

Draft Dog Policy 2009

Note: Substantive changes discussed in this report are highlighted in yellow. Minor changes of grammar or expression are highlighted in grey.

Changes made as a result of carried amendments at the 7 May 2009 Strategy and Policy Committee meeting are highlighted in blue.



DRAFT DOG POLICY

2009

Summary

Council is required by law to have a dog control policy and may make bylaws to give effect to that policy. The following summary lists the key elements of the draft Dog Policy 2009 that dog owners should be aware of.

Balanced Approach

This Policy aims to achieve a balance between the control of dogs and recognition of the community health benefits of dog ownership.

Access

Dogs are welcome on a leash in all public areas, except for:

- the CBD during specified business hours
- playgrounds, sportsfields and six beaches at all times
- other beaches in the city at various times, but principally during the day
- specified places including the zoo, the airport, Karori Wildlife Sanctuary, Waitangi Park (grass area) and Palmer Head.

Council provides 60 exercise areas including beach locations. These exercise areas are chosen to provide off leash recreation for dogs and their owners while protecting the welfare of the general public. Dog access is restricted where other prominent and incompatible uses exist, such as sportsfields and playgrounds.

Owner responsibilities

Owners are required to look after the welfare of their dogs. This means:

- Dogs must be under control at all times
- Dogs must be on leash unless in an exercise area
- Dogs must be registered and microchipped (dogs whelped after 2006)
- Handlers must carry a receptacle at all times, in public spaces, and must remove their dog's faeces

Dog owners with Responsible Dog Owner status receive discounted fees, provided that they are paid before 1 July each year.

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1.0 Introduction

1.1 BACKGROUND

The Dog Control Act 1996 and its subsequent amendments, together referred to as the Act throughout this Policy, has the following objectives:

- (a) *To make better provision for the care and control of dogs-*
 - (i) *by requiring the registration of dogs; and*
 - (ii) *by making special provision in relation to dangerous or menacing dogs; and*
 - (iii) *by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and*
 - (iv) *by imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and*
- (b) *To make provision in relation to damage caused by dogs.*

Council has the requirement to manage most of the provisions in the Act. This includes providing a dog control and impounding operation. Another obligation on Council is to develop a policy on dogs within its area. Council's policy must:

- 1) specify the nature and application of all bylaws made or to be made under the Act.
- 2) identify public places where dogs shall be controlled on a leash, prohibited, or allowed off leash.
- 3) state whether dogs classified by Council as menacing must be neutered, and the criteria used in deciding whether to neuter.
- 4) include any other details as the territorial authority thinks fit including, but not limited to:
 - fees or proposed fees
 - owner education programmes
 - dog obedience courses
 - classifying owners as probationary
 - disqualifying owners from owning dogs
 - the issuing of infringement notices.

When adopting a policy on dogs the Council must have regard to the following matters:

- the exercise and recreational needs of dogs and their owners
- the need to minimise danger, distress, and nuisance to the community generally
- the need to avoid the inherent danger of uncontrolled dogs in public places frequented by children, whether or not accompanied by adults, and
- the importance of enabling the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.

These matters have been considered in the development of this Policy.

1.2 LAYOUT OF THE POLICY

This document has been separated into three sections:

Objectives

This section lists the five objectives that the Wellington City Council is aiming to achieve in the development and implementation of this Policy. These statements are considered the overriding concepts that will direct the Council in relation to the control of dogs.

Issues

This section outlines the major issues that relate to dog control in Wellington City. These are the more specific matters that the Wellington City Council is trying to address. Each issue has cross-references to the relevant mechanisms that Council is intending to use.

Mechanisms

This section describes the 'tools' that the Wellington City Council will employ in the management of dog control. These are the specific activities that will be undertaken to address the issues that relate to dog control in Wellington City.

2.0 Objectives of Policy

The objectives listed in this section have been developed to guide the Dog Policy and ensure that Council consistently and effectively fulfils its responsibilities under the Act. These objectives have been based on the provisions of the Act.

~~It is important that the rights of the public are protected and the objectives below have been prioritised to reflect this.~~

The Policy aims to balance the rights of the public with freedom of ownership and movement of dog owners and their dogs.

OBJECTIVE 1

To ensure that the owners of dogs comply with their obligations under the Act, **that dogs are well cared for and Wellingtonians are able to enjoy dog ownership.**¹

OBJECTIVE 2

To prevent the danger caused by dogs to the public and to wildlife and natural habitats.

OBJECTIVE 3

To minimise the distress and nuisance caused by dogs to the public and to wildlife and natural habitats.

OBJECTIVE 4

To actively promote the responsible ownership of dogs.

OBJECTIVE 5

To provide for the reasonable exercise and recreational needs of dogs and their owners.

¹ NOTE: The obligations of dog owners are to:

- ensure that the dog is kept under control at all times
- ensure that the dog is registered in accordance with the Act
- ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter
- ensure that the dog receives adequate exercise
- take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means
- take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person
- take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife
- take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person and
- comply with all regulations and bylaws made under the Act.

3.0 Issues

Council seeks to work in co-operation with dog owners and other members of the public to effectively monitor dog behaviour and enforce this Policy. All complaints received by Council will be recorded and, where appropriate, responded to promptly and the complainant will be informed of the outcome.

3.1 COMMUNITY SAFETY, HEALTH AND WELL-BEING

Description of Issue

Council has a responsibility to safeguard community safety and health. ~~To do this it is necessary to control the activities of dogs. This involves avoiding potential conflict, preventing danger and minimising distress caused by dogs to the community.~~ **by controlling the activities of dogs.** The Council also recognizes the health, safety, well-being **and companionship** benefits of dog ownership ~~and associated exercise.~~

Mechanisms

In the maintenance of community safety, health and well-being, Council will employ the following:

- **Access to Public Places (refer to 4.1)**

In most public places dogs are welcome on a leash and there are only a few areas that are prohibited to dogs in Wellington. The Council also provides a range of off leash exercise areas. Access to public places shall be restricted to dogs where the likelihood of significant conflict exists with the community. ~~Through limiting access for dogs the likelihood of conflict is minimised or removed.~~

- **Education and Obedience (refer to 4.3)**

The provision of information shall ensure that the community (particularly high risk groups) are informed about the risks associated with dogs, and their identification and avoidance. Owners shall also be informed of the safety and health issues related to dogs.

- **Enforcement (refer to 4.4)**

When community safety and health is compromised, effective enforcement will control the problem including compliance with dog control regulations. This includes taking action where dogs have attacked or threatened people or animals by:

- issuing of a warning or infringement notice
- prosecution when the offence or the effects of the offence are significant
- seizing of menacing dogs
- impounding of roaming dogs
- impounding of unregistered dogs.

- **Bylaws (refer to 4.6)**

The bylaw which relates to this issue covers:

- the public places in which access for dogs shall be limited
- ~~to provide for the impounding of roaming dogs~~
- requiring owners to **carry a receptacle for the collection of dog faeces when in a public place and** remove and dispose of dog faeces

- requiring owners to take such actions as are considered necessary to abate non-complying dog behaviour.

