

Dog Control Policy 2015



Introduction

In the Horowhenua District there are approximately 6,000 dogs registered each year. Council records from previous years show numerous responses to barking dogs, wandering dogs and general nuisance dogs.

Council's Policy on Dogs is prepared under Section 10 of the Dog Control Act 1996, which requires Council to have a policy on dogs in the District, and outlines, but does not limit, the contents of that document. This Policy aims to be a practical framework which makes better provision for the care and control of dogs throughout the District whilst minimising any danger, distress or nuisance to the community, with the full explanation and details contained in the Bylaw.

The Council Policy integrates the control measures in the Act with the Dog Control Bylaw. Together these powers will help to avoid nuisances or potentially dangerous situations. Council wants to ensure that it does everything it can to achieve the aims of the Act, although Council will never succeed in controlling all potential dog problems.

In adopting a policy Council must have regard to:

- (a) The need to minimise danger, distress and nuisance to the community generally;
- (b) The need to avoid inherent danger in allowing dogs to have unimpeded access to public places that are frequented by children, whether or not the children are accompanied by an adult;
- (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 of dogs; and
- (d) The exercise and recreational needs of dogs and their owners.

Council recognises that the majority of dog owners are responsible and that most interaction between dogs and people is positive. It is also recognised that dogs can play a positive role in society and provide enjoyment and health benefits for individuals and their families. This Policy seeks to achieve a balance between the control of dogs and recognition of the community benefits of responsible dog ownership

Our Objective

Council's objective is to encourage responsible dog ownership that allows owners to enjoy their dogs without infringing on the enjoyment and safety of others. Good dog owners should:

- (a) Register their dogs and make sure they wear a current registration tag;
- (b) Keep their dogs under control;
- (c) Provide their dogs with care and attention;
- (d) Provide their dogs with proper and sufficient food, water, shelter, and exercise;
- (e) Not let their dogs be a nuisance to others;
- (f) Make sure their dogs do not injure, endanger, intimidate or distress any person or other animal or damage property;
- (g) Comply with the Act, any regulations and the Dog Control Bylaw.

Our Policy

1. Access to Public Places

This Policy identifies public places within the Horowhenua where dogs are prohibited or must be controlled on leash. It also identifies areas where dogs are free to be exercised at large. The bylaws will provide for such areas.

Criteria for determining levels of access for dogs to public places

Access should be restricted where:

- There is intense public use
- Another predominant use exists
- Significant wildlife or habitats exist
- There is significant risk to other users.

Access could be less restricted where:

- The area is not used extensively by other users
- It is of significant size
- There are sufficient sight lines
- The area is well-bounded from adjacent areas.

1.1 Dog Prohibited Areas

Dogs are prohibited from Dog Prohibited Areas at all times.

Dog Prohibited Areas are:

- Those areas identified as the Dog Prohibited Areas in the attached Schedule and as confirmed in the Bylaw.

1.2 Dog Exercise Areas

Dogs are permitted on or off-leash in Dog Exercise Areas. Owners must keep their dogs under control at all times and must carry a leash with them. All dog faeces must be removed immediately by the owner of the dog. Owners must have a practical means of removing their dog's faeces.

Dog Exercise Areas are:

- Those areas identified as Dog Exercise Areas in the attached Schedule and as confirmed in the Bylaw.

1.3 Dog On-Leash Areas

Dogs are permitted in Dog On-Leash Areas but must be controlled on a leash. All dog faeces must be removed immediately by the owner of the dog. Owners must have a practical means for removing their dog's faeces.

Dog On-leash Areas are:

- Those areas identified as Dog On-leash Areas in the attached Schedule and as confirmed in the Bylaw; and
- With the exception of Dog Prohibited Areas and Dog Exercise areas, dogs are permitted in all public places provided the dog is on a leash.

Note: Nothing in this Policy permits dogs to enter public places which are under the control of another organisation without authorisation from the relevant organisation (for example, areas under the control of the Department of Conservation).

