



# **POLICY ON DOGS**

## **1. COUNCIL'S APPROACH:**

In undertaking dog registration and dog control functions, Council has historically sought to meet the minimum standards prescribed by the Dog Control Act 1996. Any emphasis has been on dealing with dogs that have caused a nuisance or danger. Surveillance has been carried out from time to time as a direct result of complaints received and to ensure that appropriate remedial action has been taken. Surveillance and inspection has generally been carried out as a result of complaints and enquiries.

Dog welfare has not been a priority for the Council as the Dog Control Act 1996 does not require the Council to undertake programmes or provide services that promote the welfare of dogs. This situation is changing as the Council sees an opportunity to enter in to a strategic alliance with the SPCA. Preliminary discussions have been encouraging and Council provides some limited funding to the SPCA to assist in its animal welfare work. Council views a changed emphasis on animal welfare as appropriate because an overall improvement in animal welfare knowledge and practice could lead to an improvement in dog control. In addition, it is likely that an alliance between the Council and the SPCA could provide a shared expertise that is of public benefit.

## **2. APPOINTMENT OF SPECIALIST STAFF:**

Council will either appoint a Dog Control Officer to the full-time staff or enter into a contract for service delivery from an individual or organisation for the purposes of undertaking dog control, dog ranging duties and undertaking animal welfare functions.

## **3. DOG CONTROL GENERALLY:**

Council will enforce standards of dog care and control through the provisions of the Dog Control Act 1996 (the Act) and a Bylaw. Options for enforcement include infringement notices (instant fines) and summary proceedings (Court action).

Council acknowledges that dog control is important across the whole of the District but public expectation is such that the majority of the dog control work is associated with Hokitika and Kanieri and to a more limited extent, Kumara and Ross.

Council also acknowledges that there is a public expectation that where dogs attack animals or people then early and decisive action will be taken. Sections 57-60 of the Act apply and there is sufficient discretion and adequate scope for action within the Act.

Council will ensure, as far as possible, that neglected or persistently barking dogs will be the subject of appropriate control intervention as variable circumstances warrant.

Owners must ensure that their dogs are under direct control of a person or are confined within premises in such a manner that they cannot freely leave the owners premises.

Owners are required to immediately remove their dog faeces from public places.

#### **4. DOG CONTROL IN PUBLIC PLACES:**

For the purposes of this part of this policy, dogs used for hunting or wilderness, avalanche or water search are "working dogs" pursuant to section 2 of the Act.

The Council will not allow any dog in a public place unless the dog is controlled on a leash or under continuous control to the satisfaction of a Dog Control Officer. The owner of a dog must use or carry a leash at all times while he or she is with the dog in a public place.

There are particular requirements relating to controlled dog areas within conservation land and national parks. Details of such land areas are available from the Department of Conservation, Private Bag 701 Hokitika 7842.

In addition:

- (a) Council will prohibit dogs from the mown playing surfaces of any public sports ground.
- (b) Council will require all dogs to be controlled on a leash within the Hokitika business area, in the area zoned as *Commercial Core* in the District Plan and including all the land constituting fore dune between Camp Street and Stafford Street.

#### **5.. IMPOUNDING:**

The Council will have any dog found at large impounded in a suitably designed and maintained dog pound. Pound fees will be set to cover capture and pound operational costs and will be structured to discourage repeat offences.

Where impounded dogs are not claimed, the assistance of the SPCA is sought for the rehoming of suitable dogs. An annual financial contribution to The SPCA is made in recognition of this work.

Registered dogs impounded more than once, after 1 July 2006, will be micro chipped before being released.

#### **6.. OWNERSHIP, DANGEROUS DOGS AND MENACING DOGS:**

The Council will ensure that the provisions of the Act are met in respect of probationary owners, disqualification of owners, dangerous dogs and menacing dogs.

**7.. MENACING DOGS:**

The Council may classify a dog as a menacing dog in accordance with the provisions of the Act. Written notice of the dog's classification must be given to the owner immediately. The dog owner has a right to object to the classification.