• **Public Complaints**

- All public complaints regarding dog control are investigated. Complainants shall be updated regarding the status of an investigation within three working days. The outcome of the investigation shall be made known to the complainant within 15 working days.

3.2 WILDLIFE

Description of Issue

Wildlife can be at risk from dogs. Dogs have been known to attack little blue penguins on Wellington's south coast, and ground-loving forest birds are also at risk. Dogs can also disturb seals, coastal bird colonies and penguin nests and damage sensitive habitats such as coastal turf. When it is identified that dogs will have a significant negative effect on wildlife or their habitats access for dogs will be restricted.

Mechanisms

In the protection of wildlife Council will employ the following:

- **Access to Public Places (refer to 4.1)**

Access by dogs to public places will be restricted where the likelihood of conflict exists with wildlife. Through limiting access for dogs the likelihood of conflict is minimised or removed.

- **Bylaws (refer to 4.6)**

The bylaw which relates to this issue covers:

- specifying the public places in which access for dogs shall be limited or prohibited.

3.3 NUISANCES

Description of Issue

The activities of dogs can cause annoyance and discomfort to members of the community. The nuisances caused by dogs cover a wide range of issues and include:

- barking dogs
- dog faeces
- roaming dogs
- the general presence and activities of dogs.

It is important that when dogs do cause a nuisance that problems are identified and the appropriate measures are taken to minimise or mitigate their adverse effects.

Mechanisms

In the management of dog nuisances Council will employ the following:

- **Responsible Dog Owner Status (refer to 4.2)**
To minimise the nuisances caused by dogs by providing incentives designed to encourage responsible dog ownership.
- **Education and Obedience (refer to 4.3)**
Educating owners about the major nuisances associated with the ownership of dogs and how to avoid them.
- **Enforcement (refer to 4.4)**
When a nuisance exists, provide effective control to reduce the problem and provide sufficient deterrent against non-compliance with dog control laws. This includes:
 - issuing of a warning or infringement notice
 - prosecution where the offence or the effects of the offence are significant
 - impounding of roaming dogs
 - impounding of unregistered dogs.
- **Bylaws (refer to 4.6)**
The bylaw which relates to this issue covers:
 - ~~to provide for the impounding of roaming dogs~~
 - requiring owners to carry a receptacle for the collection of dog faeces when in a public place and remove and dispose of dog faeces
 - requiring owners to take such actions as are considered necessary to abate dog nuisances
 - controlling the number of dogs kept on a property.

3.4 DANGEROUS DOGS, MENACING DOGS AND THE PROHIBITION OF IMPORT OF CERTAIN DOGS

Description of Issue

Problems exist with a small section of the dog population, which poses a significant threat to the community through aggressive behaviour. These are the dogs that attack or threaten people or animals causing injury, damage or distress. It is important that where dogs are identified (through their behaviour) as dangerous or menacing that the appropriate actions are taken to control them.

Furthermore, certain dogs have been identified as subject to prohibition of importation and muzzling, as follows²

- Breed of dog; Brazilian Fila, Dogo Argentine, Japanese Tosa.
- Type of dog: American Pit Bull Terrier.

Mechanisms

In the management of dangerous dogs or menacing dogs Council will employ the following:

- **Enforcement (refer to 4.4)**

² Dog Control Act 2006 Schedule 4

Where dogs have through their actions shown themselves to be dangerous or menacing then appropriate actions will be taken. These include:

- issuing of a warning or infringement notice
- prosecution where the offence or the effects of the offence are significant
- classifying owners as probationary or disqualified
- classifying dogs as dangerous or menacing
- seizing and retaining in custody any menacing dog
- requiring dogs impounded to be retained in the pound pending a decision of the court
- prosecution of owners of any prohibited dog breeds without a Council approved exempting statutory declaration.

3.5 MICROCHIPPING DOGS

Description of Issue

Where a dog is classified as dangerous or menacing, it is registered for the first time or is impounded; the owner must provide permanent identification of the dog by arranging for the dog to be implanted with an approved microchip and supply Council with an implantation certificate.

Mechanisms

In management of ~~the introduction and implementation of~~ microchipping dogs, Council will employ the following:

- require that owners of a dangerous or menacing dog implant a microchip in the dog
- require that a dog ~~first registered after 1 July 2006~~ is implanted with a microchip the first time it is registered
- require that any dog impounded ~~from 1 July 2006~~ is implanted with a microchip before release
- issuing of a warning or infringement notices
- seizure for non-compliance
- prosecution

3.6 DOG WELFARE

Description of Issue

~~It is important to recognise that dogs have certain physiological requirements that need to be provided for.~~ The owners of dogs need to be aware that they have the responsibility to provide for their dog's welfare.

Mechanisms

In the management of dog welfare Council will employ the following:

- **Access to Public Places (refer to 4.1)**

The classification of public places should provide sufficient opportunities for owners to provide for the exercise and welfare needs of their dogs.

- **Responsible Dog Owner Status (refer to 4.2)**

APPENDIX 2

Incentives will be provided to promote responsible dog ownership. Council's responsible dog owner status criteria require owners, at the time of application for Responsible Dog Owner status, to correctly answer questions relating to dog care and welfare. ~~This will include the welfare requirements of dogs.~~

- **Education and Obedience (refer to 4.3)**

Information will be provided to owners about the welfare requirements of dogs and how to provide for them.

- **Enforcement (refer to 4.4)**

When welfare is not sufficiently provided for (including where a dog has not received proper care and attention) the Council will ensure that the appropriate action is taken and that sufficient deterrence against non-compliance with dog control laws, as they relate to dog welfare, are in place. This includes:

- issuing of a warning or infringement notice
- prosecution where the offence or the effects of the offence are significant.

- **Bylaws (refer to 4.6)**

The bylaw which relates to this issue covers

- areas where dogs shall be allowed on and off a leash
- restricted access for diseased dogs or bitches on heat.

3. 7 REGISTRATION

Description of Issue

The maintenance of a registration system is both a statutory requirement and an essential component of the efficient running of a dog control service.

Mechanisms

In the maintenance of a dog register Council shall employ the following:

- **Education and Obedience (refer to 4.3)**

Information will be provided to owners and potential owners about their obligation to register their dog.

- **Enforcement (refer to 4.4)**

Registration shall be monitored and action taken against owners that fail to register their dog. This includes:

- issuing of a warning or infringement notice
- impounding of unregistered dogs
- the requirement that all dogs be registered before they are released from the pound.

- **Fees (refer to 4.5)**

Provide incentives for registration by setting reasonable fees for the registration of dogs, and recognising and providing for responsible ownership. Penalties for late registration will be set.

3.8 DOG AND OWNER RECREATION

Description of Issue

Dog owners wish to enjoy a range of recreational activities with their dogs. Although the safety and health of the community takes priority it is still important to provide recreational opportunities for owners and their dogs.