1.4 Exceptions to 1.1 and 1.3

Dogs are permitted in Dog Prohibited Areas and are permitted off-leash in Dog On-Leash Areas in the following situations:

- (a) Where the owner has express written permission from the Council for the Dog to be in a Dog Prohibited Area or to be off-leash in a Dog On-leash Area; or
- (b) Where the dog is a working dog as defined in the Act carrying out its duty; or
- (c) Where the dog is confined completely within a case or vehicle;

Provided that the dog is kept under control at all times.

Note: This does not permit dogs to enter public places that are under the control of another organisation without authorisation from the relevant organisation (for example, lands administered by the Department of Conservation).

1.5 Disability Assist Dogs

Disability assist dogs have a special status in the Dog Control Act and are allowed in all public places even those declared to be prohibited under Council's Bylaws. They are also permitted in premises registered under the Health Act 1956 such as restaurants.

A disability assist dog is a dog certified by one 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 New Zealand;
- (b) Mobility Assistance Dogs Trust;
- (c) New Zealand Epilepsy Assist Dogs Trust;
- (d) Royal New Zealand Foundation for the Blind;
- (e) Top Dog Companion Trust;
- (f) an organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.

2. Menacing and Dangerous Dogs

2.1 The Act contains a number of provisions which enable the Council to require specific control action to be taken in respect of menacing and dangerous dogs.

2.2 A menacing dog is one which has not been classified as a dangerous dog, but which the Council considers may pose a threat to any person, stock, poultry or domestic animal or protected wildlife because of observed or reported behaviour or any characteristics typically associated with the breed or type.

2.3 The Council must classify a dog as a menacing dog if it believes that the dog belongs wholly or predominantly to a breed or type prohibited under section 30A of the Act.

2.4 Section 30A of the Dog Control Act 1996 states that no person may import into New Zealand any dog that belongs wholly or predominantly to one or more breed or type of dog listed in Schedule 4 of the Act (listed below).

Breed of dog: - Brazilian Fila
 - Dogo Argentino
 - Japanese Tosa
 - Perro de Presa Canario.

Type of dog: - American Pit Bull Terrier.

2.5 A dangerous dog is one which the Council has, on sworn evidence attesting to aggressive behaviour by the dog, reasonable grounds to believe it constitutes a threat to the safety of any person, stock, poultry or domestic animal or protected wildlife, or the owner has admitted in writing that the dog constitutes such a threat, or has already been convicted or an offence relating to the dog attacking a person or an animal.

2.6 Sections 31 to 33 of the Act outline the reasons why, and the manner in which, a dog may be classified as dangerous, and the obligations which this imposes on an owner which includes having the dog on a lead and muzzled when in public and compulsory neutering of the dog.

2.7 Sections 33A to 33EC of the Act contain similar provisions relating to menacing dogs. These dogs are also required to be on a lead and muzzled when in public but neutering of these dogs is at the discretion of the Council. As a matter of policy the Council will require all dogs classified as menacing to be neutered.

2.8 The Council will require the neutering of any dog of the breed or type to which section 30A of the Act applies, and will require any other dog to be neutered when the classification is confirmed.

Council's policy is that all dogs classified as menacing will be required to be neutered. This applies to:

- dogs classified as menacing by Council; and
- dogs classified as menacing by any other local authority and registered with Council.

3. Dog Fees and Charges

The Council may set dog control fees for the registration and control of dogs. Fees will be set and advertised annually before the beginning of each registration year.

Categories for which fees will be charged:

<u>Registration</u>	<u>Impounding</u>	<u>Miscellaneous</u>
<ul style="list-style-type: none">· For various fee categories of dogs, for example: Rural, Urban, Working ...· Dangerous Dogs· Late payment of registration	<ul style="list-style-type: none">· Impounding· Daily sustenance· After Hours Costs	<ul style="list-style-type: none">· Destruction· Replacement tags· Microchipping· Permits

Working dogs are defined in the Dog Control Act, as follows:

- (i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, 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 pests agents under any pest management plan under the Biosecurity Act 1993; or
 - (v) kept by the Department of Corrections 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
 - (vi) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or
 - (vii) 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 Act 2002; or
 - (viii) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or
 - (ix) declared by resolution of the territorial authority to be a working dog for the purposes of this 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.

