

DOG CONTROL POLICY 2016

Contents

| | |
|---|----------|
| Why do we need a Dog Control Policy? | 1 |
| Legislation | 2 |
| Obligations of dog owners | 3 |
| General Health and Welfare | 3 |
| Registration of dogs | 3 |
| Micro-chipping of dogs | 3 |
| Working dogs | 3 |
| Owning multiple dogs | 4 |
| Fees | 4 |
| Owner education | 4 |
| Responsible dog owner policy | 4 |
| Eligibility | 5 |
| Probationary and disqualified owners | 5 |
| Where can you take your dog? | 5 |
| Exemptions | 6 |
| Prohibited areas | 6 |
| Leash control areas | 6 |
| Dedicated dog exercise areas | 6 |
| Non designated areas | 7 |
| Infringement notices and fines | 7 |
| Dangerous and menacing dogs | 7 |
| Dangerous dogs | 7 |
| Menacing dogs | 7 |
| Impounding of dogs | 7 |
| Document management and control | 8 |
| Contact | 8 |

WHY DO WE NEED A DOG CONTROL POLICY?

Dogs are an important part of many people's working and social lives, and have a special place in many families. However, dogs can also cause problems: nuisance from barking, injuries from biting, and they can be devastating to wildlife.

To manage these problems and to make sure that our dogs fit well into our communities, the Clutha District Council (the Council) established a Dog Control Policy and companion bylaw, the Clutha District Council Dog Control Bylaw which is Part 6 of the Clutha District Council Regulatory Bylaw. This Policy and Bylaw have effect in all areas of the Clutha District.

LEGISLATION

The control of dogs is legislated by the Dog Control Act 1996 (the Act). This specifies the ways all territorial authorities must approach this issue and provides a structure for the control of dogs. Its aims are:-

‘Section 4 Objects

- (a) To make better provision for the care and control of dogs—
 - (i) By requiring the registration of dogs; and
 - (ii) By making special provision in relation to dangerous dogs and menacing dogs; and
 - (iii) 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
 - (iv) 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
- (b) To make provision in relation to damage caused by dogs.’

The Act was amended in 2003 and 2004 when new requirements were introduced to:

- Require an identification microchip to be placed in all dogs born after 1 July 2006, all dangerous and menacing dogs, unregistered dogs that are impounded, and registered dogs that are impounded more than once.
- Require Council to provide details of all dogs and owners to a National Dog Database.
- Create a new category of “menacing dog”, which are considered to pose a threat but are not “dangerous” in terms of the Act.
- Increase the infringement fees and maximum penalties for offences, and create some new offences.

Section 10 of the Dog Control Act also specifies the various issues that any dog policy should address.

This Dog Control Policy establishes a framework within which the council will provide dog control services. It covers:

- the obligations of a dog owner
- microchipping and registration
- owner and dog classification
- areas where dogs are permitted and prohibited
- issuing Infringement Notices

OBLIGATIONS OF DOG OWNERS

GENERAL HEALTH AND WELFARE

Dog owners are responsible for the physical and psychological needs of their dogs. This includes providing suitable shelter, food and water, and exercise opportunities. Where necessary Animal Control Officers will take action to ensure all dogs are cared for in a proper manner.

REGISTRATION OF DOGS

All dogs in New Zealand must be registered in accordance with section 36 of the Act. This means that:

- All dogs must be registered by 30 June each year,
- All dogs must be registered for the first time before they are three months old.
- A penalty fee is applied to any dog registration fees that are not paid by 30 June each year.
- Registered dogs must wear a registration tag at all times. The Council will replace a lost dog registration tag at no cost.
- It is an offence not to register a dog that is over three months of age.
- It is an offence to knowingly provide false information on a dog registration application form.

Dogs must be registered:

- so that there is an up to date record of all dogs and their owners,
- to allow for the return of lost dogs, and
- to generate revenue to support dog control services across the district.

MICRO-CHIPPING OF DOGS

Micro-chipping is a permanent way of identifying a dog. Micro-chips are implanted into a dog's back, between its shoulder blades by a qualified person. Wearing a micro-chip means a dog can be linked to its owner if it is lost or stolen.

