

DOGS POLICY 2016

(Made under s 10 of the Dog Control Act 1996)



PURPOSE

The purpose of this policy is to provide a framework for the care and control of dogs throughout Hastings District. The policy is made under s 10 of the Dog Control Act 1996. Under s 10(4) the Council is required when adopting a policy to have regard to:

- “(a) the need to minimise danger, distress, and nuisance to the community generally; and*
- (b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and*
- (c) the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and*
- (d) the exercise and recreational needs of dogs and their owners.”*

The anticipated outcomes of this policy are:

1. Minimising the potential for danger, distress, and nuisance to the community from dogs
2. Promoting responsible dog ownership
3. Promoting effective dog control, particularly in public places where children or families are present
4. Minimising the risk of intimidation and attacks by dogs
5. Promoting positive interaction between dog owners and members of the community
6. Providing for the exercise and recreational needs of dogs and their owners.

POLICIES

POLICY 1 – Nature and Application of Bylaws

1.1 Council will make and enforce bylaws for the following matters covered by this policy:

- Dog prohibited areas (Policy 2)
- Leash control (Policy 3)
- Dog exercise Areas (Policy 4)
- Limiting the number of dogs kept (Policy 6.1)

- Dog fouling (Policy 6.2)
- Confining bitches in season (Policy 6.3)

Explanation

Council may make Bylaws in accordance with the Local Government Act 2002 and Dog Control Act 1996. These bylaws give legal powers necessary to implement and enforce the Dogs Policy within Hastings District.

POLICY 2 – Dog Prohibited Areas

2.1 The Council will make a bylaw prohibiting dogs from the following areas:

1. The Hastings District Council Civic Building.
2. Public libraries.
3. Swimming pools and paddling pools.
4. Children's playing areas.
5. Sports fields.
6. Rangaiika Beach at Ocean Beach/Cape Kidnappers.

Explanation

Dogs are prohibited from areas where the presence of dogs is likely to interfere with the use of public amenities or are frequented by children or are areas of high ecological sensitivity.

POLICY 3 – Leash Control

3.1 The Council will make a bylaw which requires that dogs be under leash control:

- in all public places and private ways in the urban areas of the district and in parks, reserves, beaches walkways and cycleways in the rural area which are not otherwise designated as a dog exercise area under the bylaw and
- in any other place if the dog is causing or is likely to cause danger, distress or nuisance to a person or another animal..

Explanation

Uncontrolled dogs can have a significant impact on the community. Leash control of dogs assists to minimise danger, distress and nuisance to the community generally and to achieve the other matters in s 10(4)(b) and (c) of the Dog Control Act 1996 without affecting the exercise and recreational needs of dogs and their owners.

Allowing dogs to roam without owner control contributes to:

- Dog aggression, resulting in fear and intimidation of the public
- Faeces contamination of public places
- Traffic hazards
- Stock worrying
- Dog fights
- Unwanted puppies
- The spread of disease
- Increased level of complaints requiring investigation

The infringement penalties under the Dog Control Act 1996 are substantial.

Infringement fees for offences relevant to this policy are set by Parliament:

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| • Failure to carry a leash - s54A | \$100 |
| • Dog not controlled or confined on its own property – s52A | \$200 |
| • Dog not under control - s53(1) | \$200 |
| • Dog in a public place in contravention of bylaw – s20(5) | \$300 |
| • Dangerous or menacing dog at large – s32(2) & s33EC(1) | \$300 |

POLICY 4 – Dog Exercise Areas

4.1 The Council will make a bylaw allowing the exercise of dogs off leash in the areas listed below. Two of the areas are time limited, depending on the time of the year:

Havelock North

- Tainui, Tanner and Hikanui Reserves
- Tauroa Road Reserve
- Te Mata and Arataki Road Reserve
- Kingsgate Reserve from Te Mata Road to Reeve Drive, Ritchie Place, Fulford Place and Durham Drive
- The banks of the Karamu Stream, from a point adjacent to the southern most edge of Anderson Park, Havelock North to the vehicle over bridge on Havelock Road
- The southern boundary walkway of Keirunga Gardens on Tanner Street, Havelock North
- Te Mata Peak Road and Te Mata Peak Park
- James Cook Street Reserve
- Palmbrook Reserve

Hastings

- Karamu Road South, from Pattison Road south to Murdoch Road

- Ebbett Park during daylight saving hours between 7.30pm and 7.00am the following day, and between 6.00pm and 7.00am the following day during the remainder of the year.
- Duke Street Reserve.
- Pakowhai Country Park.

Flaxmere

- Portsmouth Road, from Wilson Road, west to the end of Portsmouth Road
- The Flaxmere Green Belt to the west of Tarbet Street, Arklow Place and Frobisher Street between Kirkwood Road and Flaxmere Avenue.

Haumoana and Te Awanga

The Haumoana-Te Awanga coastal beach front area from the mouth of the Tukituki River south to the boundary of the Clifton No. 2 camp, Te Awanga, excluding the beach front between numbers 3 and 41 Clifton Road Haumoana.