4. Education

Council recognises the importance of education to promote awareness:

- In owners, of their responsibilities as dog owners; and
- In the public, of safety around dogs, and
- and will recognize dogs that achieve Canine Good Citizen certification.

Council will:

- Offer education to primary and intermediate school children on dog control, animal welfare, bite prevention and hygiene;
- Offer bite prevention training to employees who enter properties on a regular basis;
- Promote dog obedience and dog owner education courses; and
- Provide a Dog Owners Information booklet.

5. Classification of Owners and Disqualification

5.1 Probationary Classification

Council can classify certain persons as probationary owners.

Classification may be considered for any person convicted of an offence under the Act (or other specified offences against the Animal Welfare Act 1999, the Conservation Act 1987 or the National Parks Act 1980) or any person who has received three or more infringement notices in a 24 month period.

Council will consider:

- In all situations classifying such persons as probationary owners.

Probationary classification has the following effects:

- The owner is not allowed to own any dogs other than dogs that were owned at the date of the relevant offence or date of the third infringement offence;
- The owner must dispose of any unregistered dogs; and
- Probation lasts for up to 24 months.

5.2 Disqualification

Council must disqualify certain persons from being a dog owner, but not where Council considers disqualification is not warranted or where Council will instead classify the person as a Probationary Owner.

The Council must disqualify any persons convicted of an offence under the Act (or other specified offences against the Animal Welfare Act 1999, the Conservation Act 1987 or the National Parks Act 1980) or any person who has received three or more infringement notices in a 24 month period.

Council will consider:

- In all situations disqualifying such persons.

Disqualification has the following effects:

- The owner must dispose of all dogs they own;
- The owner cannot own any more dogs; and
- Disqualification lasts for up to five (5) years.

5.3 Objection to Decision

A person can object to a decision to classify that person as a Probationary Owner or to disqualify that person, as the case may be. A Committee of Council will hear and consider the objection. The owner will have the right to be heard by the Committee. In considering any objection, the Committee must have regard to:

- The circumstances and nature of the offence(s);
- The competency of the owner in terms of responsible dog ownership;
- Any steps taken by the owner to prevent further offences;
- The matters advanced in support of the objection; and
- Any other relevant matters.

The Committee may decide to uphold or rescind the decision.

6. **Infringements**

Dog Control Officers can issue infringement notices which impose an “instant” fine on the recipient. Infringement notices may only be issued for particular offences (listed in the Schedule to the Act). Fines range from \$100.00 to \$750.00.

Council will:

- Use the infringement notice process for minor breaches.
- Consider prosecution for more serious breaches.

7. Bylaws

Council must create bylaws to give effect to this Policy.

The Act lists the matters for which bylaws may be made. Council's Bylaw applies to all dog owners and will be enforced using the range of enforcement mechanisms available to Council such as infringement notices and prosecutions open to Council. Specific enforcement mechanisms are also provided for in the Bylaw.

Council gives notice that it intends to make a Bylaw, to be known as the Horowhenua District Council Dog Control Bylaw 2015 under section 20 of the Dog Control Act 1996 and Dog Control Amendment Act 2003.

This Bylaw shall specify the nature and application of requirements for the following purposes:

- Prohibiting dogs, whether under control or not, from specified public places;
- That all dogs in the urban streets of Levin, Foxton, Foxton Beach, Tokomaru, Shannon, Waitarere, Hokio, Ohau, Waikawa Beach and Manakau, unless in an unleashed dog exercise area, are required to be on a lead attached to the dog and held by the person in charge of the dog;
- Regulating and controlling dogs in any other public place;
- Designating specified areas as dog exercise areas;
- Prescribing minimum standards for the accommodation of dogs;
- Limiting the number of dogs that may be kept on any land or premises;
- Requiring dogs in its district to be tied up or otherwise confined during a specified period commencing not earlier than half an hour after sunset, and ending not later than half an hour before sunrise. This does not preclude people from walking dogs at night in accordance with leashed requirements of this Policy;
- 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;
- Requiring any bitch to be confined but adequately exercised while in season;
- Providing for the impounding of dogs, whether or not they are wearing a collar having a 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;
- 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 of this Act);
- Any other purposes that from time to time is, in the opinion of the territorial authority, necessary or desirable to further the control of dogs;
- Placing obligations on dog owners;
- Providing power for Dog Control Officers to remove dogs without access to proper care and attention;
- Provisions for impounding and disposal of dogs;
- Classifying owners as probationary or disqualified owners;
- Provision for dog owners to be required to have dogs attend dog obedience training;
- To allow Council to set fee structures for registration, Pound, and other associated matters;

