



# Rangitikei District Council

<b>Policy Title</b>	<b>Dog Control and Owner Responsibility Policy</b>
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<b>Included in the LTP</b>	No

# PROPOSED

## DOG CONTROL AND OWNER RESPONSIBILITY POLICY

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### **ABSTRACT**

- ❖ Section 10 of the Dog Control Act statutorily mandates Council to develop and adopt a policy on dogs in accordance with the special consultative procedure set out in Section 83 of the Local Government Act 2002.
- ❖ Council must give effect to the enforcement of this policy by developing and adopting under Section 20 of the Act the necessary Control of Dogs Bylaw.
- ❖ Council wishes to encourage dog ownership with the accompanying positive effects such ownership brings, however, Council recognises that this must be balanced by ensuring measures are in place to minimise and mitigate problems that dogs can cause.

## 1. INTRODUCTION

- 1.1 Under the Dog Control Act 1996 Council is responsible for both administering the Dog Control Act 1996 within its territorial district and developing a dog control bylaw. This policy forms the basis of the Rangitikei District Council Dog Control Bylaw 2014 which is made pursuant to Section 20 of the Act and sets out a framework on how Council proposes to implement the various measures prescribed by the Act as being the responsibility of Council, meet community outcomes and Council's performance measures for dog control as set out in its 10 Year Long Term Plan.
- 1.2 Council acknowledges that the majority of dog owners within the Rangitikei district are responsible dog owners and that most interactions between dogs and people are positive. However, there will always be instances when a dog becomes a nuisance or danger to the community. A core feature of this policy is ensuring a balance is maintained between public safety and meeting the recreational needs of dogs and their owners.
- 1.3 In developing this policy Council has had regard to the urban / rural character of the Rangitikei district and has sought to encourage and reward responsible dog ownership recognising the value of well-behaved dogs whilst ensuring adequate measures are in place to minimise or mitigate the nuisance to the community that dogs can cause.

## 2. DEFINITIONS

**"Act"** means the Dog Control Act 1996 and any amendments to it.

**"At Large"** means at liberty, free, not restrained.

**"Bylaw"** means the Control of Dogs Bylaw 2014.

**"Confined"** means enclosed securely in a building or vehicle or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.

**"Dangerous Dog"** means any dog that behaves aggressively or threatens the safety of any person, stock, poultry, domestic animal or protected wildlife as defined under Section 31 of the Act.

**"Disability Assist Dog"** has the same meaning as defined under 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.

**“Senior Dog Control Officer”** is of the same meaning as “Dog Control Officer” with the addition of further delegated responsibilities.

**“Domestic Animal”** has the same meaning as defined under the Act

**“Council”** means Rangitikei District Council.

**“Infringement Offence”** has the meaning given to it under Section 65(1) of the Act.

**“Menacing Dog”** has the same meaning as defined under the Act and means any dog that Council considers may pose a threat to any person, stock, poultry, domestic animal or protected wildlife due to either observed or reported behaviour or dogs which are classified as menacing under Section 33A or 33C of the Act.

**“Neutered Dog”** has the same meaning as defined under the Act.

**“Non-Working Dog”** means all dogs that are not working dogs as defined in this Policy.

**“Owner”** has the same meaning as defined under the Act.

**“Policy”** means the Dog Control and Owner Responsibility Policy.

**“Poultry”** has the same meaning as defined under the Act.

**“Probationary owner”** means a dog owner who has received three or more infringement notices in a 24 month period or been convicted of any offence under the Act or any offence against Part 1 or Part 2 of the Animal Welfare Act 1999 in respect of a dog, or any offence against Section 26ZZP of the Conservation Act 1987, or Section 561 of the National Parks Act 1980.

**“Protected Wildlife”** has the same meaning as defined under the Act.

**“Public Place”** has the same meaning as defined under the Act.

**“Under Control”** means a dog that is under the direct control of a person either through the use of a leash, voice or hand commands (when in a leash free area) or which has its movements physically limited through the use of a leash and/or muzzle.

**“Registration Year”** has the same meaning as that given to the term “financial year” in Section 5(1) of the Local Government Act 2002.

**“Roaming Dog”** has the meaning given under Section 52 of the Act any is any dog unaccompanied by its owner found in a public place or on private land or premises other than that occupied by the owner.

**“Responsible Owner”** means any person who demonstrates to the satisfaction of a Council dog control officer, that they are able to comply with the requirements as specified in section 7.5.1 of this policy.

