaches, road reserve, town centres, residential and industrial areas and those sections of the Hauraki Rail Trail where dogs are not prohibited.</i>	On-leash
Children's playgrounds.	Prohibited
Skate parks.	Prohibited
Those lengths of the Hauraki Rail Trail and Waihi to Waihi Beach cycleway which are predominantly located in rural areas and are defined in the Bylaw. <i>Note: This prohibition is a requirement of the resource consent granted for the build of the Hauraki Rail Trail and is intended to protect farm animals from potential nuisances created by dogs.</i>	Prohibited
Defined areas of ecological sensitivity identified from time to time by the Chief Executive of Council in conjunction with the Department of Conservation which are publically notified and identified with temporary area restrictions and/or signs.	Prohibited for the duration of the determination

AREA AND DESCRIPTION	RULES
WAIHI WARD	
All public places, but excluding designated dog exercise areas and prohibited areas to dogs.	On-leash
The southern end of Whiritoa beach; defined as that part of the beach south of the beach access off Moray Place. <i>Note: This area of beach is recognised by the Department of Conservation as a significant New Zealand Dotterel breeding site.</i>	Prohibited
Whiritoa Beach, including the lagoon. <i>Note: Outside these hours but within these dates dogs may be exercised off leash.</i>	Prohibited from December 20 to March 1 the following year and including public holiday weekends between the hours of 9am to 7pm the same day
The pa/urupā site at the summit of the hill in Ngati Koi Domain (Black Hill Reserve), Waihi, which holds particular historical and cultural significance to iwi.	Prohibited
Whiritoa Beach, including the lagoon, but excluding the southern end of the beach. The southern end of the beach is defined as south of the beach access off Moray Place. <i>Note: Outside these hours but within these dates this area is prohibited to dogs.</i>	Off-leash from December 20 to March 1 the following year and including all public holiday weekends throughout the year between the hours of 7pm to 9am the following day
Whiritoa Beach, including the lagoon, but excluding the southern end of the beach. The southern end of the beach is defined as south of the beach access off Moray Place. <i>Note: Outside these hours but within these dates dogs must be on a lead in this area.</i>	Off-leash from March 2 to December 19 the same year, but excluding public holiday weekends, between the hours of 3pm to 10am the following day
Waihi South Reserve, Consols Street, Waihi.	Off-leash
Morgan Park behind the netball courts in Waihi, excluding the children's playground and the sports fields.	Off-leash

AREA AND DESCRIPTION	RULES
PAEROA WARD	
All public places, but excluding designated dog exercise areas and prohibited areas to dogs.	On-leash
Stop bank land in Paeroa between the Criterion bridge and William Street.	Off-leash
Brenan Field, Paeroa, excluding the skate park and the sports fields.	Off-leash

AREA AND DESCRIPTION	RULES
PLAINS WARD	
All public places, but excluding designated dog exercise areas and prohibited areas to dogs.	On-leash
The beach area (land east of East Coast Road, including the beach) from the District boundary at Miranda/Pūkorokoro to the southern boundary of Kaiāua township as identified by the 50km/hr sign. <i>Note: This area is an internationally significant wetland.</i>	Prohibited
Stop bank land in Ngatea between the 100/50 km/hr speed limit sign on River Road and the Waikato Regional Council pump station adjacent to Orchard West Road.	Off-leash
Stop bank land in Ngatea between the corner of Orchard West Road and Kaihere Road to Puhanga Island Bridge, Kaihere Road.	Off-leash
Public land between the northern boundary of the District at Waharau and the southern boundary of the Wharekawa Recreation Reserve which is defined by the Waihopuho Bridge.	Off-leash

6. LAND ADMINISTERED BY THE DEPARTMENT OF CONSERVATION

- 6.1 The Department of Conservation's Waikato Conservation Management Strategy has a policy on dogs in all public conservation land and water areas. Refer to the Waikato Conservation Strategy or contact the Department of Conservation for further details relating to dog control on public conservation land.
- 6.2 At the time of reviewing this Policy the Department of Conservation was not able to formally advise the Council of controlled or open dog areas under section 26ZS of the Conservation Act 1987 for inclusion in the Policy.
- 6.3 The table below outlines the Department of Conservation (DOC) definition of open and controlled dog areas which may apply to land administered by the Department.

AREA	DESCRIPTION
Open dog areas	Dogs are allowed either 'off-leash' or 'on-leash' depending on the site. No permit is required. DOC may impose conditions, including conditions on access during vulnerable conservation periods such as bird nesting seasons.
Controlled dog areas - entry by permit	Dog access is controlled by permit, subject to approval and/or special conditions from DOC.
Controlled dog areas - no access	Dogs are not allowed in national parks, nature reserves or wildlife sanctuaries except with express written approval. Unless specified, dogs and other pets are not allowed in DOC campgrounds.