- To allow Council to designate dog owners with “Selected Owner Policy” status, including those dogs that achieve Canine Good Citizen certification, subject to prerequisite criteria;
- To perform any other functions, and maintain records in accordance with the Dog Control Act 1996, and the Dog Control Amendment Act 2003;
- Making provision for “Protected Wildlife” areas;
- Making owners responsible for the total wellbeing of their dogs, including proper care and attention, exercise and feeding. Owners found being cruel and abusive, starving their dog or otherwise neglecting their responsibility commit an offence under the Dog Control Act 1996;
- Classifying of “menacing” or “dangerous” dogs, and requiring the neutering of same;
- Fees for infringement;
- Dogs on owner’s property (under direct control of a person, or confinement to the property);
- Microchipping.

8. Repeal

On the adoption of the Horowhenua District Council Dog Control Bylaw 2015, the Horowhenua District Council Dog Control Bylaw 2004 shall be repealed.

SCHEDULE 1

Dog Control Policy 2015

DOG PROHIBITED AREAS

Description of Public Place

All land administered by the Department of Conservation (unless the dog owner has a permit from the Department of Conservation or there is Department of Conservation signage that identifies where a dog may be taken without a permit).

The area within three (3) metres of any children's playground whether or not the balance of the area is designated as a Dog Exercise Area or a Dog On-leash Area.

All sports grounds (including bowling greens) and including the whole of the grounds, the playing fields and their immediate surrounds and their car parks.

(Note: Most current sports grounds are listed in the Schedule below. In some cases, dogs are allowed on parts of the grounds but only in the areas, for the purposes and under the conditions specified in relation to a particular sports ground).

A. LEVIN TOWN (during shop trading hours)

The owner of any dog shall keep and prevent the same from being in that area of Levin Town defined as being the Oxford Street shopping area being all that public area including road, footpath, accessway, reserve, and shopping mall entrance between the Durham Street intersection with Oxford Street and Stanley Street intersection with Oxford Street, being more particularly known as Oxford Street, Levin.

PROVIDED HOWEVER that exception to this provision is given to:

- (a) Police dogs present in the area in connection with Police work, or Dog Search Team work.
- (b) Dogs present in the area in connection with their function as Disability Assist Dogs.
- (c) Dogs otherwise authorised for specified purposes.

B. SHANNON URBAN AREA (during shop trading hours)

- (i) Plimmer Terrace - Ballance Street to Grey Street.
- (ii) Ballance Street - Plimmer Terrace to Venn Street.

PROVIDED HOWEVER that exception to this provision is given to:

- (a) Police dogs present in the area in connection with Police work or Dog Search Team work.
- (b) Dogs present in the area in connection with their function as Disability Assist Dogs.
- (c) Dogs otherwise authorised for specified purposes.

C. FOXTON TOWN (during shop trading hours)

"Town" defined as being the Main Street.

“SHOPPING AREA” being all that public area including road, footpath, accessway, reserve shopping mall between the Ravensworth Street intersection with Main Street and the Union Street intersection with Main Street, being more particularly known as Main Street, Foxton,

PROVIDED HOWEVER that exception to this provision is given to:

- (a) Police dogs present in the area in connection with Police work or Dog Search Team work.
- (b) Dogs present in the area in connection with their function as Disability Assist Dogs.
- (c) Dogs otherwise authorised for specified purposes.