**“Rushing”** has the same meaning as defined under Section 57 (1) of the Act and includes a dog in a public place which rushes at, or startles any person or animal in a manner that causes a person to be killed, injured or endangered; or any property to be damaged or endangered; or which rushes any vehicle in a manner that causes or is likely to cause an accident.

**“Stock”** has the same meaning as defined under the Act.

**“Working Dog”** has the same meaning as defined under the Act.

### **3. LEGISLATIVE CONTEXT**

3.1 Section 4 of the Act states that the purpose of the Act is

*“(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 dogs and 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.*

3.2 Dog owners are responsible for their dog and its behaviour. Section 5 of the Act sets out statutory obligations for every dog owner which they are required to comply with and include:

*“(a) Ensuring that the dog is registered in accordance with the Act and that all relevant territorial authorities are promptly notified of any change of address or ownership of the dog;*

*(b) Ensuring that the dog is kept under control at all times;*

*(c) Ensuring that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;*

*(d) Ensuring that the dog receives adequate exercise;*

*(e) Taking 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;*

- (f) *Taking all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person;*
- (g) *Taking all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife;*
- (h) *Taking all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person;*
- (i) *Complying with the requirements of the Act and of all regulations and bylaws made under the Act.*

*Nothing in the Act limits the obligations of any owner of a dog to comply with the requirements of any other Act or of any regulations or bylaw regulating the control, keeping, and treatment of dogs.*

#### **4. POLICY CONSIDERATIONS**

4.1 Dog control is a statutory regulatory function which Council is required under Section 6 of the Act to provide. Further, Council is required under Section 10 of the Act to adopt a dog control policy which must:

- a) Specify the nature and application of any bylaw made or to be made under Section 20;
- b) Identify any public place from which dogs are to be prohibited, either generally or at specified times, pursuant to a bylaw made under Section 20(1)(a);
- c) Identify any particular public place, and any areas or parts of the district in which dogs (other than working dogs) in public places are required by a bylaw made under Section 20(1)(b) to be kept on a leash;
- d) Identify those areas or parts of the district in respect of which no public place or area has been identified under paragraph (b) or (c) above; and
- e) Identify any space within areas or parts of the district that are to be designated as dog exercise areas permitting dogs to be exercised at large;
- f) State whether dogs classified by any other Council as menacing dogs under Section 33A or 33C are required to be neutered under Section 33EB(2) if the dog is currently registered with Council and, if so whether the requirement applies to all such dogs and if not, the matters Council will take into account when determining whether a particular dog must be neutered;
- g) Include such other details of the policy as Council thinks fit including, but not limited to, details of the policy in relation to:
  - i. Fees or proposed fees;
  - ii. Owner education programmes;
  - iii. Dog obedience courses;
  - iv. The classification of owners;
  - v. The disqualification of owners; and

- vi. The issuing of infringement notices.

## **5. POLICY OBJECTIVES**

- 5.1 Council seeks to promote a high standard of dog care and control so that people can enjoy the benefits of a dog ownership without adversely affecting other members of the public, and for people of all ages to feel safe in our communities during their interactions with dogs.
- 5.2 As required by Section 10(4) of the Act, this policy has been made having regard to the need to:
  - a) Minimise danger, distress and nuisance to the community;
  - b) 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) Enable, 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) Provide for the exercise and recreational needs of dogs and their owners.

## **6. SHARED SERVICES AND COMMUNITY PARTNERSHIPS**

- 6.1 Council Officers liaise on dog control issues (as appropriate) with key external community stakeholders such as the SPCA, veterinary surgeons, New Zealand Police, dog obedience clubs, kennel/dog breed clubs and adjoining councils.
- 6.2 Recent amendments to the Local Government Act 2002 require Council to fulfil its dog control obligations under the Act in an efficient and cost effective method. Council does this partly through contractual agreement with Manawatu District Council and Wanganui District Council.

## **7. NATURE AND APPLICATION OF POLICY**

### **7.1 FEES AND CHARGES**

#### Registration fees

- 7.1.1 Registration of dogs is a central principle of the Act, with all registered dogs listed in the national dog database. Councils are statutorily required to keep a register of all dogs registered in their district and dog owners must ensure that their dogs are registered with Council each year. Dog registration is an effective tool for Council to use to communicate with known dog owners, and creates a valuable record detailing the history of each dog and dog owner within the district.
- 7.1.2 Council's tiered fee structure reflects a partial "user pays" system in that the dog control activity is partially funded through Council rates as the service incorporates an element of public good associated with community safety

outcomes. Despite payment of both registration and impounding fees Council does not fully recover the costs associated with this regulatory activity.

