

Policy on Dogs

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Background

As a part of its 2001/02 Annual Plan, Council reviewed its policy on dogs. A dog policy is a requirement of the Dog Control Act 1996.

Under the Act, when adopting a policy on dogs Council is required to have regard to:

- the exercise and recreational needs of dogs and their owners
- the need to minimise danger, distress and nuisance to the community generally.

In addition, the policy is required to contain information about controlled and restricted areas, and bylaws which give effect to the policy. It may also contain such other information as Council sees fit including but not restricted to fees, education, obedience, owner classification and infringement notices.

This paper sets out Council's policy on dogs and has been divided in five sections:

- Section one defines the issues relating to dogs in Kaipara District.
- Section two discusses the key directions of Council's Policy.
- Section three defines the objectives of the Policy.
- Section four contains the Policy on dogs.
- Section five presents a matrix to assist readers understand the connections between issues and the methods used in the Policy.

Issues

Council's Dog Policy is based on an assessment of current issues. These issues are as follows:

Dog Welfare

Council is required by legislation to ensure dogs are cared for as well as being under control. Dog welfare does not generate a high number of complaints however, programmes do need to be in place to ensure that welfare does not become a major issue.

Wandering Dogs

Wandering dogs account for 60% of all dog complaints. The greatest numbers of complaints are in the Dargaville urban area, there is an increasing number of complaints in the Otamatea ward especially Mangawhai.

Wandering dogs are not only a public nuisance, they are also a threat to wildlife (eg. kiwis and other bird life).

Barking

Barking is predominantly an urban issue and accounts for 20% of all complaints.

Aggressive Behaviour

Rushing and biting are the subject of 10% of complaints. This is generally an urban problem.

Stock Attacks

Stock attacks are predominantly a rural problem and account for 10% of all complaints.

Unregistered Dogs

There continues to be a problem with the number of unregistered dogs in the Kaipara.

Conflicts Over Use of Space

Council has obligations to protect wildlife and amenities, and to minimise danger, nuisance and distress caused by dogs. These must be balanced against the need for dogs to exercise and the management of the rights of dog owners. Areas where dogs may cause distress or nuisance need to be identified and restrictions placed on the use of these areas.

Key Directions

A Greater Emphasis On Education

Kaipara District Council recognises that the issues outlined above are not the responsibility of the dog but of the owner. To either change the behaviour of dogs or to ensure dogs are provided with the necessities of life will require a greater awareness on the part of all owners. It is proposed to educate the public through a range of educational tools including a dog owner manual, the media, field days, A&P shows, education in schools.

Continue High Level Of Enforcement Activities Especially In Larger Urban Areas

The main problem with dogs continues to be wandering. Sixty percent of all complaints received relate to wandering dogs. Regular patrols are carried out at present as well as door-to-door checks and responding to complaints. It is intended that in the future these activities will be more focused on the larger urban areas where there is currently the greatest need.

Regular Monitoring Of The Effectiveness Of The Policy

Council will establish a framework for monitoring the effect of the education and enforcement activities. This information will be used to ensure that the Policy is achieving Council's objectives and enable Council to make adjustments when necessary.

Objectives

The objectives:

- 1 Dogs in the Kaipara adequately cared for.
- 2 Dogs under control at all times.

Policy ¹

Education ²

Council will seek to educate dog owners to provide for the welfare and control of their animals.

Education will also be offered to raise public awareness about being safe around dogs. Approximately 10% of the dog control contract will be directed toward education and will include the following activities provided at no charge:

- (a) **Bite Prevention:** A training programme for organisations where people have to enter properties on a regular basis.
- (b) **School Visits:** Visits to school to develop children's awareness about safety around dogs, dog control, hygiene, and animal welfare.
- (c) **Field Days:** Staff a dog education stand at the Northern Wairoa Agricultural Field Days.
- (d) **Dog Owner Manual:** Distribution of education pamphlets to help owners identify and rectify problems.
- (e) **Owner Responsibility Awareness:** Education material on owner responsibility is distributed to owners with registration forms, when claiming impounded dogs and as a part of routine patrols.
- (f) **Regular media releases on dog issues.**

Enforcement

Council will use a range of enforcement activities to ensure that dogs are under control including:

- Urban Patrols targeted at areas of need
- Response to complaints within an agreed time frame
- Regular door to door checks for unregistered or neglected dogs.

Infringement Fines

Under the Dog Control Act 1996, where any person is alleged to have committed an offence, that person may be either proceeded against summarily or be served with an infringement notice.

Infringement notices cover the following offences and the fee which can be imposed is listed below.

¹ Nothing in this Policy absolves any dog owner from their responsibilities as defined by the Dog Control Act 1996.

