

WAIPA
HOME OF CHAMPIONS



POLICY

ON THE

CONTROL OF DOGS

WITHIN THE

WAIPA DISTRICT

2009

INTRODUCTION

The Dog Control Act 1996 (“the Act”), requires each territorial authority to adopt a Dog Control Policy in respect of dogs in its District (“the Policy”).

As the Act gives territorial authorities some discretion in the application of the Act, having a Policy provides guidance to Council, staff and the public and provides some consistency in the application of the Act. The Act sets out some of the areas over which Councils may have local governance such as the control of public areas.

The Waipa District Council Dog Policy has been reviewed previously in 2003 and 2004 since its original 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 used to give legal powers to implement the Policy. The two documents do not exactly mirror each other, but are aligned.

The Act requires that territorial authorities in adopting a policy must have regard to:

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

The aims of this Policy is to meet the requirements of the legislation and to maintain a safe and healthy community. In order to meet the above-mentioned objectives of the Act, this document contains policies aimed at reducing danger, distress and nuisance by ensuring that certain areas in the District are prohibited to dogs, particularly areas frequented by children such as schools and playgrounds. In all public areas, other than these dog prohibited areas and dog exercise areas, dogs will be required to be on a lead.

All incidents involving aggressive or dangerous dogs will be fully investigated and enforcement action taken where appropriate. Uncontrolled dogs will be impounded where appropriate and owners may be infringed for offences. The positive aspects of dog ownership will also be recognised and supported through facilities for dogs and education.

CONTENTS OF THE POLICY

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

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

1. Interpretation

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

“Owner” has the meaning as defined under the Dog Control Act 1996.

“Public Place” has the meaning as defined under the Dog Control Act 1996.

“Working Dog” has the meaning as defined under the Dog Control Act 1996.

“Disability Assist dog” has the meaning as defined under the Dog Control Act 1996

2. Waipa District Dog Control Bylaws

The Policy is required to state the nature and application of the Bylaw. The Waipa District Dog Control Bylaw 2009 (which will be updated to give effect to this Policy document) covers the following:

- Dog Prohibited Areas, Dog on Lead Areas and Dog Exercise Areas
- Minimum standards for the accommodation of dogs
- Limit on number of dogs to be kept
- Confinement of dogs
- Fouling
- Nuisances
- Impounding
- Uncontrolled Dogs
- Teasing Dogs

The Dog Prohibited 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

3.1 DOG PROHIBITED AREAS– SCHEDULE 1

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

3.2 Exemptions

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

3.3 DOG ON LEAD AREAS

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), Note: this restriction does not apply to working dogs.

- (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 legally entitled to be in that public place and to demonstrate that the unleashed dog was under his, or her full control.

3.4 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.

3.5 Children’s Playgrounds

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

3.6 Dog Faeces 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 approves a schedule of fees and charges each year by resolution in relation to the control of dogs. Council's current policy is to cover operational costs through both fees and charges and general rates. This policy enables Council to keep fees and charges to a minimum and to treat all dog owners in the District as "good owners", until such time as an offence occurs. Subject to the Act, fees and charges should be paid in full unless exceptional circumstances can be shown, to be determined by the Environmental Safety Manager.

Fees and charges are reviewed annually. Registration fees are payable by owners of all dogs over three months of age. The registration 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 may be set at a lower rate, while urban fees may be set at a higher level but will have more discounts available. Discounts off registration fees to encourage good ownership, will 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 discounts which may be applied:

1. Prompt payment if the registration fee is paid before 1st August each year, or within 14 days of acquiring a dog.
2. Property fencing to a standard that ensures the dog(s) is fully contained at all times, to the satisfaction of a Council dog control officer.
3. The dog has been neutered.

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

5. Education Programmes and Obedience Courses

Council's policy is to assist dog owners in meeting their obligations under the Act and to promote safety around dogs through the use of education. The Animal Control Team 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.

All new dog owners, or owners new to the District are given an information pack. An annual newsletter is sent to all registered dog owners in the District, and public seminars and/or education events are held each year. In addition Dog Control Officers are available to offer advice during office hours, and are also available to visit schools and/or pre-schools to promote safety around dogs and provide information on caring for dogs.

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 up to 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 **Waipa District Council requires every menacing dog to be neutered** unless the owner of the dog produces a certificate from a registered veterinary surgeon certifying that for reasons specified in the certificate (such as age or infirmity) the dog is not in a condition to be neutered and is unlikely to ever be in such a condition. If a dog has been classified as a menacing dog in another district, where it was not required to be neutered, it will be a requirement for the dog to be neutered once residing in Waipa District, except in the circumstances detailed above.

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. The fees are subject to change and accordingly the latest legislative version will form part of the policy and be updated as required.