Mechanisms

In the management of dog and owner recreation Council will employ the following:

- **Access to Public Places (refer to 4.1)**

The classification identification of public places to provide sufficient opportunities for owners to enjoy a range of recreational activities with their dogs.

- **Bylaws (refer to 4.6)**

The bylaw which relates to this issue covers:

- specifying the exercise areas in which dogs are allowed off leash.

3.9 COSTS

Description of Issue

The provision of a dog control service includes the maintenance of dog registration databases, the monitoring of regulations and bylaws, response to complaints, enforcement actions, and education programmes. It is important that the costs involved with the dog control service are identified and recovered through the appropriate means. Council will, where possible, recover the cost associated with dog control from those who benefit from the service where they can be identified.

There are constraints on Council recovering costs and the user of a service can not always be directly identified. The monitoring of regulations and bylaws or the impounding of a dog whose owner can not be identified are two examples where the immediate user of the service can not be identified. Enforcement actions (Council prosecuting an owner in Court) are an expensive process and the ability to recover these costs is constrained by law.

Where the cost can not be fully identified with a particular group the cost must still be allocated. The public does benefit from a dog control service (e.g. reduction in nuisance factors, safety issues addressed, no roaming dogs) and therefore they should contribute to the cost. However dog owners should incur most of Council's costs associated with the ownership of their dogs, including the costs associated with the provision of a dog control service.

~~Council will recover 75% of the total cost associated with dog control through:~~

- ~~• registration and control fees, and~~
- ~~• enforcement.~~

~~The residual (25%) will be met from residential rates.~~

~~The cost apportionment is set in Council's Funding Policy~~

Mechanisms

APPENDIX 2

- **Fees (refer to 4.5)**

Council will recover 75% of the total cost associated with dog control through:

- registration and control fees, and
- enforcement.
- residential rates

The residual (25%) will be met from residential rates. This cost apportionment is set in Council's Revenue and Financing Policy.

Council ~~may consider~~ will actively pursue appropriate sponsorship arrangements to offset Council's capital or operating costs.

4.0 Mechanisms

4.1 ACCESS TO PUBLIC PLACES

This mechanism will allow dogs and owners access to public places while ensuring public safety and comfort. Where it has been determined that there is a potential danger to public safety restricted access applies to identified areas.

Open spaces provide opportunities for dogs to exercise and socialise with other dogs. Dogs are allowed any where in the city on a leash except for those particular areas identified below as “*Prohibited Public Places*” or “*Prohibited Public Places (Specified times)*”.

The Act provides for the classification of public places. The policy uses the following classifications:

- controlled public places- dogs are allowed if controlled on a leash
- exercise areas - dogs are allowed and are not required to be on a leash
- exercise areas (specified times) – dogs are allowed and are not required to be on a leash at specified times
- prohibited public places - dogs are not allowed except in defined circumstances;
- prohibited public places (specified times) - dogs are not allowed at specified times.

Note: Dogs must be kept under control at all times in public places.

• Exemptions for certain dogs

Disability assist dogs will be exempt from all the restrictions over public places specified in this section.

(This exemption requires written authorisation from the appropriate organisation.)

Other working dogs will be exempt from the restrictions over public places specified in this section. These dogs must be working at the time to be exempt.

- All working dogs shall not need to be on a leash in a *Controlled Public Place* (as defined below).
- All working dogs except those kept solely or principally for the purposes of herding or driving stock shall not need to be on a leash in a *Prohibited Public Place* (as defined listed below).

The definition of what constitutes a working dog can be found in Section 5 (Definitions) of this Policy.

• Other Legislation

Dog access is also controlled by other legislation. The Dog Control Policy is also required to identify specific areas of land designated under specific legislation, these include:

- a controlled dog area - under the Conservation Act 1987
- an open dog area - under the Conservation Act 1987
- a national park - under the National Parks Act 1980

At present there are no areas in Wellington City that are classified according to these provisions.

Policy 1

That dogs and their owners should be provided with a reasonable level of access to public places, however this must be balanced with the need to prevent danger, and to minimise distress and nuisance to the public at large.

Policy 2

That where the likelihood of conflict exists between dogs and the public at large, access for dogs to public places shall be restricted.

Policy 3

That where the likelihood of conflict exists between dogs and wildlife, access for dogs to public places shall be restricted.

Policy 4

That Council provides designated exercise areas enabling dog owners to exercise their dogs off leash provided the dogs are kept under control at all times.

Classification of Public Places

In determining the levels of access for dogs the following general criteria have been considered.

Access should be restricted where:

- there is intense public use (high concentration of people)
- another predominant use exists
- there is the presence of significant wildlife and/or habitat
- there is significant risk to another group.

Access could be less restricted where:

- the area is not used extensively for sporting or other purposes
- the area is of significant size
- there are sufficient sight lines
- the area is well bounded from adjacent areas.

The exact definition of areas for which any restrictions will apply will be defined in the relevant bylaw.

4.1.1 CONTROLLED PUBLIC PLACES

All public places in Wellington City are classified pursuant to a bylaw made under section 20(1)(b) of the Act as controlled public places where dogs are allowed controlled on a leash, except for public places classified as:

- **Prohibited Public Places** under section 4.1.2 of this Policy (in these areas dogs are not allowed at any time)
- **Prohibited at a Public Places (Specified Times)** under section 4.1.3 of this Policy (in these areas dogs are not allowed during the times specified)
- **Exercise Areas** under section 4.1.4 of this Policy (in these areas dogs are allowed off a leash).
- **Exercise Areas (Specified Times)** under section 4.1.5 of this Policy (in these areas dogs are allowed off a leash).

4.1.2 PROHIBITED PUBLIC PLACES

These are areas where it is considered that a significant conflict exists. In order to prevent danger and to minimise distress and nuisance dogs are prohibited from these areas, except for rights of access as described below.

The following areas listed in Table 1 are will be classed as *Prohibited Public Places* in relation to dogs and pursuant to a bylaw made under section 20(1)(a) of the Act:

TABLE 1 PROHIBITED PUBLIC PLACES

1	Wellington Zoo	
2	Karori Wildlife Sanctuary	
3	Wellington International Airport	
4	Areas of Children’s Play Equipment	
5	Sportsfields	
6	Freyberg Beach	
7	Oriental Bay Beach	
8	Scorching Bay Beach	
9	Princess Bay Beach	
10	Palmer Head	Wahine Park (penguin nests etc.) to Tarakena Bay
11	Tarakena Bay Beach	To Moa Pt including Hue Te Taka - boat launching ramp and protected area
12	Lyllall Bay Beach	From the steps in the seawall, opposite no. 30 Lyall Parade (200 metres from the eastern side of the children’s playground) to the western end of the beach
13	Island Bay Beach	from the pier to the eastern end of the beach
13	Waitangi Park	The open grassed area

Right of Access

In an *Area of Children’s Play Equipment* owners shall be allowed to move through the area specifically for the purposes of moving from one side of the prohibited area to another. Any owner and their dog will be required to move directly through the prohibited area ~~via the most direct path.~~

Any owner and their dog will not be allowed in any *Area of Children’s Play Equipment* for any period of time other than is reasonably necessary for passing through that area.