Waimarama and Ocean Beach

- The beach front of the Ocean Beach settlement north to the surf club during daylight saving hours between 7.30pm and 7.30am the following day, and 6pm and 7am the following day during the remainder of the year
- Ocean Beach north of the surf life saving club to 100m south of the predator proof fence
- Waimarama Beach north to the Puhokio Stream river mouth during daylight saving hours between 7.30pm and 7.30am the following day, and during the remainder of the year 6pm and 7am the following day
- Waimarama Beach north of the Puhokio Stream river mouth to Pututaranui Point at any time

Whirinaki and Eskdale

- The North Shore and Whirinaki to Tangoio Beach road reserve
- Eskdale Park along the southern or right-hand side of, and to the end of the park driveway.

Waipatiki Beach

- The beach front of Waipatiki Beach Settlement, coast-wards of the reserve, during daylight savings hours between 7:30pm and 7:30am the following day, and during the remainder of the year 4:00pm to 10:00am the following day
- Wapatiki beach north and south of the area referred to above

Explanation

There are many areas where dogs can be exercised in the district. Council accepts that the majority of dog owners are responsible people. Dogs are able to be exercised off a leash in all public places in the district other than the prohibited areas and leash control areas.

POLICY 5 – Menacing Dogs

- 5.1 The Council will require that all dogs classified by it as menacing under sections 33A or 33C of the Dog Control Act 1996 be neutered under section 33E(1)(b) of the Dog Control Act 1996.
- 5.2 The Council will require that dogs classified as menacing under section 33A or 33C of the Dog Control Act 1996 by any other territorial authority are required to be neutered under section 33EB(2) of the Dog Control Act 1996 if the dog is transferred to the Hastings District.

Explanation

Section 33A(1)(b) of the Dog Control Act 1996 allows Council to classify dogs as menacing if it considers the dog “*may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:*

- (i) *Any observed or reported behaviour of the dog.*
- (ii) *Characteristics typically associated with the dog’s breed or type.”*

Section 33C of the Dog Control Act 1996 requires that Council must classify the breeds or types of dogs listed in Schedule 4 of the Dog Control Act 1996 as menacing. Currently those breeds or types are:

Breeds:

Brazilian Fila
Dogo Argentino
Japanese Tosa
Perro de Presa Canario

Type:

American Pit Bull Terrier

Council believes it is appropriate that dogs classified as menacing be required to be neutered. Neutered dogs appear to feature less in reported dog bite statistics.

POLICY 6 – Other matters

- 6.1 The Council will make a bylaw which limits the number of dogs over the age of 3 months that may be kept on any premises within the urban areas of the district.
- 6.2 The Council will make a bylaw which requires a dog owner to remove, carry away and dispose of in a sanitary manner, any faeces which may be left in a public place, private way or other premises not occupied that owner.
- 6.3 The Council will make a bylaw which requires the owner of a bitch in season to keep it confined, but properly exercised, while in season.

Explanation

Minimising nuisance to the community generally is one of the matters to which the Council must have regard under s 10(4) of the Dog Control Act 1996. Each of the matters covered by this policy are addressed to that issue:

- The more dogs on an urban property the greater the potential for escape, complaints about barking and complaints about nuisance caused by smell and flies;
- The fouling of public places by dog faeces is a general community nuisance issue. It is also a public health issue, arising from the fouling of footpaths and sports fields and the insanitary disposal of dog faeces;
- If bitches in season are allowed to roam freely there is increased risk of aggressive behaviour from any male dogs which are also roaming at the same time. Many people find the sight of dogs coupling in public places to be offensive. If bitches remain confined the risk of unplanned pregnancies is largely removed. Again this policy is aimed at minimising nuisance to the community.

POLICY 7 - Fees

- 7.1 Dog control fees will be set by Council resolution having regard to the levels of service in the Council's Long Term Plan and the costs actually incurred by the Council to provide the dog control function.
- 7.2 Dog registration fees will be set based on the location where the dog is normally kept. Fees for dogs kept in the urban area will be higher than for dogs kept in the rural area.
- 7.3 The proportion of the funding of Dog Control operations to be borne by rates, and the proportion to be borne by dog owners will be determined based on a public and private benefit assessment made by the Council.
- 7.4 Pound fees will be set to recover costs and encourage retrieval of impounded dogs.
- 7.5 Pound fees will be increased for any subsequent impounding of that same dog to impose a greater penalty element.
- 7.6 Sustenance charges will be set to recover all the costs of feeding and care.
- 7.7 A lesser dog registration fee will be offered to those who register their dogs before 1 August.
- 7.8 A reduced dog registration fee will be offered to owners approved under the Selected Owner Policy.

Explanation

The dog control fees reflect the costs of the dog control service, less a small element of public good which is subsidised by rate funding.

Because the majority of the work undertaken by the Dog Control staff occurs in urban areas, it is considered fair and reasonable that a greater cost is carried by those dog owners.

Impounding fees and sustenance charges are user-pays charges and lie with the owner of the dog. These fees will not be subsidised by ratepayers.