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, seizures 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 DOG PROHIBITED AREAS

WARD	AT ALL TIMES
Cambridge	<ul style="list-style-type: none">▪ Victoria Square▪ Cambridge Swimming Pool▪ Cambridge Cemetery (Hautapu)▪ Cambridge Soccer grounds (Senior and Junior), Vogel Street▪ Cambridge Athletic and Harrier Club grounds, Vogel Street▪ Cambridge Rugby Sub-Union grounds, Taylor Street▪ Leamington Sports grounds, Carlyle Street (playing fields only)
Te Awamutu	<ul style="list-style-type: none">▪ Te Awamutu Rose Gardens▪ Te Awamutu Events Centre▪ Te Awamutu Rugby Sports and Recreation Club grounds (Albert Park)▪ Kihikihi Cemetery▪ Jean Gatton Reserve (Kihikihi)
Takepuku	<ul style="list-style-type: none">▪ Yarndley's Bush (Ngaroto Road)
Pirongia	<ul style="list-style-type: none">▪ Pirongia Rugby Football Club▪ Pirongia Cemetery▪ Paterangi Cemetery▪ The 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">▪ Any Waipa District Council offices, libraries or museums▪ In the immediate vicinity of any public playground or play area▪ Reserves where animals are being grazed▪ <i>All Department of Conservation Reserves with the exception of wetland areas when being used for the purpose of hunting (permit required).</i>

Note (1): Nothing in Schedule 1 shall apply to any certified disability assist dog.

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 Early Learning Centre, Fort Street▪ Cambridge Primary School, Wilson Street▪ Cambridge Middle School, Clare Street▪ Leamington School, Lamb Street▪ Cambridge East School▪ Leamington Playcentre
Te Awamutu	<ul style="list-style-type: none">▪ Te Awamutu Primary School▪ Pekerau School▪ Kihikihi School▪ St Patricks School▪ Kihikihi Kindergarten
Takepuku	<ul style="list-style-type: none">▪ Wharepapa School▪ Puahue School▪ Pokuru Primary School
Pirongia	<ul style="list-style-type: none">▪ Pirongia School▪ Ngahinapouri School▪ Kaipaki School▪ Ohaupo Primary School▪ Rukuhia 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 ▪ Walkway in greenbelt from Thornton Road to Watkins Road ▪ Lower Te Koutu Park, Albert Street ▪ Gasworks Site, Alpha Street ▪ River walkway from Dominion Avenue ▪ Gil Lumb Park, Pope Terrace ▪ Shelley Street (former landfill site) ▪ Road berms adjacent to the greenbelt along Lamb and Carlyle Streets into Wordsworth Street ▪ Polo grounds at Lamb Street (access excluded when in use for Polo) ▪ Walkway from Addison Street through to Wordsworth Street (dogs on lead through paddocks when being grazed) ▪ Fenced area adjacent to Leamington Sports Ground. Cnr of Carlyle and Wordsworth Streets (note playing fields are prohibited to dogs) until such time as Leamington Rugby Sports Club exercise their rights as lessee to withdraw consent for the area to be used as a dog exercise area, at which time the fenced area adjacent to Leamington Cemetery will become a designated dog exercise area
Te Awamutu	<ul style="list-style-type: none"> ▪ Anchor Park (back half area) ▪ Centennial Park, Rewi Street (west of skateboard park) ▪ Bygrave Place Reserve (except when grazed) ▪ Montefiore Park, Factory Road ▪ Turere Lane Reserve ▪ Rear area of Sculpture Part, Albert Park Drive ▪ Kihikihi Domain (preferential bookings will take precedence) ▪ Leslie Street (Kihikihi)
Pirongia	<ul style="list-style-type: none"> ▪ Acacia Narrows, Airport Road ▪ Lake Ngaroto (note: walkway around the lake dog on lead) ▪ Kane Street, Pirongia ▪ River walkway, Pirongia ▪ Kahikatea Park, Ohaupo

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 wilfully providing false particulars about dog	\$750
20(5)	Failure to comply with any bylaw authorised by the section	\$300
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	\$300
24	Failure to comply with obligations of a probationary owner	\$750
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
33EC (1)	Failure to comply with effects of classification of dog as menacing dog	\$300
33F (3)	Failure to advise person of muzzle and leash requirements	\$100
36A(6)	Failure to implant microchip transponder in dog	\$300
41	False statement relating to registration	\$750
41A	Falsely notifying death of dog	\$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

SECTION OF DOG CONTROL ACT	BRIEF DESCRIPTION OF OFFENCE	INFRINGEMENT FEE
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 carry leash in public place	\$100
55(7)	Failure to comply with barking dog abatement notice	\$200
62(4)	Allowing dogs known to be dangerous to be at large unmuzzled or unleashed	\$300