

DOG CONTROL POLICY 2016

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1 INTRODUCTION

- 1.1 The Dunedin City Council recognises the positive impact that dogs can bring to health and wellbeing in their role as human companions. Responsible dog ownership ensures that the benefits of companionship are highlighted. Owning a dog also carries the responsibility of being considerate of others who share our public places who aren't dog owners and ensuring your dog is not a nuisance or menace to your neighbours and the wider community.
- 1.2 The Dunedin City Council is responsible for dog control across the district. This policy serves to meet the Council's obligations under the Dog Control Act 1996, and provides the framework on which the Dog Control Bylaw and associated fees regarding dog registration and offences are based.

2 OBJECTIVES

- 2.1 The Council's principal objectives are to:
 - (a) have all dogs registered and micro-chipped;
 - (b) minimise danger, distress and nuisance caused by dogs;
 - (c) minimise the risk of dog attacks;
 - (d) minimise the fear of dogs attacking or intimidating people;
 - (e) avoid danger from uncontrolled dogs entering children's play areas;
 - (f) ensure the protection of public health and safety in areas used by the general public;
 - (g) provide for exercise and recreational needs of dogs;
 - (h) provide for service users to meet the costs of services;
 - (i) ensure the protection of native wildlife in reserves and beaches (e.g. fur seals, sea lions, penguins and wading birds) by minimising the risk of dog attacks.

3 RESPONSIBLE DOG OWNERSHIP

- 3.1 Proactively promote the responsible ownership of dogs, including care and control around people, protected wildlife, other animals, property and natural habitats.

3.2 What Does It Mean To Be A Responsible Dog Owner?

- ✓ *Choose the right dogs and treat them well.*
- ✓ *Ensure your dog has adequate exercise.*
- ✓ *Consider the health benefits for your dog of neutering at an early age.*
- ✓ *Register and microchip your dog.*
- ✓ *Teach your dog basic obedience (keep your dog under control at all times).*
- ✓ *Know the best locations where you are allowed to take (exercise) your dog.*
- ✓ *Be particularly vigilant near children and closely supervise interaction at all times.*
- ✓ *Know when your dog will ignore commands: put dog on-leash, shorten leash, or avoid the area altogether (even if in an off-leash or designated dog exercise area).*
- ✓ *Respect other people's personal space. Public places are for everyone's enjoyment and not everyone is fond of dogs.*
- ✓ *Ensure your dog cannot leave your property by itself.*
- ✓ *Know when your dog must be on a leash, and always carry a leash.*
- ✓ *Always carry and display a bag or other receptacle suitable for the removal of faeces and pick-up after your dog.*

4 LEGISLATION

4.1 The legislation that relates to the control of dogs and specifies the obligations imposed on Dunedin City Council and dog owners are:

4.2 Dog Control Act 1996

4.2.1 The purpose of the Dog Control Act ¹ is to make better provision for the care and control of dogs:

- (a) by requiring the registration of dogs; and
- (b) by making special provision in relation to dangerous dogs and menacing dogs; and
- (c) 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
- (d) 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
- (e) to make provision in relation to damage caused by dogs.

4.3 Dog Control Policy

4.3.1 All Territorial Authorities must adopt a Dog Policy under the Dog Control Act², which must have regard to the following:

- (a) the need to minimise danger, distress, and nuisance to the community generally; and

¹ Section 4, Dog Control Act 1996

² Section 10, Dog Control Act 1996

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

4.4 **Dog Control Bylaw**

4.4.1 Section 20 of the Dog Control Act permits any territorial authority to make bylaws regarding the control of dogs in accordance with the process in the Local Government Act 2002. The Dog Control Bylaw includes the following provisions;

- (a) prohibiting dogs, whether under control or not, from specified public places;
- (b) requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas or parts of the district;
- (c) regulating and controlling dogs in any other public place;
- (d) designating specified areas as dog exercise areas;
- (e) prescribing minimum standards for the accommodation of dogs;
- (f) limiting the number of dogs that may be kept on any land or premises;
- (g) requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces;
- (h) requiring any female dog to be confined but adequately exercised while in season;
- (i) 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 the territorial authority under this or any other Act;
- (j) requiring the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence against section 53).

5 **FEES AND REGISTRATION**

5.1 The Council's policy is to apply a graduated fee scale to target fees to high demand users and to deter non-compliance. For example, fees for repeat impounding of a dog increase with each subsequent impounding.

5.2 **Registration Fees**

5.2.1 All dogs are required to be registered in accordance with the Dog Control Act 1996 which provides:

- Dog registration fees are set by Council resolution;
- Dog registration fees, fines and impound fees are used to fund the dog control service;
- Registration fees paid after 31 July will have a late payment penalty applied. The penalty is an additional 50% of the registration fee; and
- Infringement notices for not registering a dog may also be issued.