Where an owner intends to transport their dog via the *Wellington International Airport* they shall be allowed access to that *Prohibited Public Place* specifically for that purpose.

These rights of access do not apply to *Sportsfields* or to the other *Prohibited Public Places* identified in Table 1.

4.1.3 PROHIBITED PLACES (SPECIFIED TIMES)

These are areas where it is considered that a significant conflict exists, however this is limited to particular times. In order to prevent danger, and to minimise distress and nuisance, dogs shall be prohibited from these areas during the times specified.

The following public places will be classed as *Prohibited Public Places* for the times specified in relation to dogs and pursuant to a bylaw made under section 20(1)(a) of the Act.

Island Bay Beach – The area from the pier to the eastern end of the beach shall be classed as a *Prohibited Public Place between the hours of 9am and midnight.*

Kaiwharawhara Park and Arthur Carmen Park – shall be classed as *Prohibited Public Places from the end of Wellington Anniversary Weekend to the end of Labour Weekend.*

Seal Colony Restrictions

Sinclair Head – the area of Sinclair Head shall be classed as a *Prohibited Public Place from the 1st of May to the 31st of August each year.*

South Coast – seal ‘haul out’ areas along the South Coast may change from year to year. Areas where seals congregate shall be classed as *Prohibited Public Places from the 1st of May to the 31st of August each year.*

Central City Restriction

The area of the Central City defined on Map 1 below shall be classed as a *Prohibited Public Place between the hours of 8am and 6pm, 7 days a week.*

Rights of Access

The owners of dogs registered within the central city area shall be allowed to move through the central city area during the prohibited times specifically for the purposes of moving in or out of the restricted area. Any owner and their dog will be required to move directly through the prohibited area. ~~via the most direct path.~~

Summer Beach Restriction

The following beach areas shall be classed as *Prohibited Public Places between 9am and 7pm every day during national ‘Daylight Savings’ hours.*

TABLE 2 BEACH AREAS RESTRICTED DURING SUMMER

1	Balaena Bay Beach
2	Hataitai Bay Beach
3	Island Bay Beach (from the pier to the western end of the beach)
4	Seatoun Beach (including Churchill Park)
5	Worser Bay Beach

MAP 1: CENTRAL CITY RESTRICTED AREA



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Central City Dog Restriction Area

	CBD Dog Control		Add
			Remove



4.1.4 EXERCISE AREAS

The following areas shall be classed pursuant to a bylaw made under section 20(1)(d) of the Act as *Exercise Areas*, where dogs can be exercised off a leash. However, owners are required to maintain control over their dog at all times.

TABLE 3 EXERCISE AREAS

	Exercise Areas	Locations
1	Arthur Carmen Park	Collins Ave, Linden
2	Duncan Park	Linden Ave, Tawa – area between stream and Nathan St
3	Grasslees Reserve	Main Rd, Tawa – western side of stream to Main Rd
4	Taylor Park	Taylor Tce, Tawa – southern area of park behind badminton hall
5	Willowbank Park	Main Rd, Tawa – area north of scout hall and area on eastern side of stream
6	Churton Park	Halswater Dr, Churton Park – southern side of Halswater Dr up to sports field area
7	Edward Wilson Park	Churton Dr, Churton Park – hill slopes to Middleton Rd
8	Seton Nossiter Park	Mark Ave, Paparangi/Newlands – valley floor, not including the Mark Avenue access path, up to the stream crossing adjacent to the Paparangi School boundary and the titoki grove
9	Spemore St Park	Spemore St, Newlands
10	Waihinahina Park	Ladbrook Dr, Newlands - large flat area to the south on right-hand side of car park
11	Meekwood Reserve	Ohariu Rd, Johnsonville – Ohariu Rd side of reserve up to crest of hill
12	Flinders Park	Flinders Place, Johnsonville – area to south of carpark
13	Cashmere Park	Onslow Rd, Khandallah
14	Silverstream Rd Reserve	Silverstream Rd, Crofton Downs – part of Huntleigh Park, area south of play area
15a	Cummings Park	Ottawa Rd, Ngaio – area to east of stream in central part of reserve
15b	Chelmsford Reserve	Chelmsford Street, Ngaio
16	Trelissick Park	Ngaio Gorge Rd, Ngaio – valley floor from Ngaio Gorge Rd to first sewer trap
17	Odell Reserve	Punjab St, Khandallah – area up to reservoir

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18	Kaiwharawhara Park	Hutt Rd, Kaiwharawhara
19	Izard Park	Wilton Rd, Wilton – area north and east of play equipment
20	Top of Tinakori Hill	Weld St, Wadestown – open areas along summit
21	Tinakori Slopes	Wadestown Rd, Thorndon – hill slopes from summit to Wadestown Rd
22	Ian Galloway Park	Curtis St, Northland – bottom area adjacent to BMX track and skateboard ramp
23	Karori Park	Karori Rd, Karori – area north of sports fields
24	Monaghan Rd Reserve	Monaghan Rd, Karori
25	Wrights Hill	Wrights Hill Rd, Karori – parade ground area
26	The Terrace	The Terrace behind numbers 230-242, grassed area above motorway entrance to Terrace Tunnel
27	Mitchelltown School Site	Holloway Rd, Aro Valley – area above Holloway Rd/Aro St
28	Ohiro Park (aka Tanera Park)	Ohiro Rd, Brooklyn – open area on ridge
29	Kowhai Park	Mitchell St, Brooklyn
30	Charles Plimmer Park	Palliser Rd/Majoribanks St, Mt Victoria – area above petanque to Palliser Rd entrance
31	Ellice St Quarry	Ellice St, Mt Victoria
32	Cog Park	Evans Bay Parade, Hataitai
33a	Hataitai Park	Ruahine St/Alexandra Rd Hataitai – open area along Ruahine St from badminton hall to park entrance. Open area from Alexandra Rd to behind badminton hall
33b	Vice Regal North	Coromandel Street
33c	Alexandra Road West	Alexandra Road
34	Liardet & Balfour St Corner	Liardet St, Vogeltown – open area on west side of Liardet St
35	Macalister Park	Adelaide Rd, Berhampore – area south of sports field area
36	Owen Street	Lower terrace on southern end of Owen St
37	Newtown Park	Russell Tce – pine plantation at top end of Newtown Park
38	Mt Albert	Mt Albert Rd, Melrose – hill areas behind hockey stadium and Chinese Sports and Cultural Centre