D. RESERVES, PARKS AND OTHER AREAS (AT ALL TIMES)

TOKOMARU

Tokomaru Domain - during sporting or community usage times.
Horseshoe Bend Reserve

SHANNON

Shannon Domain
Hyde Park

FOXTON

Easton Park, including rugby grounds, swimming pool, and outdoor play area
Victoria Park sportsgrounds
Stuart Donnelly Park

FOXTON BEACH

Foxton Surf Beach (ramp to ramp) - during the period of Daylight Saving times.
Holben Parade Reserve (that area generally contained within Seabury Avenue, Nash Parade and Holben Parade).
Bird Sanctuary area of Manawatu Estuary.

WAITARERE

Waitarere Domain
Waitarere Beach (between flagged/patrolled area) - during the period of Daylight Saving times.
Rua Avenue Play Area
Waitarere Beach Motor Camp (except for Caretaker and Camp tenants but restrained on a leash at all times)
Holmwood Park

LEVIN

Parsons Avenue Reserve
Public Gardens, Remembrance Garden
Weraroa Reserve
Playford Park Motor Camp (except for Caretaker and Camp tenants but restrained on a leash at all times)
Jubilee Park Play area
Donnelly Park Sportsgrounds
Levin Domain
Solway Park
Playford Park
Waiopehu Reserve

Muaupoko Park - Although Council is not responsible for this Park, it is shown as a banned area in accordance with the requirements of the Horowhenua Lake Domain Board Bylaw, which places restrictions on Dogs unless authorised by that Board.

Levin Adventure Park (excluding dog exercise area)

MANAKAU

Manakau Domain

AREAS WHERE DOGS ARE ALLOWED (LEASHED AND/OR UNLEASHED)		
	LEASHED	UNLEASHED
Tokomaru	1. Residential streets (unless prohibited)	Tokomaru Domain when not being used for sporting or other community uses
Shannon	1. Residential streets (unless prohibited) 2. Shannon Urban prohibited area (after shop trading hours) 3. Shannon Cemetery 4. Te Maire Park	Moynihan Park when not being used for sporting or other community uses.
Foxton	1. Residential streets (unless prohibited) 2. Foxton Town prohibited area (after shop trading hours) 3. Foxton Cemetery	1. Victoria Park excluding sportsgrounds 2. River Loop reserve
Foxton Beach	1. Residential streets (unless prohibited) 2. Hennessey Street/Lowe Avenue grounds 3. Hartley Street Esplanade	1. Foxton Beach outside of ramp areas 2. Cousins Avenue Plantation Reserve
Waitarere	1. Residential streets (unless prohibited) 2. Esplanade Reserve 3. Waitarere Beach Motor Camp (Caretaker and Camp Tenants only)	Waitarere Beach outside of patrolled area
Hokio	Residential streets (unless prohibited)	Hokio Beach
Manakau	1. Manakau cemetery 2. Driscoll Reserve 3. Residential streets (unless prohibited)	Kuku Beach
Levin	1. Residential streets (unless prohibited) 2. Levin Town prohibited area (after shop trading hours) 3. Iona Park 4. Green Avenue Reserve 5. Tiro Tiro Road Cemetery 6. Lincoln Place Reserve 7. Avenue Cemetery 8. Maire Park 9. Railway Reserve Levin North (Kiosk) 10. Railway Reserve (Liverpool Street to Tararua Road) 11. Public Gardens - Rose Gardens 12. Playford Park Motor Camp (Caretaker and Camp tenants only) 13. Morgan Crescent Reserve 14. Prouse Bush. 15. Public Gardens - Thompson House Memorial Gardens. 16. Western Park (rear) 17. Levin Adventure Park dog exercise area only	1. Kowhai Park 2. Argyle Avenue Reserve 3. Kimberley Reserve 4. Gladstone Reserve 5. Kennedy Drive Park
Mangaore	1. Residential streets (unless prohibited)	Mangaore Park
Ohau	1. Residential streets (unless prohibited) 2. Ohau Domain	Parikawau Reserve
Waikawa	1. Residential streets (unless prohibited) 2. Waikawa Reserve	Waikawa Beach

NOTE:

1. All HDC Cemetery areas in the District are to be “leashed” areas for dogs.
2. Dogs are also allowed "unleashed" on grounds used by recognised dog obedience groups or similar clubs and organisations, when conducting training, display, or other similar type activities, including 'dog trials' and public awareness activities, or for which a Permit from Council has been issued.