7. EDUCATION PROGRAMMES

- 7.1 The Council will continue to run a responsible owner licence (ROL) scheme to encourage responsible dog ownership. Applications for the ROL will be accepted between 1 June and 15 July in each year.
- 7.2 To obtain an ROL a once only application fee will be payable. This fee is set by resolution of Council and contained within its Schedule of Fees and Charges.
- 7.3 The holder of a ROL, but excluding the owner of a menacing dog, will pay a reduced percentage of the general dog owner registration fee as set by resolution of the Council.
- 7.4 In order to apply for and retain a ROL, dog owners must have a satisfactory registration history and no justifiable complaints, infringements or dogs impounded in the preceding twelve months. The ROL will be revoked if a satisfactory registration record is not maintained.
- 7.5 Owners of menacing dogs, as defined in section 33C of the Act, which have been classified as menacing because of their breed (not an offence), are entitled to undertake the ROL programme. However these owners are not entitled to obtain the associated dog registration rebates.
- 7.6 ROL applicants must prove through inspection by an authorised officer that they provide appropriate means of confinement for the dog/s at their premises. Approval of adequate confinement will be at the discretion of an authorised officer taking into account the size and nature of the dog and the importance of the dog not creating a barking nuisance.

In general the Council recommends that when dogs are confined on an urban property that they are kept in a fully fenced area of the property which measures at a minimum eight (8) metres by four (4) metres. In addition to this people should have access from the street to one door of the dwelling without coming into contact with the dog.

- 7.7 ROL applicants must pass a short written test on dog care and the legal obligations of dog owners.
- 7.8 Probationary or disqualified owners and owners of dangerous dogs and menacing dogs classified as such because of an offence may be required to undertake a dog control educational program (not the ROL scheme) at the instruction of the Council.

8. MENACING DOGS

- 8.1 In accordance with section 33A of the Act the Council may classify a dog as menacing if the Council considers that the dog poses a threat to any person, stock, poultry, domestic animal or protected wildlife.

- 8.2 In accordance with section 33C of the Act the Council must classify dogs belonging wholly or predominantly to particular restricted breeds or types as menacing.
- 8.3 Dogs registered within the District and classified as menacing must be neutered. This includes dogs classified as menacing by another territorial authority where that dog is then registered in the Hauraki District. Failure to comply with this requirement is deemed an offence against section 33EC(1) of the Act.
- 8.4 In accordance with section 33E of the Act if a dog is classified as a menacing dog the owner of the dog must ensure that the dog is muzzled in public places and private ways (except when confined completely within a vehicle or cage).
- 8.5 In accordance with section 33EC(2) of the Act the Council authorises a dog control officer or dog ranger to seize and remove a menacing dog from a person's possession and retain the dog in custody if the person has failed to comply with requirements imposed on them by the Act due to the classification of that dog as a menacing dog. In accordance with the Act the Council may retain custody of the menacing dog until it has reasonable grounds to believe that the person has demonstrated a willingness to comply with the requirements imposed on them by the Act.

9. DANGEROUS DOGS

- 9.1 In accordance with section 31 of the Act the Council must, in certain circumstances, classify a dog as a dangerous dog.
- 9.2 In accordance with section 32 of the Act if a dog is classified as a dangerous dog the owner of the dog must ensure that –
- i) the dog is neutered.
 - ii) the dog is muzzled and controlled on a leash in public places and private ways (except when confined completely within a vehicle or cage).
 - iii) in a dog exercise area the dog must remain muzzled but can be off-leash.
 - iv) the dog is kept within 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.
 - v) the dog is not given to any other person without the written consent of the Council in whose District the dog is to be kept.
- 9.3 In accordance with section 32(5) of the Act the Council authorises a dog control officer or dog ranger to seize and remove a dangerous dog from a person's possession and retain the dog in custody if the person has failed to comply with requirements imposed on them by the Act due to the classification of that dog as a dangerous dog. In accordance with the Act the Council may retain custody of the dangerous dog until it has reasonable grounds to believe that the person has demonstrated a willingness to comply with the requirements imposed on them by the Act.

- 9.4 In addition to the fencing requirements for dangerous dogs outlined in the Act the Bylaw will establish a minimum size for the securely fenced area and a minimum height for the fence.

10. PROBATIONARY AND DISQUALIFIED DOG OWNERS

- 10.1 In accordance with section 21 and 23 of the Act the Council may classify a person as a probationary dog owner for a 24 month period where that person is convicted of any offence under specific legislation or where any person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months.
- 10.2 Unless there are exceptional circumstances in any particular case, the probationary dog owner classification will be imposed.
- 10.3 In accordance with section 25 of the Act the Council must disqualify a person from being a dog owner in certain circumstances. A disqualification continues in force for a period specified by Council but not exceeding 5 years.