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39	Sinclair Park	Houghton Valley Rd, Melrose – terraced areas in park down from Houghton Valley School excluding bottom field
40	Prestons Gully	Murchison Rd, Happy Valley
41	Dorrie Leslie Park	Queens Dr, Lyall Bay – open space along coast north from Arthurs Nose to residential area
42	Bann St	Orchy Cres/Bann St, Island Bay - Hill top between Orchy Cres and Bann St
43	Reef St	Reef St/The Esplanade, Island Bay – corner opposite Shorland Park
44	Maupuia Walkway (Old Prison Rd)	Maupuia Rd/Akaroa Dr, Maupuia - open walkway accessed from Maupuia Rd and Akaroa Dr
45	Ataturk Memorial	Eastern Walkway, grass valley on left arm of walkway heading north from the Memorial
46	Worser Bay/Awa Rd intersection	Awa Rd, Seatoun – corner of Awa Rd and Marine Parade opposite Worser Bay beach
47	Tukanae St Reserve	Tukanae St, Strathmore – reserve accessed from Tukanae St
48	Cliff Gaskin Reserve	Makara Rd, Makara Village
Beach Exercise Areas		
49	Te Kopahou	Beach area from Owhiro Bay Parade to Fly Rock
50	Owhiro Bay	Beach area along Owhiro Bay Parade
51	Weka Bay Beach	
52	Kio Bay Beach	
53	Evans Bay Beach	
54	Lyall Bay Beach	From the steps in the seawall, opposite no. 30 Lyall Parade (200 metres from the eastern side of the children's playground) to the airport end of the beach
55	Little Karaka Bay Beach	
56	Makara Beach	
57	Houghton Bay Beach	

4.1.5 EXERCISE AREAS (SPECIFIED TIMES)

The following beach areas shall be classed as *Exercise Areas (Specified Time)* Dogs are allowed off leash, remaining under control at all times, between 12:00 am (midnight) – 9:00 am.

TABLE 4: EXERCISE AREAS (SPECIFIED TIME)

	Exercise Areas	Comment
1	Island Bay Beach	Pier to the eastern end of the beach
2	Seatoun Beach	Hector Street South to Point Dorset
3	Worser Bay Beach	Entire Beach

4.1.6 PARK EXERCISE AREAS (SPECIFIED TIMES)

The following park areas shall be classed as *Park Exercise Areas (Specified Time)* Dogs are allowed off leash, remaining under control at all times, from Labour Weekend to Wellington Anniversary Weekend.

TABLE 5: PARK EXERCISE AREAS (SPECIFIED TIME)

	Park Exercise Areas	Comment
1	Arthur Carmen Park	Collins Ave, Linden
2	Kaiwharawhara Park	Hutt Road, Kaiwharawhara

4.2 RESPONSIBLE DOG OWNER STATUS

Wellington City Council promotes a responsible dog owner status whereby fees are reduced to encourage responsible dog ownership. The reduced fees are set for owners that comply with set criteria.

Council recognises that encouraging responsible dog ownership is an effective means of preventing danger and minimising distress and nuisance and to this end will continue to provide incentives for the owners of dogs to become responsible owners.

Policy 5

That the Wellington City Council will actively encourage responsible dog ownership through the promotion of the Responsible Dog Owner (RDO) status.

Criteria for Responsible Dog Owner Status

To be classified as a *Responsible Dog Owner* the following must be met:

- registration fees must be paid by 1 July.
- the owner must comply with Wellington Consolidated Bylaws as they relate to dogs
- the owner must, at the time of application, correctly answer questions relating to dog care and welfare
- either
 - the owner must have been a registered owner in Wellington for at least one year

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or

- if an owner has not been registered in Wellington for at least one year the owner shall be required to attend and pass an approved Responsible Dog Owner Education and Obedience course

or

- the owner must provide adequate proof of having held this status from their previous authority.
- the owner must **not** have:
 - received a conviction under the Act
 - received an infringement notice in the ~~last two years~~ **last year**
 - had a dog impounded in the ~~last two years~~ **last year**
 - **been the subject of a substantiated public complaint in the ~~last two years~~ last year**
 - been classified as a Probationary or Disqualified owner
- the area of the property that the dog has free access to must be fully fenced and gated
- any outside kennels must be weatherproof and hygienic
- all dogs must be checked annually by a Veterinary Surgeon.
- **the owner must pay a fee to cover a site inspection**

Application must be made to Council before the benefits of the *RDO* status can be gained.

Cancellation

Cancellation of Responsible Dog Owner status shall occur in the following situations:

- if a responsible dog owner is convicted of an offence under the Act. *The owner shall never be permitted to be reinstated as a Responsible Dog Owner*
- if a responsible dog owner is issued with an infringement notice. *The owner shall not be permitted to be reinstated as a Responsible Dog Owner for two years*
- if a responsible dog owner's dog is impounded. *The owner shall not be permitted to be reinstated as a Responsible Dog Owner for two years*
- if a responsible dog owner has had one substantiated complaint then the owner *shall not be permitted to be reinstated as a Responsible Dog Owner for one full year.*
- if a responsible dog owner fails to pay dog registration fees by the due date (1 July) then the owner *shall not be permitted to be reinstated as a Responsible Dog Owner until after one registration payment is made by the due date.*

If a responsible dog owner changes address at any time then the owner must reapply for Responsible Dog Owner status at the new address **and pay another fee.**

Unless cancelled for one of the reasons set out above, RDO status remains valid unless an owner has had no registered dogs for at least 24 months.

Note: Classification as a *Responsible Dog Owner* applies to all dogs owned by an individual. Responsible dog owners still require a licence to keep more than three dogs (see section 4.6.5 of this Policy).

4.3 EDUCATION AND OBEDIENCE

Wellington City Council recognises that ~~it is important that~~ the provision of education will help to promote greater awareness both in owners and the general community about the issues associated with dog control.

Education and the provision of information about dogs and their requirements is seen as a method of being able to address dog control problems before they occur. ~~With the new requirements of the Act~~ It is important that owners are aware of what is demanded of them under the Act and how they are able to address dog control problems as they arise.

All members of the community come into contact with dogs on a regular basis. For this reason it is important to educate the wider public about dog control issues. Education should focus on those groups in the community that come into regular contact with dogs or are at a higher risk from dogs, these include:

- prospective owners
- children
- the providers of education and obedience programmes.

Providing obedience courses is a method of addressing dog control problems and issues in a more precise manner. The use of these courses is seen as a method of reducing dog control problems in particular cases. In the development and use of education and obedience courses as tools of dog control Council will maintain the following policies.

An opportunity exists to use the microchipping service provided at the Animal Shelter to build rapport with dog owners, and encourage responsible dog ownership.

Policy 6

Council will engage in education with the following aims:

- to promote maximum public safety
- to promote responsible dog ownership
- to promote the provisions of the Act and the Wellington City Dog Policy.

Policy 7

Council will engage in the education of owners on the following matters:

- the requirements and welfare of dogs
- major dog control problems and their avoidance
- the obligations imposed on dog owners under the Act and the Wellington City Dog Policy.

Policy 8

Council will engage in the education of the general public, including children and other high risk groups, on the following matters:

- the needs and welfare of dogs
- major dog control problems and their avoidance
- the rights of the general public
- dog safety, the handling of dogs.