- 7.1.3 The dog registration fees are set by Council each year and reflect the respective levels of service required by each category of dog owner. Payable by 31 July each registration year, reduced registration fees are payable for neutered dogs, working dogs, and “Responsible Owners” providing an incentive for responsible dog ownership.
- 7.1.4 A key component of this policy is the control of dogs within the district particularly unwanted dogs and accordingly registration fees for dogs which have been neutered are set lower than dogs which have not been neutered.
- 7.1.5 All dogs over the age of three months are required to be registered. Accordingly, when a dog is first registered only the balance of the current years registration fee is payable.
- 7.1.6 Dog owners are required to advise Council promptly of any change of dog ownership or address.
- 7.1.7 Registration fees are set for all dogs over three months of age for each registration year. The registration fee shall be payable by 31 July in each registration year.
- 7.1.8 Pursuant to Section 32(1)(e) of the Act the registration fee of a dog classified as dangerous is 150% of the level that would apply if the dog were not so classified.

#### Penalties for late registration

- 7.1.9 Council may choose to apply a penalty fee on late registrations as stipulated under Section 37(3) of the Dog Control Act 1996 and outlined in the current schedule of fees and charges.

#### Impounding fees

- 7.1.9 Council has a statutory duty of care pursuant to Sections 67-72 of the Act for all dogs impounded, seized or committed to its custody. Each year Council pursuant to Section 68 of the Act sets fees relating to the impounding, seizing or committing dogs to its custody and the costs associated with this activity.

These fees are intended to capture the costs of Councils Officers time undertaking such activities, the daily sustenance costs for impounded dogs and also the costs associated with euthanising impounded dogs. As part of the tiered user pays fees structure for dog control activities but also as a sanctioning /deterrent element of this policy Council resolved to impose higher pound fees on the owner of any dog which has a second or subsequent impoundment within a single 12 month period.



7.1.10 Before any impounded dog can be released into the care of its owner or rehomed all impounding fees and charges must be paid in full and the dog (if not already) must be registered and micro chipped.

## **7.2 DOG CONTROL MATTERS**

7.2.1 Dog owners must keep their dogs on a leash at all times when in a public place, (excluding those locations designated as dog exercise areas or where dogs are specifically prohibited). Dog owners are required to keep their dog under continuous and effective control when in a public place.

7.2.2 Any dog which is placed on an open tray of a vehicle must be kept restrained by a leash or chain of a length which is sufficiently short to ensure that the dog cannot fall from the vehicle or rush at passers-by. This provision will not apply if the dog is placed in a suitable cage or box which can adequately contain it.

7.2.3 Bitches in season are not permitted to enter or remain upon a public place except a registered veterinary clinic and must be kept contained upon their owner's property in such a way so that they are inaccessible to roaming dogs.

7.2.4 Dogs suffering from any infectious disease are not permitted to enter or remain upon a public place but must be kept contained within its owner's property or alternatively be confined at a registered veterinary clinic while the disease, is being medically treated.

7.2.5 Council provides signage to inform the community of areas where dogs are prohibited or required to be on a leash or where they may be exercised off the leash. Signage is also used to reinforce Council's requirement that dog owners remove their dog's faeces when on public places.

7.2.6 Any dog owner or person responsible for a dog when out on any public place or upon land not owned or occupied by that person, must carry a suitable container to collect and remove any dog faeces defecated by the dog under their control, and dispose of it in a sanitary manner. Dog faeces can contain bacterial disease or parasites which are potentially dangerous to public health particularly for children.

7.2.7 Any dog found roaming on any public place or private land not owned or occupied by its owner shall be in breach of Council's Control of Dogs Bylaw and may be impounded or destroyed.

7.2.8 All properties of registered dog owners will be checked by Council's dog control officers or dog rangers within a 5 year period in relation to the contents of this Policy, the Control of Dogs Bylaw, and Dog Control Act 1996

