



**POLICY
ON THE
CONTROL OF DOGS
WITHIN THE
WAIPA DISTRICT**

SEPTEMBER 2004

INTRODUCTION

The Dog Control Act 1996 (“the Act”), when it came into force required all territorial authorities to adopt a Dog Control Policy (“the Policy”). Amendments to the legislation in 2003 require Council to review the Dog Control Policy by 1 September 2004.

Prior to amendment, the Act stated that Councils have regard to:

- a) the exercise and recreational needs of dogs and their owners; and
- b) the need to minimise danger, distress and nuisance to the community generally;

when adopting a policy

The amended Act now requires Councils in adopting a policy to have regard to:

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

There has been a shift in emphasis, focusing on public safety.

The Act gives Councils some discretion in the application of the Act. However, in order to provide guidance to staff, councillors and the public and to have some consistency, Council must also develop a dog control policy. The Act prescribes some of the areas over which Councils have discretion such as the control of public areas, for example how many, if any, prohibited areas or dog exercise areas there should be in the district. The contents of the Policy are not limited under the Act and other matters can be included such as a policy on the neutering of menacing dogs. The contents section below covers what is contained in the Policy.

The Waipa District Council Dog Policy has been reviewed three times since its adoption in 1997. It has therefore proved to be a flexible document. Policy is not enforceable but under the Act, the Dog Control Bylaw (“the Bylaw”) is required to reflect and give effect to the Policy. The Bylaw is enforceable. The two documents do not exactly mirror each other, but are linked.

The aims of the Policy will be to meet the new requirements of the legislation to maintain a safe and healthy community, to protect children, and to also provide for the needs of dogs.

CONTENTS OF THE POLICY

The following sections form the basis of the Dog Policy for Waipa District:

1. Definitions
2. Dog Control Bylaw
3. The Control of Dogs in Public Places
4. Fees and Charges
5. Education Programmes and Obedience Courses
5. Probationary and Disqualified Owners
7. Menacing Dogs
8. Offences and Penalties
9. Unclaimed and Unwanted Dogs

1. Definitions

“Hunting Dog” to mean any dog used for hunting game.

2. Dog Control Bylaws

The Policy is required to state the nature and application of the Bylaw. The Waipa District Dog Control Bylaw 1997 (which will be updated to give effect to this Policy document) covers the following:

- Controlled Dog Areas and Prohibited Dog Areas and Dog Exercise Areas
- Prescribing minimum accommodation standards for keeping dogs
- Confinement of dogs
- Fouling
- Impounding
- Limit on number of dogs to be kept
- Nuisances
- Diseased dogs and teasing dogs

The Controlled Dog Areas, Prohibited Dog Areas and Dog Exercise Areas are set out in schedules attached to the Bylaw and are consistent with the areas referred to in this Policy.

3. The Control of Dogs in Public Places

AREAS PROHIBITED TO DOGS – SCHEDULE 1

The public places within Waipa District where dogs are **PROHIBITED** pursuant to the Bylaw are given in Schedule 1.

Exemptions

Council may grant consent for a person or organisation to permit the entry of dogs onto any prohibited area specified in Schedule 1 (Prohibited Dog Areas), for example for a special event subject to any conditions imposed.

DOG EXERCISE AREAS – SCHEDULE 2

The public places within the Waipa District where dogs may be **EXERCISED OFF A LEASH BUT UNDER CONTROL** pursuant to the Bylaw, are given in Schedule 2.

Children’s Playgrounds

All children’s playgrounds in public places, located within a dog exercise area will be fenced.

Dogs in Public Places

Dogs **controlled on a leash** may have access to any park or reserve or public place within the District, other than those public areas contained in Schedule 1 (Dog prohibited areas)

- (1) It shall be a defence that any hunting dog found in a public place without a leash is under the immediate supervision of a currently licensed or permitted game hunter who is using the dog for the immediate purpose, of locating and/or retrieving game.
- (2) It shall also be a defence that any hunting dog found in a public place without a leash is under the immediate supervision of a currently licensed firearms owner who is using that unleashed dog for the immediate purpose of locating and/or retrieving game.
- (3) In both (1) and (2) above, the onus shall fall on the hunter/shooter to demonstrate that he or she was entitled to legally be in that public place and to demonstrate that the unleashed dog was under his, or her full control.