Policy 9

Council will encourage the use of approved education and obedience courses through the criteria for a responsible dog owner (see section 4.2 of this Policy) and for owners that have been classified as probationary (see section 4.4.3 of this Policy).

4.4 ENFORCEMENT

The Act provides several powers to territorial authorities to control dogs and enforce the requirements of the Act. The use of enforcement mechanisms are provided to allow territorial authorities to effectively carry out their obligations, to protect the community and to offer a sufficient deterrent against non-compliance with the law.

This section outlines the different enforcement mechanisms that are available to the Wellington City Council and identifies how they will be applied. The application of many of the mechanisms that are discussed in this section are prescribed by the Act and are not open to interpretation by Council. This has been identified where relevant.

The different methods of enforcement have been outlined below.

4.4.1 PROSECUTION

The Act sets out the obligations of dog owners. Where a person has failed to comply with a particular obligation under the Act they can be prosecuted in a Court of Law. These criminal offences carry heavy fines, a criminal conviction and under particular extreme circumstances imprisonment. The situations for which a person can be prosecuted are defined in the Act and are set out in Table 5 below. All references are to the Act.

TABLE 5 OFFENCES UNDER THE DOG CONTROL ACT

Name of Section	Description of the offence	Section of the Act
Wilful obstruction of dog control officer or dog ranger	Obstructing an officer	18
Power of constable, dog control officer, or dog ranger to request information about owner	Failure or refusal to supply information	19
Power of constable, dog control officer, or dog ranger to request information about dog	Failure or refusal to supply information about dog	19(A)
Dog Control Bylaws	Failure to comply with a bylaw made under this section.	20
Territorial authority	Failure to undertake training	23A

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may require probationary owner to undertake training		
Obligation of probationary owners to dispose of unregistered dogs	Failure to dispose of unregistered dog	24
Effect of disqualification	Failure to comply with the requirements of a disqualified owner classification	28
Effect of classification as dangerous dog	Failure to comply with requirements of a dangerous dog classification. Selling a dog classified as a dangerous dog without disclosing the information to the other person that the dog is classed as dangerous.	32
Offence to fail to comply with section 33E(1) or 33EB	Failure to comply with requirements of menacing classification	33EC
Owner must advise person with possession of dangerous or menacing dog of requirement to muzzle and leash dog in public	Failure to advise person of muzzle and leash requirements	33F
Microchip transponder must be implanted in certain dogs	Failure to implant microchip transponder in dog	36A
Penalty for false statement relating to application for registration	Supplying false information in application for registration.	41
Dead dogs	Supplying false information that dog has died	41A
Offence of failing to register dog	Failure to register dog	42
Issue of label or disc and completion of registration	Procuring or attempting to procure a replacement registration tag for a dog that has not lost its current tag.	46
Change of ownership of registered dog	Failure to notify territorial authority of change of ownership within 14 days.	48
Transfer of dog from	Failure to notify territorial authority	49

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one address or district to another	of change of address	
Offences relating to collars labels, and discs	Removal of registration tag, use of another dogs tag or making counterfeit tags	51
Control of dog on owner's property	Failure to keep dog under control	52A
Offence of failing to keep dog under control	Failure to keep dog under control	53
Obligations of dog owner	Failure to comply with the obligations of an owner.	54
Owner must use or carry leash in public	Failure of owner to carry a leash in a public place	54A
Barking dogs	Failure to comply with a barking notice issued under section 55	55
Dogs attacking persons or animals or rushing at vehicles	Dogs attacking persons or animals; dogs rushing persons, animals or vehicles causing an accident	57
Dogs causing serious injury	Dogs causing serious injury to any person or death of protected wildlife	58
Orders relating to dog seen worrying stock	Failure to comply with a notice issued under section 61.	61
Allowing dogs known to be dangerous to be at large unmuzzled	Allowing dog known to be dangerous to be in a public place unmuzzled	62
Offence to release dog from custody	Releasing a dog that is under the custody of a territorial authority other than in accordance with the Act	72
Regulations	Failure to comply with regulations made under the Act	78

Prosecution can be a costly process both in terms of time and resources and alternative methods of enforcement do exist. However, where an offence is considered to be serious and sufficient evidence exists Council will consider prosecuting an offender in a Court of Law. This includes situations where a dog has:

- caused significant damage to property
- caused significant damage or injury to any person or animal
- caused severe distress
- caused danger, distress or nuisance to any person or the community on a number of occasions.

4.4.2 INFRINGEMENT NOTICES

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The Act empowers Dog Control Officers to issue infringement notices which impose an “instant” fine on the recipient. Infringement notices can only be issued for particular offences (called infringement offences) as listed in Table 6 below.

TABLE 6 INFRINGEMENT OFFENCES UNDER THE DOG CONTROL ACT

Section	Brief description of Offence	Infringement Fee
18	Wilful obstruction of dog control officer or ranger	\$750
19(2)	Failure or refusal to supply information or wilfully stating false particulars	\$750
19A(2)	Failure to supply information or wilfully providing false particulars about dog	\$750
20(5)	Failure to comply with any bylaw authorised by section 20 of this Act (For a more detailed description of bylaws within Wellington City see section 4.6 of this Policy)	\$300
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	\$300
24	Failure to comply with obligations of probationary owner	\$750
28(5)	Failure to comply with effects of disqualification	\$750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300
32(4)	Fraudulent sale or transfer of dangerous dog	\$500
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	\$300
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100
36A	Failure to implant microchip transponder in dog	\$300
41	False statement relating to registration	\$750
41A	Falsely notifying death of dog	\$750
42	Keeping unregistered dog	\$300
46(4)	Fraudulent attempt to procure replacement label or disk	\$500
48(3)	Failure to advise change of ownership	\$100
49(4)	Failure to advise change of address	\$100
51(1)	Removal or swapping of labels or discs	\$500
52A	Failure to keep dog controlled or confined	\$200
53(1)	Failure to keep dog under proper control	\$200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	\$300
54A	Failure to carry leash in public	100
55(7)	Failure to comply with barking dog abatement notice	200

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62(4)	Allowing dog known to be dangerous to be at large unmuzzled	\$300
62(5)	Failure to advise of muzzle and leashing requirements	\$100
72(2)	Releasing dog from custody	\$750

These fines range from \$100 - \$750 (as set by the Act) and once issued the recipient has 28 days to settle. After this period of time a reminder notice is issued. Twenty-eight (28) days after issue of a reminder notice the infringement can be filed with the court. The court can then serve proceedings to recover any outstanding fines and any additional costs incurred.

The use of infringement notices is considered an efficient method of enforcement and allows Council to fulfil its objectives under this Policy. Council will consider issuing an infringement notice rather than referring an offence to the court. As part of this system Council may issue warning notices for particular infringement offences.

4.4.3 CLASSIFICATIONS

Under the Act the Wellington City Council has the ability to classify owners as probationary or to disqualify owners from owning a dog. These classifications only apply in certain situations and carry restrictions on that person owning a dog.