The following dogs must be micro-chipped:

- all new dogs, other than working dogs, reaching 3 months of age after 1 July 2016
- all dogs that are classified as dangerous or menacing
- any unregistered dog that has been impounded
- any registered dog that is impounded for a second time.

WORKING DOGS

The owner must identify that the dog is a working dog on the registration application form.

OWNING MULTIPLE DOGS

To limit problems that can be caused when people own many dogs, Council's policy is that anyone wanting to keep more than two dogs of registerable age on any property must apply to the Council in writing for a licence. This licence must be renewed annually. There is a one-off processing fee payable with the first application.

This requirement applies to any property in the Urban, Industrial, or Rural Settlement resource areas as defined by the Clutha District Plan.

FEES

The owner of any dog must pay the annual registration fee, payable to the council by 1 July each year. Any registration fee which remains unpaid at 2 August will incur a penalty charge.

In order to determine the level of registration fee to be paid, dogs are categorised as:

- (a) working dogs, as per the definition in the Act
- (b) non-working dogs - all those which do not meet the definition in (a) above.

Council may also introduce fee rates for other categories.

Dog registration fees are reconsidered each year. The latest fees can be found in the Council's Schedule of Fees and Charges Manual, available from the Council website or from the Council's offices.

OWNER EDUCATION

Owner education is an important part of promoting responsible ownership of dogs. Responsible and knowledgeable owners care for their dogs so that their animals remain under control, healthy and well exercised. Well cared for dogs are less likely to disturb people's' enjoyment or to affect other animals.

Council's policy is to continue to promote responsible dog ownership by producing and distributing appropriate information material and providing education or other effective programmes.

RESPONSIBLE DOG OWNER POLICY

Council will recognise good dog owners and provide a reduction in the fee structure to encourage people who take a responsible approach to the ownership, care and control of dogs.

Owners who can demonstrate that they are fully aware of the responsibilities of dog welfare and control are encouraged to apply to the Council for Responsible Dog Owner status. Once an application has been received, the Animal Control Officer will arrange to evaluate the owner and inspect the property before awarding Responsible Dog Owner status.

Council's Responsible Owner Policy, fee details, and declaration form are available on the Council's website.

ELIGIBILITY

To be eligible for Responsible Owner status, a dog owner must have owned a dog in Clutha District for a period of at least two years. In addition, they must be able to show:

- a history of responsible dog ownership, e.g. no recent substantiated complaints.
- a high level of co-operation and compliance with Council policy and bylaw, and with the Dog Control Act 1996.
- that they have suitable kennels, fences or other dog facilities for the housing and control of their dog.
- a sound knowledge of dog control laws, regulations and bylaws.

An owner must also complete the relevant form and pay the application fee.

Any contravention of the Bylaw or Act will lead to immediate removal of the Responsible Owner status.

PROBATIONARY AND DISQUALIFIED OWNERS

The Dog Control Act 1996 allows Council to classify dog owners as Probationary Owners if they commit three infringement offences in a 24 month period or one serious breach which results in a court conviction.

In addition, under certain specified circumstances, an owner may be disqualified from owning a dog. Disqualified owners must dispose of any dogs they own within 14 days. However, a disqualified owner can object to the disqualification decision to Council, or if dissatisfied with Council's decision, may appeal to the District Court.

Council's policy is to apply the provisions of the Act with respect to the classification of dog owners as probationary or disqualified owners as and when necessary.

WHERE CAN YOU TAKE YOUR DOG?

Dogs are prohibited from some specified public areas, or must be on a leash in others. This is generally done to protect vulnerable wildlife, and the health and safety of the public. In this policy the Council specifies several areas where dogs are not permitted or where they must be kept on a leash.