## **7.3 DOG OWNERSHIP**

### Minimum Standard of Care

- 7.3.1 Dog ownership carries with it responsibilities on the part of the owner to provide the dog with proper facilities, care, attention and exercise. Failure to do so can lead to unhealthy conditions for the dog and give rise to nuisance to neighbours through odours, vermin, pests and noise from the dog barking or howling.
- 7.3.2 Every owner, or person responsible for a dog must ensure that the area of the property that the dog has access to is fully fenced suitable for the purpose of confining the dog.
- 7.3.3 Every owner, in respect of every dog in the care of the owner, must provide accommodation, which meets the following minimum standards:
- a) A weatherproof kennel in which there is sufficient room for the dog to stand up and turn around;
  - b) The kennel must be constructed on dry ground and be sheltered from the weather. It should be a solid structure with a roof and a floor, and allow the dog access to clean water at all times and be kept in a clean and sanitary condition.
- 7.3.4 The kennel must not be located nearer than one metre to any boundary of the property. Failure to comply with this is an offence under the Control of Dogs Bylaw and may result in an infringement notice being issued.
- 7.3.5 The dog owner must ensure that their dog is supplied with proper and sufficient food and water, is free from injury or infection or, is receiving proper care and attention for the injury or infection. Failure to comply with this is an offence under the Control of Dogs Bylaw and may result in an infringement notice or prosecution under the Act.
- 7.3.6 Each dog owner must ensure that the dog receives adequate exercise.
- 7.3.7 Where a case of neglect or cruelty to a dog is found an appropriate agency will be informed and the dog may be seized immediately.

## **7.4 DOG CLASSIFICATION**

### Dangerous Dog

- 7.4.1 Sections 31 – 33 of the Act set out the reasons how or why a dog may be classified as dangerous and the obligations and responsibilities such a classification imposes on the dog owner.
- 7.4.2 Pursuant to Section 31 of the Act Council must classify a dog as dangerous if:
- a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2)<sup>1</sup> of the Act; or

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<sup>1</sup> **57A Dogs rushing at persons, animals, or vehicles**

(1) This section applies to a dog in a public place that—

- b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
  - c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.
- 7.4.3 When a dog is classified as dangerous Council must give the owner of the dog notice of its classification whereupon the owner has 14 days to object in writing to Council of its classification. The owner is entitled to be heard by Council in support of their objection to the classification.
- 7.4.4 The owner of a dog classified as dangerous must ensure that the dog is:
- a) kept contained within a securely fenced area of their owners property which it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property;
  - b) kept confined within a vehicle or cage, or muzzled in such a manner to prevent the dog from biting but allowing it to breathe and drink without obstruction, or controlled on a leash (except when in a dog exercise area) when in a public place or private way; and
  - c) neutered or has been neutered within 1 month of receipt of the dangerous dog classification and produces to Council a veterinary certificate confirming this; or
  - d) there are reasons why the dog is not in a fit condition to be neutered before the date specified in the veterinary certificate. In such circumstances, the dog owner must produce to Council a certificate that the dog has been neutered within 1 month of the date specified in the veterinary certificate.
- 7.4.5 The owner of a dog which has been classified as dangerous is not permitted to transfer ownership of the dog without the prior written permission of Council. The obligations imposed by Section 32 of the Act and owning a dangerous dog transfer to any new owner.
- 7.4.6 The classification of a dangerous dog extends throughout all of New Zealand.

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- (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.
- (2) If this section applies,—
- (a) the owner of the dog commits an offence and is liable on conviction to a fine not exceeding \$3,000 in addition to any liability that he or she may incur for any damage caused by the dog; and
  - (b) the court may make an order for the destruction of the dog.
- (3) A dog control officer or dog ranger who has reasonable grounds to believe that an offence has been committed under subsection (2)(a) may, at any time before a decision of the court under that subsection, seize or take custody of the dog and may enter any land or premises (except a dwellinghouse) to do so.

## Menacing Dog

- 7.4.7 Sections 33A – 33EC of the Act set out the reasons how or why a dog may be classified as menacing and the obligations and responsibilities such a classification imposes on the dog owner.
- 7.4.8 Pursuant to Section 33A of the Act Council may classify a dog as menacing if:
- a) it has not been classified as a dangerous dog under Section 31; but Council considers 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 any characteristics typically associated with the dog breed or type.
- 7.4.9 When a dog is classified as menacing pursuant to Section 33A(2) of the Act Council must give the owner of the dog notice of its classification whereupon the owner has 14 days to object in writing to Council of its classification. The owner is entitled to be heard by Council in support of their objection to the classification.
- 7.4.10 The owner of a dog classified as menacing must ensure that the dog is:
- a) not allowed to be at large or in any public place or in any private way, except when kept confined within a vehicle or cage, or muzzled in such a manner to prevent the dog from biting but allowing it to breathe and drink without obstruction, or controlled on a leash (except when in a dog exercise area) when in a public place or private way; and
  - c) neutered as required by a Senior Dog Control Officer, who at his/her discretion can, on a case by case basis, require a classified menacing dog to be neutered within a month of notice and for the owner to provide a veterinary certificate to Council as confirmation;
  - d) In such circumstances where a dog is not in a fit condition to be neutered before the date specified by the Senior Dog Control Officer, the Owner must produce to Council a veterinary certificate advising of the date when neutering may take place, and the dog must be neutered within 1 month of the date specified in the veterinary certificate.
- 7.4.11 All breeds listed in Schedule 4 of the Act, or types of dog belonging wholly or predominantly to 1 or more breeds or types listed in Schedule 4 of the Act will be classified as menacing and will be subject to muzzling and a ban on importation.
- 7.4.12 The classification of a menacing dog extends throughout all of New Zealand.