Probationary Owners

The Act allows Council the discretion to classify any person that has been convicted of an offence under the Act or has received three infringement notices in 24 months as a probationary owner.

Therefore where an owner is convicted of an offence under the Act or has received three infringement notices within 24 months, Council will classify, in all situations, that owner as probationary for the period of 24 months.

The probationary classification has the following effects:

- the owner is not allowed to own any other dogs than were owned at the time the classification was made
- the owner must dispose of any unregistered dogs

A probationary owner has the right to object to the classification and the Act sets out a number of matters whereby the two year probationary period can be reduced. In considering an objection Council will have regard to:

- the circumstances and nature of the offence(s)
- the competence of the person in terms of responsible dog ownership
- any steps taken by the person to prevent further offences
- the matters advanced in support of the objection and
- any other relevant matters.

In addition to the matters listed Council will encourage owners to undertake approved education and obedience courses.

Disqualification of Ownership

Any owner convicted of an offence under the Act, or who has received three infringement notices can be immediately disqualified from owning any dog. A probationary owner who is convicted of a further offence, or receives three further infringement notices can be disqualified from owning a dog. It is not necessary for an owner to be classified as a probationary owner before being disqualified. The disqualified owner must dispose of all dogs they own and can not own any more dogs for up to five years. A disqualified owner has the right to object to the classification.

4.4.4 BARKING DOGS

The provisions for dealing with barking dogs are covered by sections 55 and 56 of the Act. Where a dog is considered to be causing a nuisance through persistent and loud barking or howling a dog control officer may issue the owner of the dog with a notice requiring the owner to make such reasonable provisions to abate the nuisance as are specified in the notice.

The owner of the dog has seven days to either comply with the notice or object to Council about the content of the notice. If after the seven day period the notice has not been complied with and further complaints have been received, a dog control officer may remove the dog from the land or premises.

If an objection has been received the objector shall have the right to be heard by Council. Council shall consider the notice and any evidence submitted with the objection and shall confirm, cancel or modify the notice.

4.4.5 CLASSIFICATION AS DANGEROUS DOG

Under the Act provision is made for classifying individual dogs as dangerous. This classification is made where:

- an owner of the dog has been convicted of an attack offence under section 57A(2) of the Act or
- the territorial authority has sworn evidence that the dog has shown aggressive behaviour or
- the owner admits that the dog constitutes a threat to the safety of any person, animal or stock.

This procedure is prescribed by law and is not open to interpretation by Council.

In addition to all other obligations the owner of any dog that is classified as dangerous must:

- ~~ensure their property is fully fenced and gated~~ ensure the dog is kept within a securely fenced portion of the owner's property that it is not necessary to enter to obtain access to at least one door of the property
- ensure the dog is muzzled in any public place
- ensure the dog is neutered within one month of classification
- ensure the dog is microchipped within two months of classification
- pay a higher registration fee
- not dispose of the dog to any other person without the written consent of the territorial authority.

Classifying dogs as dangerous is an effective method of controlling individual dogs that have demonstrated aggressive or dangerous behaviour. Council will, where appropriate, classify dogs as dangerous.

4.4.6 CLASSIFICATION AS MENACING DOG

Classifying dogs as menacing is an effective method of controlling individual dogs that have demonstrated aggressive or dangerous behaviour. Council will, where appropriate, classify dogs as menacing.

The menacing classification is made where Council considers a dog may:

- pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog or
- has characteristics typically associated with a prohibited dog breed or type.

Menacing classification due to breed or type

In addition to all other obligations the owner of any dog that is classified as menacing due to breed or type must:

- ensure the dog is muzzled in any public place
- ensure the dog is neutered within one month of classification
- ensure the dog is microchipped within two months of classification

Menacing classification due to deeds or behaviour

In addition to all other obligations the owner of any dog that is classified as menacing due to deeds or behaviour:

- must ensure the dog is muzzled in any public place
- may be ordered by the Council to have the dog neutered, within 1 month of notification. The matters taken into account in requiring a dog to be neutered include the likelihood of the dog posing a threat in public and whether neutering is likely to curb the menacing behaviour
- must ensure the dog is microchipped within two months of classification.

4.4.7 IMPOUNDING AND SEIZING

The Act sets out certain provisions for the impounding of dogs. Where any dog is found at large in a public place in contravention of a bylaw or, on any property other than the owners, it may be impounded. Where any dog is impounded and the owner is known, Council shall make all attempts to contact the owner. The owner then has seven days to recover the dog from the pound.

Where the owner of the dog is unknown Council must keep the dog for seven days. If the dog is not claimed, after this time the dog may be disposed of (for example a new owner found) or destroyed as Council sees fit.

Where the owner of a dog does not comply with registration requirements or the requirements of a menacing dog classification the dog(s) may be seized and impounded.

Where a dog is recovered claimed from the pound, it shall not be released until all registration requirements and all registration and pound fees are paid and the dog has been microchipped.

4.4.8 ABATEMENT OF NUISANCE

Where a complaint has been received and a dog control officer considers that a nuisance exists the officer may issue the owner with a notice requiring the owner to take such steps as are specified in the notice to abate the nuisance. These notices shall be issued pursuant to the Wellington Consolidated Bylaw 2008: Part 2 - Animals.

4.5 FEES

This section outlines how what fees will be set. Under the Act fees can be set for several matters. Section 37 states that:

“The dog control fees payable to a territorial authority shall be those reasonable fees prescribed by resolution of that authority for the registration and control of dogs under this Act.”

Council may ~~also~~ set lower fees for particular types of dogs or owners, or penalty fees for late payment.

Under section 68 of the Act Council can set fees for the impounding of dogs. This includes fees for seizure, sustenance, and the destruction of a dog. These fees can be varied for registered and unregistered dogs and may be graduated for repeated impounding of the same dog.

Fees set under the Act are listed in Table 7, along with other miscellaneous fees which Council sets in relation to dogs.

Fees may vary and will be set and advertised before the beginning of each registration year (1st July to 30th June).

TABLE 7 CATEGORIES FOR WHICH FEES WILL BE CHARGED UNDER THE ACT

<p>Registration</p> <ul style="list-style-type: none"> • responsible dog owner • neutered (spayed or castrated) dogs • entire dogs • newly registered dogs • working dogs • approved guide dogs, hearing dogs and companion dogs. • disability assist dogs • dangerous dogs
<p>Impounding</p> <ul style="list-style-type: none"> • first impounding • subsequent impounding in same registration year • daily sustenance fee.
<p>Miscellaneous</p> <ul style="list-style-type: none"> • licence fee for more than three dogs (other than rural premises) • collection or delivery of dog on behalf of owner • euthanasia of dog at owner's written request • replacement registration tag • site inspection fee for Responsible Dog Owner status.