The general areas used in this policy to define the level of control an owner must have over a dog are the Resource Areas as defined in the Council District Plan. There are six areas:

- Rural Resource Area
- Coastal Resource Area
- Urban Resources Area
- Industrial Resources Area
- Transitional Resources Area
- Rural Settlements

EXEMPTIONS

Some dogs are exempt from this prohibition:

- guide-dogs for the blind,
- registered disability assist dogs,
- police dogs,
- dogs being used by property guards (as defined in the Private Security Personnel and Private Investigators Act 2010) or
- dogs confined in an efficient container, or securely confined in or by lead or restraint on a vehicle,

Prohibition also does not apply to organised events held by Kennel Clubs / dog obedience clubs / dog trials etc.

PROHIBITED AREAS

Dogs are prohibited from entering some places and areas in the district.

This means you cannot take your dog into any of these areas.

Clutha District has many areas which have high visitor and wildlife significance. These areas are managed by Department of Conservation or other agencies and dogs will be either prohibited altogether or permitted if kept on a leash. The relevant dog control signs must be obeyed at these areas.

Specific prohibited areas for dogs within the Clutha District are laid out in Schedule A of the Clutha District Council Bylaw 2016

LEASH CONTROL AREAS

These are public places in the Clutha District where dogs are only allowed if they are on a leash, chain or lead which is secured or held so that the dog cannot break loose.

| | |
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| Urban Resource Area | Dogs allowed in public areas if they are on a leash |
| Industrial Resource Area | Dogs allowed in public areas if they are on a leash |
| Rural Settlement | Dogs allowed in public areas if they are on a leash |

In addition, dogs must be kept on a leash on public walking tracks in those Scenic Reserves where owners are permitted to take dogs. Signs erected at these locations specify whether dogs are permitted and must be obeyed.

DEDICATED DOG EXERCISE AREAS

Council may set aside areas within the leash control areas of the district where dogs may be exercised off the leash. Any such areas would be managed in accordance with the Council's Reserve Management Plan.

NON DESIGNATED AREAS

Dog owners can take their dogs into other public areas in the District. However, a dog owner must carry a leash with them at all times when in a public area with their dog. This applies to the following areas as described in the Council District Plan.

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|-----------------------------|--|
| Coastal Resource Area | dog owners must carry a leash with them in any public area |
| Transitional Resources Area | dog owners must carry a leash with them in any public area |
| Rural Resource Area | dog owners must carry a leash with them in any public area |

Failure to comply can lead to an infringement fee or a fine.

When a dog is on land or premises occupied by its owner, the owner must, at all times, ensure that either the dog is under the direct control of a person, or is confined in such a way that it cannot freely leave the land or premises. Failure to comply can lead to an infringement fee or fine, and the dog can be seized and impounded.

INFRINGEMENT NOTICES AND FINES

Council's policy is for Animal Control Officers to issue Infringement Notices where appropriate to promote the objectives set out in this policy.

Animal Control Officers may issue an Infringement Notice in accordance with the Dog Control Act 1996.

DANGEROUS AND MENACING DOGS

DANGEROUS DOGS

Dogs that have attacked people, or domestic or protected animals may be declared dangerous by Council. Dangerous dogs must be muzzled in public, neutered or spayed, and kept in a fenced area separate from access to the house. They must also be microchipped if they do not already have a microchip.

Dangerous dogs must not be sold without Council's approval, and the owner of a dangerous dog will pay 150% surcharge on registration fees.

MENACING DOGS

Dogs which have not actually made an attack, but which are still considered to pose a threat (based on behaviour or breed) may be declared menacing by Council. Menacing dogs must be muzzled in public, and Council can require them to be neutered or spayed.

IMPOUNDING OF DOGS

A dog owner is responsible for the control of their dog. Where a dog is uncontrolled it may be impounded.

An owner may reclaim their dog from the pound after the payment of the relevant fee and after registering the dog if it is unregistered. In addition to a flat fee, the

owner is liable for covering the additional costs incurred by the impounded dog including:

- daily sustenance
- after hours impounding fee
- registration and advertising (if appropriate)
- actual cost of microchipping dog prior to release, if required.

Where a dog is not claimed by its owner it may be disposed of or sold to a new owner.

Any impounding and disposal costs will be charged to the owner (if known).

DOCUMENT MANAGEMENT AND CONTROL

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CONTACT

The following person/s may be approached on a routine basis in relation to this policy:

- Manager Planning and Regulatory