Doggy Doo Bins

Areas where dogs may have access, such as Dog Exercise Areas will be provided, where possible, with sufficient litter bins to allow owners to immediately collect and dispose of dog faeces.

NB Dog owners are responsible for the immediate removal of dog faeces in all areas except on road reserves in rural areas.

4. Fees and Charges

Waipa District Council sets a schedule of fees and charges each year by resolution in relation to the registration of dogs, and also impounding costs for both dogs and stock. Fees and charges should be paid in full unless exceptional circumstances can be shown, to be determined by the Environmental Safety Manager.

Registration fees are payable by owners of all dogs over three months of age. The fees vary depending on whether the dog is kept on a rural or urban

property, and whether the dog owner is entitled to discounts off the full registration fee. Rural registration fees are set at the lowest rate, while urban fees are set to a higher level. However discounts to registration fees to encourage good ownership shall be available to all dog owners who meet certain criteria, such criteria to be set by Council as part of the annual plan process. The following list is an example of such criteria, and is not exhaustive:

1. Property fencing to a standard that ensures the dog(s) is fully contained at all times, to the satisfaction of a Council animal control officer.
2. Have completed Council's "Dog Owner Quiz" AND/OR attended and completed a recognised owner education/dog obedience class.
3. Have had their dog neutered (eg castrated or spayed).

For further details or to apply for any of these discounts, contact Council's customer support staff.

5. Education Programmes and Obedience Courses

It is the policy of Council to assist dog owners in meeting their obligations. The Council will have available a range of education and information material available free of charge. Council will also ensure that there is a reasonable range of publications available for borrowing from public libraries within the district. Further to this, an annual newsletter is sent to all dog owners in the district, and public seminars/education events are held each year. Dog Control Officers are available to offer advice during office hours, and are also available to visit schools and/or pre-schools to promote dog safety and welfare issues.

Council has developed a "Dog Ownership Quiz" as a means of encouraging owners to be more aware of their responsibilities and obligations. This takes the form of a written test and those owners who pass it will receive a reduction in their dog registration fee (see Fees and Charges section).

There are a number of community organisations which are involved in owner education programmes, puppy socialisation and/or dog obedience courses. Council promotes attendance at such classes, and will allow a discount off urban dog registration fees to any owner who successfully completes a recognised course. Contact details are available from Council offices and in the Council's Dog Care Manual.

6. Probationary and Disqualified Owners

The Dog Control Act 1996 provides the ability for councils to classify certain dog owners as probationary or to disqualify certain dog owners from owning dogs. Classification as a probationary owner means the person is unable to own any dog for a two year period following the classification. Disqualification means the person cannot own any dog for a five year period following the disqualification. Council must follow a standard procedure

when classifying a dog owner as probationary or disqualifying a person from owning a dog. If a dog owner has committed three or more infringement offences (not relating to a single incident or occasion) within a 24 month period or has been convicted of an offence against the Dog Control Act 1996 (or certain offences against the Animal Welfare Act 1999, or the Conservation Act 1987 or the National Parks Act 1980), Council must disqualify the owner unless Council is satisfied that the circumstances of the offence(s) do not warrant disqualification or probationary ownership. Council staff will disqualify any owner who meets the criteria of the Act as outlined above. The disqualified owner has the right of appeal to Council's Regulatory Committee to satisfy Council that the circumstances of the offence(s) do not warrant disqualification.

7. Menacing Dogs

Council **must** classify a dog as menacing if it has reasonable grounds to believe that the dog belongs wholly or predominantly to one of the four types/breeds listed in the Dog Control Act: American Pitbull Terrier, Dogo Argentino, Japanese Tosa and Brazilian Fila.

If Council considers that any dog poses a threat to any person, stock, poultry or domestic animal, or protected wildlife because of; any observed or reported behaviour of the dog; or any characteristics typically associated with the dog's breed or type; the Council **may** declare the dog to be menacing.