5.3 While there are specific registration fees set for differing classifications of dogs, registration fee reductions are prescribed to recognise and reward dog ownership behaviour that complies with the legislation i.e. self-compliance. Compliant dog owners will be recognised by the application of fee reductions. Rewarding self-compliance with the legislative requirements transfers the burden of service costs to non-complying dog owners. Examples of occasions where registration fee reductions may apply are as follows:

- Dogs that are kept within an effectively fenced area on the property they are registered at, to prevent escape from the property (Selected Owners);
- Dog owners that have not received infringements, valid nuisance complaints, or had a dog impounded in the two years leading up to the current registration period;
- Neutered dogs.

5.4 The Council will provide a pro-rata refund for registration fees paid where a registered dog dies in the period of registration³.

5.6 Other Fees

5.6.1 These fees are set by Council resolution and include but are not limited to:

- Impounding,⁴
- Sustenance and board (during period of impounding)⁵
- Micro-chipping⁶
- Multiple dog permit⁷

6 MULTIPLE DOG PERMIT

6.1 No more than one dog of register-able age, i.e. three months old and over (whether or not such dogs are registered), may be kept on any premises unless the owner or occupier of the property has a permit from the Council.

6.2 No permit will be required to keep one or more dogs (working dogs) within the Rural zone as defined in the Dunedin City Council District Plan.

6.3 No permit may be granted to the owner or occupier of any property for more than one dog if the owner or occupier cannot demonstrate compliance with the Dog Control Bylaw, or if the criteria below are not met to the satisfaction of the Council:

- 1 If the property in which the dog owner/owners resides is leased/rented, the written consent of the property owner is required to keep more than two dogs on that property before any consideration for a permit will be given. A copy of such consent must be forwarded to the Council with the permit application.
- 2 The property must be adequately fenced to confine the dogs on the section, or in the absence of full boundary fencing, a portion of the section must be fenced sufficiently to confine the dogs yet allow them to have an adequate exercise area for their size.

³ Section 39, Dog Control Act 1996

⁴ Section 68, Dog Control Act 1996

⁵ Section 68, Dog Control Act 1996

⁶ Section 69A, Dog Control Act 1996

⁷ Section 150, Local Government Act 2002

- 3 Where necessary and having regard to the numbers and size of the dogs kept, the area of confinement must be paved, graded and drained to any standard set by the Council and in any event, must be on well drained ground.
- 4 Adequate housing of sufficient size suitable to meet the needs of the dogs, with access to clean water, must be provided on well drained ground.
- 5 The Council may consider the owner's dwelling to be sufficient to meet this condition, depending on the particular circumstances.
- 6 All dogs must be currently registered and must be kept at all times in accordance with the provisions of the Dog Control Act.
- 7 Such screening of the area of confinement as is necessary to protect the visual amenities of the neighbourhood must be provided.
- 8 All dog owners must abide, at all times, with the Dog Control Bylaw and its subsequent amendments. Failure to meet this requirement may result in a notice to remove one or more dogs permanently from the property.
- 9 The property must be made available for inspection by an authorised council officer at any reasonable time.
- 10 The number of dogs that may be kept on a property must not exceed that number for which the permit may be issued.
- 11 Any alterations to the property must meet the Council's criteria prior to the Animal Control Officer issuing a permit.
- 12 Any permit must be obtained prior to an additional dog being obtained.
- 13 The Council may:
 - (a) Refuse the granting of a permit for the keeping of two or more dogs, or
 - (b) Revoke a permit issued, if the conditions set out above are at any time breached and not rectified following written notice by the Council and within a period of time allowed by the Council and to give notice in writing that all dogs except one be removed from the property within such time as Council consider necessary in the particular case.
- 14 No permit will be granted relating to a property used for breeding, boarding or fostering unless a resource consent has been obtained where appropriate.
- 15 Council must be notified of any change of address, so that a permit may be obtained for the new address. Permits may not be transferred to a new property.
- 16 If your dog numbers reduce to one or no dogs for a period of two or more years your permit is deemed to have lapsed and you will need to reapply if you once again have two or more dogs on your property.
- 17 A fee as prescribed in the Animal Services annual fees and charges in the Council's Annual Plan must be paid to the Council by 31 July.

7 EDUCATION AND DOG OBEDIENCE

- 7.1 The Council encourages dog owners to attend dog obedience courses, particularly puppy training classes, to assist in the training and socialisation of dogs.

- 7.2 Where a dog has been classified as Menacing or Dangerous, the Council may require a dog owner to attend specified courses.

8 MENACING AND DANGEROUS DOGS

- 8.1 Dogs can be classified as Menacing in accordance with sections 33A and 33C of the Dog Control Act or Dangerous in accordance with section 31 of the Act.