## **7.5 DOG OWNER CLASSIFICATION**

### Responsible Owner

- 7.5.1 Any person who demonstrates to the satisfaction of the Council's dog control officer that they are able to comply with all the following requirements will be designated a Responsible Owner and will be entitled to a discounted registration fee as outlined in the current Schedule of Fees and Charges:

- a) The dog is provided with adequate accommodation. Kennels are sited on a hard surface and kept clean, and are able to provide the dog with shelter from the elements and be free from dampness. In the event that the dog does not have a kennel, the dog must be kept in a building.
- b) At all times the dog is under the proper control of the owner either through direct interaction with the owner (voice, sightlines, leash), or via a control apparatus (full fenced space, running wire).
- c) The Dog responds to owner's basic commands
- d) The dog is registered and microchipped.
- e) There has been no justified complaints within a 24 month period made against the dog.
- f) The Owner has not received a conviction under the Dog Control Act 1996, nor receive any infringement notice in the last year.
- g) The owner has not had a dog impounded over the last year.
- h) The owner has not been classified as a Probationary or Disqualified owner.
- i) The Owner will be in attendance when required for any inspection and shall provide the dog control officer with assistance as requested.
- j) The owner will promptly notify Council of any death, or transfer of any dog they own.
- k) The owner will comply with all requirements of the Act and Council's Control of Dogs Bylaw.
- l) Has submitted an application to be a Responsible Owner four weeks prior to 31 July each registration year and a Council dog control officer has visited the property and determined that the owner is appropriately classified as a Responsible Owner.

7.5.2 Failure to comply with any of the above conditions may result in the dog owner losing their Responsible Owner classification for a minimum of two complete registration years effective immediately, except in the case of late registration, in which case the dog owner will lose their Responsible Owner classification for a period of one registration year.

As Responsible Owner classification is granted to the person identified as the owner of a dog or dogs, the inability of the owner to meet Responsible Owner classification as specified under 7.5.1 due to the transgression of one dog, will effectively mean the Responsible Owner classification be revoked even though other dogs under the Owner's ownership have not transgressed.

The loss of Responsible Owner classification will result in the dog owner being liable for the payment of the difference between their Responsible Owner classification fee and whichever other fee they would otherwise be liable for. This will impact all dogs under the ownership of the Owner.

#### Probationary owner

7.5.3 Council may under Section 21 of the Act classify a dog owner as a probationary owner. Council must give the person notice of its decision to classify them as a probationary owner whereupon they shall have 14 days to object in writing to

Council of their classification. The probationary owner is entitled to be heard by Council in support of their objection to the classification.

7.5.4 The effect of such a classification shall continue for a period of 24 months, unless Council or the Environmental and Regulatory Services Manager determine that a lesser period of time is appropriate.

7.5.5 The classification of a probationary owner extends throughout all of New Zealand.

#### Duties of a Probationary Owner

7.5.6 A probationary owner is not permitted to be the registered owner of a dog, unless they were the registered owner of the dog on the date of the classification. Within 14 days of receiving the probationary owner classification the probationary owner must dispose of any unregistered dog that they own.

7.5.7 Council may require the probationary owner to attend at the dog owners expense a dog owner education programme or dog obedience course (or both) which has been previously approved by Council or the Environmental and Regulatory Services Team Leader.

7.5.8 Every person commits an offence and is liable upon conviction to a fine not exceeding \$3,000 who without reasonable excuse fails to attend the dog owner education programme or dog obedience course (or both).

#### Disqualified Owner

7.5.9 Where section 25 of the Act applies Council must disqualify a person from being a dog owner unless Section 25(1A) applies. Owners can be disqualified from owning a dog for a period of up to five (5) years.

7.5.10 Council must give the person notice of its decision to disqualify them from being permitted to own a dog whereupon they shall have 14 days to object in writing to Council of this decision. The disqualified dog owner is entitled to be heard by Council in support of their objection to being disqualified.