Wellington City Council in seeking to encourage responsible ownership ~~will offer~~ offers a reduction in registration fees for the following:

- ~~having a dog~~ neutered (spayed or castrated) dogs
- owners who are classified as Responsible Dog Owners
- working dogs
- disability assist dogs
- ~~Guide Dogs~~
- ~~Hearing Ear Dogs~~
- ~~Companion Dogs.~~

For definitions of the types of dogs listed above refer to section 5.0 (Definitions) of this Policy.

4.6 BYLAWS

Under the Act the Council has the ability to create bylaws to give effect to the Dog Policy. The Act lists the particular matters for which bylaws can be made. Council has ~~identified several issues for which~~ made bylaws ~~will be created~~ to give effect to the objectives of this ~~previous Dog Control Policy,~~ and will amend those bylaws to reflect changes made in this Policy. The following sections outline the bylaws.

4.6.1 NOTICE TO ABATE DOG NUISANCE

Where a Dog Control Officer considers that any dog or the keeping of any dog has become a nuisance, or injurious or hazardous to the health, property, or safety of any

member of the public, an officer may in writing require the owner to do any or all of the following:

- reduce the number of dogs kept on a premises
- construct, alter, reconstruct or improve the kennels or other buildings used to house or contain the dog or dogs

and

- take such action as an officer deems necessary to minimise or remove the likelihood of nuisance, or injury or hazard to health, property, or safety to any of member of the public.

4.6.2 RESTRICTION ON DISEASED DOGS OR DOGS ON HEAT

Where any dog is infected with mange, distemper or other infectious disease; or any bitch is on heat the owner of that dog shall not allow the dog in any public place.

4.6.3 FOULING OF PUBLIC PLACES

Where any dog defecates in a public place or on land or premises other than that occupied by the owner, the owner or handler of the dog shall ~~forthwith~~ immediately remove and dispose of the faecal matter. Owners shall carry a receptacle for the collection and removal of dog faeces at all times when in a public place .

4.6.4 DOGS IN PUBLIC PLACES

The bylaw shall identify the public places where dogs shall be:

- controlled (allowed on a leash)
- allowed to be exercised (allowed off a leash) and
- prohibited (not allowed).

These areas shall be identified, from time to time by resolution of Council, ~~and must be consistent with the areas identified in the Dog Control Policy.~~ These areas must be identified ~~specified~~ in the bylaw to allow Dog Control Officers to enforce the public place restrictions made under the Dog Policy.

This bylaw shall also specify particular dispensations for particular dogs where the general provisions of the bylaw may not apply or may be altered.

4.6.5 ~~IMPOUNDING~~

~~The bylaw will allow for Dog Control Officers and Rangers to impound roaming dogs and dogs found without their owners.~~

4.6.5 ~~COUNCIL PERMISISON LICENCEREQUIRED~~ FOR MORE THAN THREE DOGS

The bylaw shall require that any owner or occupier of premises (other than on a rural property) who keeps more than three dogs in total on the property must obtain a ~~licenee~~ permission to do so. In considering an application ~~whether to grant permission~~ Council shall have regard to the danger, distress and nuisance that would be caused to the community generally if ~~the licenee were issued~~ permission was granted.

Council shall have the right to impose terms and conditions on the issuing of the licence granting of permission, including:

- specifying the number of dogs that may be kept at any one time
- specifying the duration of the licence permission
- ~~specifying the particular dogs to which the licence shall relate to~~
- restrictions as to the purpose for which such dogs may be kept and
- provision for hygiene, control and confinement and
- provision for the protection of other persons or property from being affected in any way by the dogs.

The Council may fix an annual fee for a licence issued for permission to keep more than three dogs on a property.

5.0 Definitions

To assist with the understanding of this Policy the following definitions have been included. The definitions are from the Dog Control Act 1996 (The Act).

“Companion dog” means a dog certified by the Top Dog Companion Trust as being a companion dog or a dog under training as a companion dog.

“Dangerous dog” means any dog that behaves aggressively and threatens the safety of the public, stock, poultry, domestic animal or protected wildlife.

“Disability assist Dog” means a dog certified by 1 of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:

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

“Dog control fee” means any fee prescribed under section 37 of the Act.

“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

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- (c) any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

“Guide dog” means a dog certified by the Royal New Zealand Foundation for the Blind as being a guide dog or a dog under training as a guide dog.

“Hearing ear dog” means a dog certified by the Hearing Association (Incorporated) as being a hearing ear dog or a dog under training as a hearing ear dog.

“Infringement offence” has the meaning given to it in section 65(1) of the Act. (listed in Table 6 of this Policy).

“Menacing dog” means any dog the authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife due to observed or reported behaviour OR shows characteristics typically associated with the dogs breed or type; listed in section 3.4 of this Policy. and any dog the authority has reasonable grounds to believe belongs wholly or predominantly to 1 or more breeds or types listed in Schedule 4 of the Act.

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

“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 this Act or the Animal Welfare Act 1999 ~~Animals Protection Act 1960~~ or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Act or the Animal Welfare Act 1999 ~~Animals Protection Act 1960~~.

“Poultry” means any live bird (including a domestic fowl, a duck, a goose, a turkey, a guinea-fowl, a pheasant, an emu, an ostrich, a quail, or a pigeon) that is kept or raised for the purpose of sale or of producing eggs, hatching eggs, or poultry products or for the purpose of rearing on behalf of another person.

“Probationary” means any owner who has received three or more infringement notices in a period of 24 months

“Protected wildlife” means:

- (a) any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953 and
- (b) any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than an animal in such circumstances that it may be hunted or killed under the authority of subsection (2) of that section and
- (c) any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978.

“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.

“Registration year” has the same meaning as that given to the term “financial year” by section 5(1) of the Local Government Act 2002 ~~2 of the Local Government Act 1974. (Currently this is from the 1st July in any one year through to the 30th June of the following year).~~

“Roaming dog” means any dog that is found in any public place or on any land or premises other than that occupied by the owner which is unaccompanied by their owner.

“Rushing” is defined as when a dog in a public place —

- (a) rushes at, or startles, any person or animal in a manner that causes—
 - (i) any person to be killed, injured, or endangered; or
 - (ii) any property to be damaged or endangered; or
- (b) rushes at any vehicle in a manner that causes, or is likely to cause, an accident.

“Stock” means:

- (a) any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule, or water buffalo that is not in a wild state
- (b) any deer, goat, thar, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes.

“Substantiated complaint” means a complaint where a Dog Control Officer considers there is enough evidence to support a case in a court of law.

“Working dog” means:

- (a) any guide dog, hearing ear dog, or companion dog
- (b) any dog
 - (i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the 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, officer, or employee; or
 - (ii) Kept solely or principally for the purposes of herding or driving stock; or
 - (iii) Kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department or
 - (iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993 or
 - [(iva) kept by the Department of Corrections or any other officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department or
 - [(ivb) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any other officer or employee of that Service

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solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or

- [(ivc) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers 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 or principally for the purposes of carrying on the business of a security guard or
- (vi) declared by resolution of the territorial authority to be a working dog for the purposes of the Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.