² The full range of education initiatives will be offered from July 2003.

Infringement Offences and Fees

Section	Brief Description	Fee
18	Wilful obstruction of Dog Control Officer	\$400
19(2)	Failure or refusal to supply information or wilfully stating false particulars	\$400
20(5)	Failure to comply with any bylaw authorised under Section 20 of the Act	\$200
32(4)	Fraudulent sale or transfer of dangerous dog	\$400
41	False statement relating to registration	\$400
42	Keeping an unregistered dog	\$200
46(4)	Fraudulent attempt to procure replacement label or disc	\$400
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	\$400
53(1)	Failure to keep dog under control	\$200
62(1)	Allowing dogs known to be dangerous to be at large unmuzzled	\$400

The Kaipara District Council will use infringement notices only in respect of Sections 20(5), 42, 53(1), 62(1) and 32(4).

The Council may waive infringement fees if the circumstances warrant.

All other offences will be dealt with through the Court system.

Dog Classification

Dogs shall be classified as dangerous by the Council and have restrictions placed on them for the following reasons:

- (a) Where the owner is convicted of an offence pursuant to the Dog Control Act under Section 57(6)
- (b) Where there is on the basis of sworn evidence attesting to aggressive behaviour by the dog on more than one occasion, reasonable grounds to believe it constitutes a threat to the safety of any person, stock, poultry, domestic animal or wildlife
- (c) Where the owner admits in writing that the dog constitutes a threat to the safety of any person, stock, domestic animal, poultry or wildlife.

Effects of Dangerous Dog Classification

- (a) The owner shall within one month of classification ensure the dog is kept within a securely fenced portion of the owner's property which is not necessary to enter to obtain access to at least one door of any dwelling on the property.
- (b) The owner shall not allow the dog to be at large or in a public place other than when confined completely within a vehicle or cage, without being muzzled.

- (c) The owner shall within one month of classification produce to the Kaipara District Council a Certificate, as proof the dog has been neutered by a registered Veterinary Surgeon.
- (d) The owner shall be liable for dog control fees for that dog at 150% of the level that would apply if the dog was not classified as dangerous.
- (e) The owner shall not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.

The above conditions transfer to the new owner if such a transfer takes place.

Objection to Dangerous Dog Classification

The owner of the dog may object in writing to the Council and is entitled to be heard in support of that objection.

Restricted Areas

Council's Policy is to identify areas where dogs may cause distress or nuisance and place restrictions on the use of these areas. Hence the following areas will be:

Prohibited

Taharoa Domain (Kai Iwi Lakes)

Any Department of Conservation reserve, estate or covenant (Section 26zs of the Conservation Act 1987)

Central Dargaville Business District. (Victoria Street from Edward Street junction to Gladstone Street junction). 9 am to 6 pm
Monday – Saturday

Mangawhai Heads Beach and Picnic Bay. From the Mangawhai Heads Toilets to the Pearl Street creek outlet from 9 am to 6 pm. Summer only, ie. 1 December to 28 February. (Note: This area is leash control during winter 1 March to 30 November see below).

Within 10 metres of any public childrens' playground equipment

Prohibited Area Exemptions

The following dogs are exempt from the prohibited area restrictions.

Companion Dogs: Certified by Top Dog Companion Trust as being a companion dog or under training as a companion dog.

Guide Dogs: Certified by the Royal NZ Foundation for the Blind as being a guide dog or dog under training as a guide dog.

Hearing Ear Dog: Certified by the Hearing Association (Incorp) as being a hearing ear dog or dog under training as a hearing ear dog.

The following are exempt from prohibited restriction while executing duties of police or security work.

Police Dogs: Kept by the New Zealand Police solely for the purposes of carrying out the functions, powers and duties of the Police.

Security Dogs: Owned by a Security Guard as defined by Section 4 of the Private Investigating and Security Guards Act 1974 and kept solely or principally for the purpose of carrying on the business of a security guard.

Leash Control

Due to density of use in the following areas, all dogs are required to be on a leash at all times:

Mangawhai	-	Shopping Centre adjacent to Insley Street
	-	Wood Street Shopping Centre and Fagan Place
Kaiwaka	-	Shopping Centre East Side of State Highway 1 adjacent to Kaiwaka Mangawhai Road
	-	Kaiwaka Mangawhai Road adjacent to State Highway 1
Maungaturoto	-	Hurdall Street West to Whaka Road
	-	Hurdall Street East to Bickerstaffe Road
Paparoa	-	State Highway 12, Franklin Road to Sketon Bridge
	-	Franklin Road from School to State Highway 12
Pahi	-	Pahi Reserve
Ruawai	-	Wharf Road from Well Street to Jellicoe Street
	-	Freyberg Road (approx. 300m from Jellicoe Street Intersection)
Te Kopuru	-	Norton Street from Graham Street to West Coast Road
Dargaville	-	Normanby Street from Parore Street to Edward Street
	-	Edward Street - Normanby Street to Victoria Street
	-	Hokianga Road - Station Road to Parenga Street
	-	Parenga Street
	-	Poto Street
	-	Totara Street
	-	Parore Street - Normanby Street to Victoria Street
	-	Kapia Street
	-	Victoria Street except during prohibited times (see Dog Prohibited Areas above)

On the following Beaches:

Kellys Bay - Foreshore area.