If a dog is classified as a menacing dog the owner of the dog must not allow the dog to be at large or in any public place or in any private way except when confined within a vehicle or cage, or being muzzled. The Council may require that the dog be neutered. The owner of a menacing dog must advise any other person in possession of the dog of the requirement to muzzle and leash the dog in public.

The Council must classify as menacing, any dog that the Council has reasonable grounds to believe belongs to the breed or type of dog listed in Schedule 4 of the Act.

**8 DOGS ATTACKING PERSONS OR ANIMALS:**

The Council recognises that dogs are territorial and that under the Act, dog owners must ensure their dog is kept under control at all times. From time to time dogs will exercise their territorial rights and in dealing with any complaints the Council will recognise the difference between an "attack" and a dog exercising its rights on private land.

**9. DOG REGISTRATION SURVEILLANCE:**

The Council accepts that regular contact with dog owners is an important way of promoting the proper care and control of dogs. It also enables the Council to assess existing standards and to check upon dog registration. The frequency of visits shall be reviewed periodically in light of staff availability and priorities.

The Council shall ensure that information required for the national dog control information database is maintained and provided for in accordance of the provisions of the Act.

**10. MICROCHIPPING:**

Any dog that is registered for the first time on or after 1 July 2006 must be implanted with a microchip transponder. Any dog that is classified as dangerous or menacing on or after 1 December 2003 must be implanted with a microchip transponder. Any dog that has been impounded more than once, after 1 July 2006, must be implanted with a microchip transponder before their release.

**11. FUNDING:**

All dog control activities will be funded through dog registration fees, infringement fees and impounding fees. Infringement fees are set by the Act and dog registration and impounding fees will be established through public consultative procedures each year as part of the Annual Plan process. In the recognition that there is a wider public good relating to effective dog control, the Council may from time to time partly fund dog

control from the general rates. Council may adopt a graduated scale of registration fees.

Microchipping of dogs that have been impounded more than once will be undertaken by the Council. Such dogs will not be released until the cost of microchipping has been recovered.

**12. INFRINGEMENTS:**

Under the Act there are a series of offences for which the Council's Dog Control Officer can issue infringement notices. The following table details the infringement offences and fees.

**Infringement Offences and Fees**

Section	Description of Offence	Infringement Fee
18	Wilful obstruction of dog control officer or dog ranger	\$1000
19(2)	Failure or refusal to supply information or wilfully stating false particulars	\$1000
20(5)	Failure to comply with any bylaw authorised by section 20	\$500
28(5)	Failure to comply with effects of disqualification	\$1000
32(4)	Fraudulent sale or transfer of dangerous dog	\$1000
36A	Failure to implant microchip transponder in dog	\$500
41	False statement relating to registration	\$1000
42	Failure to register dog	\$300
46(4)	Fraudulent attempt to procure replacement label or disc	\$1000
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	\$1000
52A	Failure to keep dog controlled or confined	\$300
53(1)	Failure to keep dog under control	\$300
52A	Failure to use or carry leash in public place	\$100
62(1)	Allowing dogs known to be dangerous to be at large unmuzzled	\$1000

**13. ENFORCEMENT:**

Where the Council's Dog Control Officer has reasonable cause to believe a person has committed an infringement offence under the Act a written warning may be issued by the Council's Dog Control Officer at their discretion, thereafter any further offences will result in the issuing of an infringement notice in accordance with the provisions of the Act.

**14. BYLAWS:**

The Council will continue to have a Dog Control Bylaw covering the control of dogs generally, impounding, prohibited places, the requirements of this policy and restricting the number of dogs on properties outside of the rural areas.

**15. ANNUAL REPORT ON DOG CONTROL POLICY AND DOG CONTROL PRACTISES:**

Under section 10A of the Act, the Council must report on the administration of its policy on dogs and its dog control practises. The report must include information relating to—

- the number of registered dogs in the district;
- the number of probationary owners and disqualified owners in the district;
- the number of dogs classified as dangerous or menacing in the district;
- the number of infringements notices issued by the Council;
- the number of dog related complaints received by the Council;
- the number of prosecutions taken by the Council under the Act.

Public notice of the report must be given and a copy of the report must be sent to the Secretary for Local Government.

**Adopted 8<sup>th</sup> April 2010**