7.5.11 The disqualification from being permitted to own a dog extends throughout all of New Zealand.

#### Duties of a Disqualified Owner

7.5.12 A disqualified person is not permitted to be the registered owner of any dog, and must within 14 days of receiving notice that they have been disqualified from owning any dog must dispose of all dogs that they own.

7.5.13 All of the disqualified person's dogs must be disposed of in a manner that does not constitute an offence under the Act or any other Act; and they must not be disposed of to any person who resides at the same address as the disqualified person.

- 7.5.14 Every disqualified person commits an offence and is liable upon conviction to a fine not exceeding \$3,000:
- a) If they fail to dispose of all of the dogs that they own within the specified time frame; or
  - b) do not dispose of their dogs in a manner which doesn't constitute an offence under the Act or any other Act, or if they dispose of their dogs to any person who resides at the same address; or
  - c) if at any time while they are disqualified to own a dog become the owner of a dog.
- 7.5.15 Every person commits an offence and is liable upon conviction to a fine not exceeding \$3,000 if they dispose of or give custody or possession of a dog to any person, knowing that that person is disqualified from owning a dog pursuant to Section 25 of the Act.
- 7.5.16 Where a disqualified person fails to dispose of any dog that they own within the specified 14 day timeframe then Council's dog control officers may seize any dog owned by the disqualified person.

## **7.6 PROHIBITED AREAS**

- 7.6.1 A dog (except working dogs whilst carrying out their function as a working dog) shall be prohibited at all times from the following areas:
- a) All public buildings;
  - b) The playing surfaces of sports grounds and up to 20 metres of the playing surfaces where contained within the perimeter fence of the sports ground;
  - c) Public swimming pools;
  - d) All children's playgrounds in public places;
  - e) Picnic areas;
  - f) Wilson Road stock route, Hunterville.
- 7.6.2 All areas from which a dog are prohibited from entering shall have appropriate signs posted notifying the public that dogs are prohibited within that area.
- 7.6.3 A Dog kept on a leash by their owner or person in charge of the dog are permitted to move through the playing surface of sports grounds, children's playgrounds, picnic areas and the Wilson Road stock route travelling from one side to the other if there is no viable alternative route; however, the dog owner or person in charge of the dog is not permitted to stop with the dog whilst within any of these areas.
- 7.6.4 Council, may upon written request, allow a dog to enter public buildings for the purpose of a dog show or such other events as Council may at its discretion authorise. In considering such written requests, Council will consider the suitability of the building concerned for holding such an event, the duration of the event, and measures necessary to ensure public health and safety. The

determination of this request will be made at the appropriate delegation level within Council.

#### Conservation areas

- 7.6.5 No dog (except working dogs carrying out their function as a working dog) are permitted in scenic reserves, conservation or forest parks and named conservation areas unless the dog owner has obtained a permit from the Department of Conservation.

#### **7.7 LEASH CONTROL AREAS**

The owner of a dog shall not allow the dog on any public place (not being a prohibited area or dog exercise and recreation area) unless the dog is controlled on a leash or is under the continuous control to the satisfaction of Council's dog control officer.

#### **7.8 DOG EXERCISE AND RECREATION AREAS**

- 7.8.1 Dog exercise areas are designated locations within the district where Council permits dogs to run at large off the leash. The dog owner must have the dog under their control at all times and a leash to be used if necessary. The areas listed below have been designated by Council as dog exercise areas:



<b>Marton</b>	<b>The periphery of Wilson Park (excluding the children’s playground) (Appendix 1)</b>
<b>Taihape</b>	<b>The north eastern section of Taihape Domain (Appendix 2) 16-18 Robin Street, Taihape (Appendix 3)</b>
<b>Bulls</b>	<b>The northern section of Bulls Domain (Appendix 4)</b>

7.8.2 Other areas may be designated dog exercise areas by resolution of Council and these may include certain beach areas.

7.8.3 Subject to the practicality of undertaking the necessary work, some dog exercise areas may be fenced to provide a secure area for both dog owners and non-dog owners alike.

7.8.4 All dog exercise areas shall have appropriate signs posted prominently notifying the public that dogs are permitted to exercise within that area.

## **7.9 EDUCATION PROGRAMMES**

7.9.1 While Council itself does not provide any owner education programmes or dog obedience courses it will continue to visit schools to familiarise children on issues of dog safety and caring for their dog.