Menacing dogs *must* be muzzled in public and *may* be required by a territorial authority to be neutered. Waipa District Council requires all dogs classified as menacing, for whatever reason, to be neutered unless exceptional circumstances can be shown.

8. Offences and Penalties

The legislation provides an infringement system which gives councils the ability to issue infringement notices (instant fines). The nature and level of fees applicable to infringement offences are given in Schedule 3.

Where an infringement notice has been issued, there are four potential courses of action;

- a) the fee is paid and no further action is taken in regard to the notice; or
- b) the notice is appealed and the matter is heard by the District Court as a defended hearing; or
- c) the fee remains unpaid after a reminder notice and the matter is referred to the District Court; or
- d) the fee is waived at the discretion of the Environmental Safety Manager.

Minor offences, which have been the result of a genuine oversight or mistake, will be treated as a "warning only" on the first occasion. Depending on the circumstances of each case, all other offences are likely to result in the

issuing of an infringement notice. However, each case will be treated on its merits.

A rating system, which takes a number of factors into consideration, is applied to more serious offences, eg, dog bites/attacks to ensure consistency in our approach to these. Enforcement measures include prosecution, infringement notices or classification of the dog as dangerous or menacing.

9. Unclaimed and Unwanted Dogs

Council impounds dogs for breaches of the Dog Control Act 1996 or the Waipa District Dog Control Bylaw 1997. From time to time owners surrender dogs to Council and ownership is relinquished as a result.

Where an impounded dog has not been claimed by its owner, or a dog has been surrendered, Council may deal or dispose of the dog in a manner that it considers appropriate within the constraints of the law.

Council will give priority to re-housing unclaimed or unwanted dogs where circumstances are appropriate to do so. Where dogs cannot be re-homed, and destruction is the only practicable option, then dogs will generally be euthanased by means of lethal injection.

This policy does not preclude Council administering an alternative humane method of destruction in circumstances where administering a lethal injection is not practicable.

SCHEDULE 1**PROHIBITED DOG AREAS**

WARD	AT ALL TIMES
Cambridge	<ul style="list-style-type: none"> - Victoria Square - Cambridge Swimming Pool - Cambridge Cemetery (Hautapu) - Cambridge Soccer Grounds, Vogel Street - Cambridge Athletic and Harrier Club grounds, Vogel Street - Cambridge Rugby Sub-Union grounds, Taylor Street - Leamington Sports ground, Carlyle Street (playing fields only)
Te Awamutu	<ul style="list-style-type: none"> - Te Awamutu Rose Gardens - Te Awamutu Events Centre - Kihikihi Cemetery - Jean Gatton Reserve (Kihikihi) - Te Awamutu Rugby Sports and Recreation Club grounds (Albert Park)
Kakepuku	<ul style="list-style-type: none"> - Bulmers Landing, Lake Arapunui (southern area as signposted). Note: remainder of reserve around boat ramp is a “Dog on leash” area. - Yarndley’s Bush (Ngaroto Road)
Pirongia	<ul style="list-style-type: none"> - Pirongia Rugby Football Club - Pirongia Cemetery - Paterangi Cemetery - Upper field of the Ohaupo Rugby Club sports grounds
Maungatautari	<ul style="list-style-type: none"> - Karapiro Domain - Pukerimu Cemetery
All Areas	<ul style="list-style-type: none"> - In the immediate vicinity of any public playground or play area - Reserves where animals are being grazed - All DOC Reserves with the exception of wetland areas when being used for the purpose of hunting (permit required).

Note (1): Nothing in Schedule 1 shall apply to any guide dog certified by the Royal New Zealand Foundation for the Blind, any hearing ear dog certified by the Hearing Association and any companion dog certified by the Top Dog Companion Trust.