Glinks Gully – Area in front of dwellings.

Baylys - Area in front of dwellings.

Pahi - Fisher Street to Fenwicks Point.

Beach area known as Dems Road.

Whakapirau - Wharf to the south end of the Strand.

Mangawhai - From the Lincoln Road to the Pearl Street Creek outlet 9 am to 6 pm.

- From the Mangawhai Heads Toilets to the Pearl Street Creek outlet 9 am to 6 pm winter only ie. 1 March to 30 November (note this area is prohibited for summer months 1 December to 28 February see Dog Prohibited Areas)

Owner Classification

Council will promote owner responsibility and will use the following owner classifications.

Probationary

The Council will classify as probationary any owner who:

- (a) Is convicted of an offence against the Dog Control Act or against Section 3 or 4 of the Animals Protection Act 1960 in respect of a dog
- (b) Commits three infringement offences within 24 months.

Objection to Probationary Classification

Persons classified as probationary may lodge a written objection to the classification with the Council and have the right to be heard in support of this objection.

Effects of Probationary Classification

- (a) Classification is for 24 months unless terminated by the Council.
- (b) Probationary dog owners may not be the registered owner of any dog unless they were the registered owner on the date of the offence or, as the case may be, the date of the third infringement notice.
- (c) Probationary owners will pay a 50% surcharge on all dog control fees payable.
- (d) Probationary owners shall within 14 days of classification dispose of all unregistered dogs in a manner that does not constitute an offence against the Dog Control Act or any other Act.

Disqualified

The Council will disqualify from owning any dog any owner who:

- (a) Is convicted of any offence under the Dog Control Act or under Sections 3 or 4 of the Animals Protection Act while being a probationary owner.
- (b) Commits two or more infringement offences while being a probationary owner.

Objection to Disqualification

Any person disqualified from owning a dog may object to the Council in writing and is entitled to be heard in support of this objection.

Appeal to District Court

Any owner who has lodged an objection with the Council and is dissatisfied with the Council decision may within 14 days of notice of that decision appeal to a District Court against that decision (under Section 27 of the Dog Control Act).

Effect of Disqualification

Persons who have been disqualified from owning a dog shall:

- (a) Within 14 days of notice of disqualification dispose of all dogs owned by that person
- (b) Dispose of all dogs in a manner which does not constitute an offence against this or any other Act
- (c) Shall not dispose of any dog to any person who resides at the same address.

Disqualification shall, except in unusual circumstances, be effective for 36 months from the date of the offence or, as the case may be, the second infringement offence in respect of which the person is disqualified.

Dogs Fouling

Dog droppings are offensive, smelly, attract flies, harbour disease and cause stress to the non-dog owning sector of the community. Kaipara District Council will issue an infringement notice to the owner of any dog who does not clean up after the dog has fouled in a public place in urban areas and leash control areas. The penalty for this infringement is \$200³.

Fees

Dog registration fees will be reviewed annually to ensure they reflect the actual costs associated with the management of dogs within the District. These include dog registration fees, surcharges as set by the Dog Control Act, impounding fees, prosecutions and classification as a probationary owner.

Council will provide a time payment alternative to people who wish to make regular automatic payments.

Policy Monitoring and Review

Council will monitor the effectiveness of the implementation of the Policy. Monitoring information will be reported quarterly. Council will review its Dog Policy every five years. The next review will be undertaken in 2006/07.

Implementation

The table below shows which methods Council will be applying to each significant issue.

³ See page 4, Infringement Notices 20(5).

	Issues	Dog Welfare	Wandering Dogs	Barking	Aggressive Behaviour	Stock Attacks	Unregistered Dogs	Conflicts Of Use
Method								
Education Manual/Media/Field Days/ A & P Shows/Schools		✓	✓	✓	✓	✓	✓	✓
Urban Patrols			✓				✓	✓
Complaint Response Enforcement (Infringements/Impounding) Classifications of dogs and owners, Court Action		✓	✓	✓	✓	✓	✓	✓
Door to door checks		✓					✓	
Monitoring		✓	✓	✓	✓	✓	✓	✓