7.9.2 Areas where a dog is prohibited or conversely where they may exercise will be publicised through this Policy and appropriate signage will be displayed on the street or at the park concerned or sports ground.

7.9.4 Additionally, an extensive website containing information for dog owners, adults and children on dog safety is maintained by the Department of Internal Affairs <http://www.dogsafety.govt.nz/>.

7.9.5 Owners whose dogs come to the attention of Council dog control officers through nuisance behaviour or, those owners who are classified as probationary, may be directed to approved courses or classes.

## **7.10 CONTROL OF DOGS BYLAW**

7.10.1 The main tool that Council will use to meet its statutory obligations and implement this policy in order to achieve its policy objectives is its Control of Dogs Bylaw 2016. This Bylaw will include inter alia:

- a) Prescribing minimum standards for the housing of dogs;

- b) Regulating and controlling dogs in Public Places;
- c) Designating specific areas as dog exercise areas;
- d) Requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas of parts of the district;
- e) Requiring owners of dogs that defecate in public places (except as exempted by the Bylaw) to immediately remove faeces;
- f) Requiring bitches in season to be confined;
- g) Providing for the impounding of dogs, whether or not they are wearing a collar having the proper label or disc attached, that are found at large in breach of any bylaw made by Council under the Act.

7.10.2 As required by Section 10(6)(a) of the Act Council will review its Control of Dogs Bylaw within 60 days of adopting this Policy.

### **ENFORCEMENT**

7.11.1 Council provides a 24 hour Animal Control Service and encourages people to report nuisance dog behaviour and dangerous or menacing dogs.

7.11.2 Council seeks to promote a high standard of dog care and control within the district and acknowledges that the majority of dog owners within the Rangitikei district are responsible dog owners. Council recognises that sometimes even a responsible dog owner may breach the policy, Bylaw or Act. On such occasions Council's Environmental and Regulatory Services Team Leader may use discretion and issue a written warning provided that the incident did not involve injury or distress to a person or animal, or a health issue e.g. the non-removal of dog faeces.

7.11.3 Dog owners who are in contravention of the Act (including any subsequent amendments) or a Council Bylaw will be liable to enforcement action. Such enforcement action may generally take the form of one or more of seven (7) mechanisms:

1. A verbal or written warning;
2. The issuance of an infringement notice (an instant fine) for an Infringement Offence pursuant to Sections 65-66 of the Act as specified in Schedule 1 of the Act; or
3. Filing Court papers for those statutory infringement offences under the Act which are enforced under Section 21 of the Summary Offences Act 1957;
4. Seizing and impounding dogs;
5. Classifying dogs as menacing or dangerous;
6. Classifying dog owners as probationary or disqualifying people from being allowed to own a dog;
7. Prosecuting dog owners.

7.11.4 Infringement notices shall be issued by Council's dog control officers and dog rangers for infringement offences as specified in Schedule 1 of the Act. With

respect to any of those offences, Council gives delegated authority to the Senior Animal Control Officer who may in his absolute discretion decide to issue either a verbal or written warning or an Infringement Notice for any subsequent offending of that offence.

7.11.5 There will be instances whereby legal action is initiated for serious offences under the Act or Control of Dogs Bylaw. A serious offence in this instance would include but not be limited to, situations where a dog:

- a) Creates a nuisance to any person;
- b) Causes distress to any person;
- c) Causes damage or injury to any person;
- d) Causes serious injury to any person;
- e) Causes damage to property;
- f) Causes damage or injury to any animal;

Where legal action has been initiated Council gives delegated authority to the Environmental and Regulatory Services Team Leader in his absolute discretion to determine if it is appropriate to proceed with legal action.

7.11.6 In addition to statutory offences contained within the Act, Council may impose further penalties for offences specific to Rangitikei district through its Control of Dogs Bylaw.

## **7.12 DOG POUND**

7.12.1 Due to the costs associated with building, maintaining, securing and staffing an impounding facility for dogs, bitches or puppies Council does not have a permanent pound facility, rather Council uses the Wanganui District Council and Manawatu District Council pound facilities through a contractual agreement.

7.12.2 Whenever a dog is impounded Council officers shall make all reasonable efforts to contact the owner to advise them that their dog has been impounded and shall provide written notice to the owner advising that they have seven (7) calendar days to pay in full all fees payable or their dog may be sold, euthanised or otherwise disposed of. Where Council officers are able to identify and contact the owner of a dog which has been impounded, regardless of the outcome, Council will seek to recover from the Owner all fees and costs incurred as a consequence of the impounding with respect to the dog.