POLICY 8 - Public Education

- 8.1 Council will encourage responsible dog ownership through education programmes and seminars which will be particularly targeted at dog owners and schools. Dog owners will be encouraged to attend puppy socialisation and dog obedience courses.
- 8.2 Media publicity and Council's website will be used to promote public awareness of dog registration obligations, this policy and the Dog Control Bylaw.
- 8.3 Counselling and consultation will be undertaken with alleged offenders by dog control staff.

Explanation

A strong focus is placed on providing dog owners with the necessary knowledge to better manage their dogs. An education focus is a crucial first line approach to compliance, however there are some instances where enforcement action is required.

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, including advice on "bite prevention". That education may also lead to a more responsible attitude towards dog ownership in the future.

POLICY 9 – Enforcement

- 9.1 Council will actively enforce the statutory obligations of dog owners under the Dog Control Act and under the Dog Control Bylaw. When offences are committed infringement notices and/or prosecutions will be commenced of dogs which have been classified as menacing under the Dog Control Act 1996.
- 9.2 The following infringements fees are set under the Dog Control Act 1996. Council has no discretion to alter these fees:

Offence	Penalty
Wilful obstruction of a Dog Control Officer	\$750
Failure or refusal to supply information or providing false particulars	\$750
Failure to supply information or providing false particulars about a dog	\$750

Failure to comply with any Dog Control Bylaw	\$300
Failure to undertake education programme or obedience course	\$300
Failure to comply with obligations of probationary owner	\$750
Failure to comply with the effects of disqualification	\$750
Failure to comply with requirements of dangerous dog classification	\$300
Fraudulent sale or transfer of a dangerous dog	\$500
Failure to comply with requirements of menacing dog classification	\$300
Failure to advise person of muzzle and leashing requirements s33F(3)	\$100
Failure to implant a microchip transponder in dog	\$300
False statement relating to dog registration	\$750
Falsely notifying death of dog	\$750
Failure to register dog	\$300
Fraudulent procurement or attempt to procure replacement dog registration label or disc	\$500
Failure to advise change of dog ownership	\$100
Failure to advise change of address	\$100
Removal, swapping, or counterfeiting of registration label or disc	\$500
Failure to keep dog controlled or confined	\$200
Failure to keep dog under control	\$200
Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	\$300
Failure to carry leash in public	\$100
Failure to comply with barking dog abatement notice	\$200
Allowing a known dangerous dog at large unmuzzled or unleashed	\$300
Failure to advise person of muzzle and leashing requirements s62(5)	\$100
Releasing dog from custody	\$750

POLICY 10 - Dog Adoption

- 10.1 The adoption of any dog from the Animal Welfare Centre will be subject to:
- a) the dog remaining unclaimed more than seven days after impounding;
 - b) the dog having a suitable temperament for adoption and being healthy, neutered, vaccinated, wormed, flea treated, registered and micro-chipped;
 - c) approval of the new owner by the Council;
 - d) Payment of an adoption fee.

Explanation

The Dog Control Act 1996 allows Council to sell, destroy or otherwise dispose of an impounded, unclaimed dog after the expiration of seven days.

Adoption fees will be set to recover the costs incurred under Policy 10.1(b), without deterring purchasers.

POLICY 11 - Unwanted Dogs

- 11.1 Council may accept unwanted dogs into the pound for disposal either by adoption or by euthanasia subject to a payment of the fee for the service

Explanation

This policy is intended to prevent the release of unwanted dogs into the community, or to solve a problem where the owner is having difficulties managing or caring for the dog. If euthanasia is the only option for disposal owners will be encouraged to use veterinary practices in the first instance.

POLICY 12 - Selected Owner Policy

- 12.1 Dog owners who demonstrate through a dog ownership scheme run by the Council (the Selected Owner Scheme) that they are responsible owners will receive a reduction in registration fees payable for their dogs. The Selected Owner Scheme is not available to:

- An owner of a dangerous dog
- A dog owner who does not complete the requirements of the scheme and/or pay the scheme fee before 31 March in each year;
- A dog owner who has been disqualified under policy 12.2 within the preceding two registration years

- 12.2 A dog owner will be disqualified from membership under the Selected Owner Policy immediately upon the occurrence of any of the following events:

- The owner is convicted of an offence under the Dog Control Act 1996 or the Dog Control Bylaw, or
- The owner is convicted of an offence under the Animal Welfare Act 1999 in respect of a dog, or
- A dog belonging to the owner is impounded, or
- A dog belonging to the owner is the subject of more than one complaint, which upon investigation by the Council is found to be justified, in any registration year, or
- A dog belonging to the owner remains unregistered after the penalty date in any registration year.

Explanation

Owners who can demonstrate that they are responsible dog owners should be rewarded by a reduction in dog registration fees.

Conservation Controlled Dog Areas and National Parks

There are currently no controlled dog or open dog areas under section 26ZS of the Conservation Act or national parks constituted under the National Parks Act 1980 in the Hastings District.