11. ENFORCEMENT

- 11.1 The Council may issue infringement notices for all infringement offences outlined in the Act, including for breaches of the bylaw.
- 11.2 Within the confines of the law the issue of infringement notices and the impoundment of dogs will be left to the discretion of the Council's authorised officers.
- 11.3 The level of infringement fees shall be as contained in the Dog Control Act 1996.
- 11.4 Except in the case of non-registration and dog attack offences, prosecution will be at the discretion of the Council. Complaints of dogs attacking and causing serious injury to a person(s) are to be referred to the New Zealand Police for any action it may wish to take.

12. FEES AND CHARGES

- 12.1 The owner of a dog that is used for herding or driving stock must register that dog as a general dog.
- 12.2 Dogs classified as 'working dogs' in the Act, but excluding dogs used for herding or driving stock, may be registered as working dogs and the owner will not be charged a registration fee for that dog. This includes, for example, disability assist dogs and police dogs.

- 12.3 A dog registration fee rebate will be applied to all dog registration fees if the owner holds a responsible owner licence.
- 12.4 A dog registration fee de-sex rebate will be applied to the registration fee for a dog, regardless of the classification of the dog or the owner, provided a certificate can be presented to the Council proving the de-sexing.
- 12.5 In cases where people own in excess of three (3) dogs a rebate will be applied to the registration fee of each additional dog. In cases where dogs are registered as a '+3' dog no additional rebates (e.g. de-sex rebate) will be applied to the registration fee.
- 12.6 A late penalty will be payable for dogs not registered by the required date as outlined in section 37(f) of the Act.
- 12.7 Fees and charges are determined by the Council in accordance with section 37 of the Act. These fees and charges can be found in Council's Schedule of Fees and Charges.
- 12.8 In accordance with section 32 of the Act the owner of a dangerous dog must pay 150% of the dog registration fee that would apply if the dog were not classified as a dangerous dog.

13. DOG CONTROL BYLAW

- 13.1 The Council will maintain a Bylaw to enforce this Policy and broaden owner obligations to minimise dog aggression and nuisance not already covered in legislation. The Bylaw has application throughout the Hauraki District and is titled 'Control of Dogs' and can found in Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw.
- 13.2 The Bylaw will contain the following provisions to further the control of dogs:
- i) Specific prohibited areas for dogs, including any date and time,
 - ii) Specific dog exercise areas, including any date or time,
 - iii) The control of dogs in public places other than exercise areas or prohibited areas,
 - iv) Limit the number of dogs to be kept on an urban premises in order to minimise public nuisance e.g. barking nuisance,
 - v) Prescribe minimum standards for the housing of dogs,
 - vi) Prescribe minimum fencing requirements for the confinement of dangerous dogs,
 - vii) Require the owner of any dog that defecates in a public place to immediately remove the faeces,

- viii) Require the neutering of dogs that have not been under control on a number of occasions,
- ix) Establish remedial action to be undertaken if dogs are, or are likely to become, a nuisance or injurious to health,
- x) Prohibit diseased or mangy dogs from being taken into any public place,
- xi) Impoundment of dogs found at large in breach of the Council's Bylaw,
- xii) Require dogs riding on an open tray of any vehicle in a public place to be secured,
- xiii) Any other purpose that from time to time is, in the opinion of the Council, necessary or desirable to further the control of dogs.

13.3 The Council's District Plan rules control the breeding and kennelling of dogs.

14. RE-HOMING OF DOGS

14.1 Where ever possible dogs of a good temperament that are impounded or removed from their owner, and cannot be reunited with their owner, will be re-homed.

15. DEFINITIONS

Unless stated otherwise, the definitions of words or terms used in this Policy are those used in the Dog Control Act 1996.

Dog Control Officer means a dog control officer appointed 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 exercise area means a public place identified in this Policy and the Bylaw where a dog may be exercised off-leash but must be under control.

Beach means that part of the foreshore landwards from the mean low water springs that is under the control of the Council.

Bylaw means the 'Control of Dogs Bylaw' in Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw.

Council means the Hauraki District Council.

District means the Hauraki District.

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].

Public place 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 includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Rural has the same meaning as contained in the Hauraki District Plan.

The Act means the Dog Control Act 1996.

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.

Urupā means a place or area for burying the dead.


Urban has the same meaning as contained in the Hauraki District Plan.

16. REVIEW

This Policy will be reviewed:

- i. within five years of its adoption, or
- ii. earlier than five years at the request of the Council.

17. DOCUMENT MANAGEMENT AND CONTROL

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