7.12.3 Before any dog can be released from the pound the following conditions must be satisfied:

- a) When a dog is claimed by its owner it must be registered, micro chipped (if it is not already), and all other fees and charges must be paid in full.
- b) Council dog control officers must be satisfied that the prospective new owner of a dog being rehomed is a fit and proper person and that the property condition where they reside is suitable for a dog.

- c) Any unregistered dog before being rehomed and prior to it being released from the pound to its new owner must be both registered and micro chipped at the new owner's expense and all fees and charges must be paid in full.
  - d) The release of any impounded dog from the pound shall be by a pre-arranged appointment.
- 7.12.4 Council will not rehome any dog which in the opinion of Council dog control officers is menacing, dangerous or has undesirable traits.
- 7.12.5 It is an offence under Section 72 of the Act to attempt to unlawfully release a dog from a council controlled pound or to be in possession of a dog that has been unlawfully released from such a pound.

### **7.13 NUISANCE**

- 7.13.1 A person must not keep a dog on any land or premises if:
- a) The dog is causing a nuisance; or
  - b) The dog poses a significant health or safety risk to people.
- 7.13.2 Any person is in breach of this policy if they cause a dog on any land, premises or public place to become unmanageable; or if they incite a dog to fight with or attack any domestic animal, poultry, protected wildlife, stock or person.

#### Abatement of Nuisance

- 7.13.3 Where a dog or dogs on any property has become or is likely to become a nuisance or injurious to health, a notice will be issued to the owner at the discretion of a dog control officer or dog ranger.

The notice will request the owner within a specific timeframe to complete reasonable action to minimise or remove said nuisance or injury to health and can include the following:

- c) reducing the number of dogs living on the property
- d) repairing kennel so that it meets Council's minimum standard of accommodation
- e) constructing a new kennel so that it meets Council's minimum standard of accommodation

#### Barking Dogs

- 7.13.4 Where the dog control officer or dog ranger has received a complaint and has reasonable grounds for believing that a nuisance is being created pursuant to Section 55 of the Act by the persistent and loud barking or howling of a dog, the dog control officer or dog ranger, under the provisions of section 55. may:

- a. "Enter the property at any reasonable time (excluding the dwelling house), on which the dog is kept, to inspect the conditions under which the dog is being kept; and
- b. Regardless of whether or not the dog control officer or dog ranger makes such an entry upon the property, may give the owner of the dog an abatement notice requiring them to make such provision on the property to abate the nuisance as specified in the notice or, if considered necessary, to remove the dog from the land or premises."

7.13.5 Non-compliance with an abatement notice may result in Council taking enforcement action.

#### Roaming Dogs

7.13.6 Roaming dogs can cause annoyance and danger to the community, domestic animals, poultry, protected wildlife and stock.

7.13.7 In the first instance, when the owner of a roaming dog can be identified by dog control officers or dog rangers the dog control officers or dog rangers will have discretion to return the dog to the owner with a warning or alternatively to issue the owner with an Infringement Notice.

7.13.8 Excepting paragraph 7.13.7 above roaming dogs may be impounded by dog control officers or dog rangers and the dog owner will be required to pay all impound fees and other associated charges, daily sustenance before the dog will be allowed to be released from the pound to its owner.

#### **7.14 POLICY REVIEW**

7.14.1 Pursuant to Section 10 of the Act, this policy shall be reviewed or amended, using the special consultative procedure prescribed by Section 83 of the Local Government Act 2002, within ten (10) years from the date that the policy is adopted, or earlier if directed by Council or in response to changed legislative or statutory requirements.

#### **7.15 REPEAL**

Upon the commencement date of this policy all previous Rangitikei District Council Dog Control and Owner Responsibilities policies are hereby repealed.

## **7.16 COMMENCEMENT DATE**

7.16.1 This policy was duly adopted by Council by a resolution passed on the 26<sup>th</sup> day of May 2016, following the use of the special consultative procedure as set out in Section 83 of the Local Government Act 2002.

7.16.2 The Rangitikei District Council Dog Control and Owner Responsibility Policy will commence on the 26<sup>th</sup> day of May 2016.

## **7.17 RELEVANT LEGISLATION**

- Dog Control Act 1996.
- Dog Control Amendment Act 2003.
- Dog Control Amendment Act 2004.
- Dog Control Amendment Act 2006.
- Dog Control Amendment Act 2010.
- Dog Control (Perro de Presa Canario) Order 2010.
- Dog Control Amendment Act 2012.
- Impounding Act 1955.
- Animal Welfare Act 1999.