SCHOOLS/PRE-SCHOOLS

The following schools/pre-schools have also designated their grounds as prohibited:

WARD	AT ALL TIMES
Cambridge	<ul style="list-style-type: none">- Cambridge High School, Swayne Road- Cambridge Childcare Centre, Fort Street- Cambridge Primary School, Wilson Street- Cambridge Middle School, Clare Street- Leamington School, Lamb Street- Cambridge East School
Te Awamutu	<ul style="list-style-type: none">- Te Awamutu Primary School- Pekerau School- Kihikihi School- St Patricks School- Kihikihi Kindergarten
Kakepuku	<ul style="list-style-type: none">- Wharepapa School- Puahue School- Pokuru PrimarySchool
Pirongia	<ul style="list-style-type: none">- Pirongia School- Ngahinapouri School- Kaipaki School- Ohaupo Primary School
Maungatautari	<ul style="list-style-type: none">- Hautapu School- Te Miro School- Whitehall School

All schools/pre-schools listed will be responsible for providing and maintaining their own signage in relation to these designations.

SCHEDULE 2**DOG EXERCISE AREAS**

WARD	LOCATION
Cambridge	<ul style="list-style-type: none"> - McKinnon Park, Taylor Street - Gasworks Site, Alpha Street - Lower Te Koutu Park, Albert Street - Wordsworth Street (from Carlyle to Cemetery) - Gil Lumb Park, Pope Terrace - Road berm area, Lamb / Carlyle Streets the side of the road adjacent to the greenbelt - Fenced area adjacent to Leamington Sports Ground, cnr Carlyle and Wordsworth Streets (note, playing fields are prohibited to dogs) - Old Cambridge Landfill, Shelley Street, Cambridge - Road berm area, Vogel Street and Taylor Street, the side of the road adjacent to the greenbelt (Taylor Street restricted to the hours before 7am and after 5pm during school term time)
Te Awamutu	<ul style="list-style-type: none"> - Anchor Park (back half area) - Greenough Crescent Reserve - Centennial Park, Rewi Street (south of BMX track) - Montiefiore Park, Factory Road - Te Rahu Road Reserve - Bygrave Place Reserve (except when grazed) - Turere Lane Reserve - Douglas Avenue Reserve - Kihikihi Domain (preferential bookings will take precedence) - Bryce Street / Hall Street Corner - Old Kihikihi Landfill Site - Leslie Street (Kihikihi)-currently closed temporarily for works
Pirongia	<ul style="list-style-type: none"> - Acacia Narrows (Airport Road) - Lake Ngaroto - Tollrail lease area adjacent to Kahikatea Park, Ohaupo (subject to the issue of a resource consent under the Resource Management Act 1991, which if granted will result in the area being automatically designated as a dog exercise area and appropriate signage will be installed) - Old Pirongia Landfill, Kane Street, Pirongia, also to be closed temporarily for works
Kakepuku	<ul style="list-style-type: none"> - Arapuni Landing (Lake Arapuni)
Maungatautari	<ul style="list-style-type: none"> - Judd Lane, Maungatautari Road

SCHEDULE 3**INFRINGEMENT OFFENCES & FEES**

SECTION OF DOG CONTROL ACT	BRIEF DESCRIPTION OF OFFENCE	INFRINGEMENT FEE
18	Willful obstruction of dog control officer or dog ranger	\$750
19(2)	Failure or refusal to supply information or willfully providing false particulars	\$750
19A(2)	Failure to supply information or willfully providing false particulars about dog	\$750
20(5)	Failure to comply with any bylaw authorised by the section	\$300
28(5)	Failure to comply with effects of disqualification	\$750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300
32(4)	Fraudulent sale or transfer of dangerous dog	\$500
33E(2)	Failure to comply with effects of classification of dog as menacing dog	\$300
36A(6)	Failure to implant microchip transponder in dog	\$300
41	False statement relating to registration	\$750
42	Failure to register dog	\$300
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	\$500
48(3)	Failure to advise change of ownership	\$100
49(4)	Failure to advise change of address	\$100
51(1)	Removal, swapping or counterfeiting of registration label or disc	\$500
52A	Failure to keep dog controlled or confined	\$200
53(1)	Failure to keep dog under control	\$200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter, and to provide adequate exercise.	\$300
54A	Failure to use or carry leash in public place	\$100
62(4)	Allowing dogs known to be dangerous to be at large unmuzzled or unleashed	\$300