9 PROBATIONARY AND DISQUALIFIED OWNERS

- 9.1 Dog owners can be classified as a Probationary owner in accordance with sections 21 of the Dog Control Act or can be disqualified in accordance with section 25. The maximum period of probation or disqualification may apply, unless the owner can demonstrate that the maximum period is unnecessary for the purpose of achieving the objectives of the Council's Dog Control Policy.

10 NEUTERING OF DOGS

- 10.1 Any dog classified as Dangerous by the Council or by any other Territorial Authority in accordance with section 32 of the Dog Control Act must be neutered. A dog categorised as Menacing under section 33E of the Dog Control Act may be required to be neutered.
- 10.2 In all cases the classification documents served on the owner of a Menacing or Dangerous dog will advise the owner of the requirement to neuter the classified dog within one month.
- 10.3 The owner of a dog which is required to be neutered by the Council; must produce a veterinary certificate showing either that the dog has been neutered or that the dog is unfit to be neutered before a certain date.
- 10.4 The Council may require the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to have the dog neutered or spayed whether or not the owner of the dog has been convicted of an offence against section 53 of the Act.

11 DOG FOULING

- 11.1 Dog fouling is not tolerated in any form within the Dunedin City Council boundary. Dog owners must ensure that they carry and display a bag or other receptacle suitable for the removal of faeces and remove it immediately.

12 INFRINGEMENTS

- 12.1 The following infringement offences are set by the Dog Control Act. The Council has no discretion to alter these fees.

Section	Offence	Infringement
18	Wilful obstruction of a Dog Control Officer	\$750.00
19(2)	Failure/refusal to supply information/wilfully stating false particulars	\$750.00

Section	Offence	Infringement
19A(2)	Failure to supply information or wilfully providing false particulars about dog	\$750.00
20(5)	Failure to comply with any bylaw authorised by the section	\$300.00
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	\$300.00
24	Failure to comply with obligations of probationary owner	\$750.00
28(5)	Failure to comply with effects of disqualification	\$750.00
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300.00
32(4)	Fraudulent sale/transfer of a dangerous dog	\$500.00
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	\$300.00
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100.00
36A(6)	Failure to implant microchip transponder in dog	\$300.00
41	False statement relating to registration	\$750.00
41A	Falsely notifying death of dog	\$750.00
42	Failure to register dog	\$300.00
46(4)	Fraudulent attempt to procure a replacement registration label/disk	\$500.00
48(3)	Failure to advise change of dog ownership	\$100.00
49(4)	Failure to advise change of address	\$100.00
51(1)	Removal/swapping of labels/disks	\$500.00
52A	Failure to keep dog controlled or confined	\$200.00
53(1)	Failure to keep dog under control	\$200.00
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	\$300.00
54A	Failure to carry leash in public	\$100.00
55(7)	Failure to comply with barking dog abatement notice	\$200.00
62(4)	Allowing a dog known to be dangerous to be at large unmuzzled	\$300.00
62(5)	Failure to advise of muzzle and leashing requirements	\$100.00
72(2)	Releasing dog from custody	\$750.00

12.2 Any of the above offences may be proceeded with by way of an infringement notice or by initiating a prosecution in accordance with the Criminal Procedure Act 2014.

13 DOG EXERCISE AREAS

- 13.1 The Council will review the need for specified dog exercise areas and suitable locations as necessary.
- 13.2 Dogs weighing more than eight kilograms may not be allowed inside the boundaries of any designated small dog park.

14 DOGS ON LEASH

- 14.1 Every owner of a dog shall keep that dog on a leash in public areas at all times except in a dog exercise area (specified either by signage or listed in a schedule Dog Control Bylaw) or by exceptions specified in the bylaw. Dogs must be leashed near any playground.

15 DOG RESTRICTIONS

- 15.1 Areas where dogs are restricted or prohibited within the Dunedin City Council district (except when in a vehicle) are specified in Schedule D of the Dog Control Bylaw.
- 15.2 The Department of Conservation ("**DOC**") manages dog restrictions by the use of on-site access signage and brochures. Dog owners are expected to adhere to restrictions displayed on signage and in brochures as to where dogs are permitted or prohibited.
- 15.3 Further information on dog restrictions on DOC-managed land can be obtained from the Dunedin DOC Office and i-Site Visitors Centre.
- 15.4 Dog owners must place their dogs on a leash within 20 metres of protected wildlife.
- 15.5 In addition to the specific restrictions set out above, dogs must be kept under control at all times as required by the Dog Control Act. This is expected to be sufficient to ensure that dogs do not injure, endanger, or cause distress to any protected wildlife.

16 WELFARE OF DOGS DURING AN EMERGENCY

- 16.1 All dog owners are expected to plan and prepare for the care and welfare of their dog(s) in anticipation of an emergency. While a state of emergency is in place dog owners must:
 - (a) Keep their dogs under effective control at all times;
 - (b) Ensure their dog does not injure, endanger or cause distress to any person.