

DOG POLICY 2004



MASTERTON DISTRICT COUNCIL

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Introduction

The Dog Control Amendment 2003 Act which became effective on 1 December 2003 provided new legislation for the control of dogs.

The purpose of this Act is to:-

- (a) Make better provision for the control of dogs;
- (b) Make better provision in relation to damage caused by dogs.
- (c) Amend the Principal Dog Control Act 1996
- (d) Minimise danger, distress and nuisance to the community generally.

The principal new initiatives of the Act are to:-

- Require all councils to review and amend their policy on dogs.
- Require councils to disqualify a person from owning a dog unless it is satisfied that the circumstances of an offence or offences do not warrant disqualification, and that person has been convicted of an offence/s under the Act.
- Give a Dog Control Officer power to remove a dog from a property where the owner has been required to abate the nuisance caused by barking or howling and has not done so.
- Require the Council to classify a dog as dangerous or menacing on the basis of certain behaviour and breed of dog.
- Empower Dog Control Officers/Ranger to issue infringement notices for defined infringement offences with penalties ranging from \$100 to \$750.
- Increase maximum fines for offences in some cases up to \$3,000.
- Give DCO/DR power to seize and impound dogs which are:
 - Unregistered
 - Uncontrolled
 - Uncontrolled on owners property
 - Not receiving adequate food, water or shelter
 - Unlawfully removed from the pound
 - Classified as menacing or dangerous and failing to comply with the requirements of the classification.
 - Require owner of dog to use or carry a leash at all times while with a dog in a public place.
 - Require the micro chipping of Dangerous/Menacing dogs and all dogs first registered after 1st July 2006.

Submission Information and Timetable for the Adoption of the Dog Policy

The Dog Control Amendment Act was passed in December 2003 and focuses on increasing Public Safety around dogs and making owners more aware of their responsibility and substantially increased the penalties.

The Masterton District Council has amended its Dog Control Policy to bring the Policy into line with the amended Act. It produced the draft amended dog policy for public consultation and comment from all registered dog owners in the district and people interested in the keeping and welfare of dogs and in the impact dogs have in the community. The Council reviewed the existing Policy and made the amendments as required by the Dog Control Act. The Act required the Territorial Authority to review the Dog Control Policy by the 1st of September 2004.

After considering all submissions the Council reviewed the draft provisions and adopted the final policy on dogs.

The timetable for the public consultation and adoption process was:-

| | |
|--|---------------------------------|
| Draft Amended Dog Policy reported to Resource Management Committee | 10 th August 2004 |
| Draft Amended Dog Policy publicised by Council and submissions invited | 19 th August 2004 |
| Submissions closed | 20 th September 2004 |
| Submissions heard | 27 th September 2004 |
| Council adopted final policy | 29 th September 2004 |
| Policy effective | 29 th October 2004 |

DOG POLICY

The Masterton District Council developed the dog policy set out in this document for public input and comment with the aim of having the final policy adopted by the end of September 2004.

The Amended Dog Policy has established the basis upon which the Masterton District Council will provide its dog control service.

In adopting the policy the Council has had regard to:-

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

The process for adoption of the policy has been completed in accordance with the special consultative procedures set out in the Local Government Act 2002.

Objectives of the Dog Control Act 1996 & Dog Control Amendment Act 2003

The Objectives of the Dog Control Act are:-

- (a) To make better provision for the care and control of dogs by:
 - (i) Requiring the registration of dogs;
 - (ii) Making special provisions in relation to dangerous dogs;
 - (iii) Imposing on the owners of dogs obligations to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person;
 - (iv) 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.
- (b) To increase powers of Dog Control Officers to better enable them to take steps to minimize the risk to public, and make provision in relation to damage caused by dogs.
- (c) To set up a National Database/ Micro-chipping menacing and dangerous dogs and dogs first registered after 1st July 2006.
- (d) To provide for the reasonable exercise and recreational needs of dogs and their owners.

Objectives of the Masterton District Council

The Objectives of the Masterton District Council are:

- (i) To eliminate nuisance caused to the community by dogs by means of education, enforcement and publicity.
- (ii) To administer the Dog Control Act and associated bylaws.
- (iii) To operate the District Pound to cater for the needs and welfare of impounded animals.
- (iv) To actively promote the pooper scooper bylaw by education, publicity and wider provision of bags and disposal bins at designated dog exercise areas.
- (v) To promote responsible ownership and the care and welfare of dogs.

Nature and Application of Bylaws

The Council will endorse existing bylaws and amendments which are based on the NZ Standards Association Model General Bylaw.

Under the bylaw it is a requirement that dogs, other than working dogs when working, be controlled by a leash in all public places, in the urban area of Masterton at all times and over the summer holiday period referred to as 20th December – 31st January at the coastal settlements of Riversdale and Castlepoint with the exception of designated dog exercise areas.

The change to the bylaw will empower Dog Control Officers to require owners to fence dogs within a specified portion of their property if complaints are received that the dogs are creating a nuisance by rushing at fences and intimidating members of the public.

Public Places Where Dogs are to be Controlled on a Leash

Dogs are to be kept on a leash at all times in public places in the Urban Ward of the Masterton District and over the summer holiday period defined as 20th December to 31st January at the coastal settlements of Riversdale and Castlepoint.

Provided that dogs are not required to be kept on a leash in public places where they are under continuous surveillance and effective control and the public place is designated a dog exercise area.

Dog Exercise areas:-

Dogs are prohibited from public places as may have been publicly notified in accordance with a bylaw or by resolution of the Council. The public place currently prohibited to dogs is the central business area. Dogs are also prohibited from all children's play areas and areas where dogs may pose a threat to wildlife eg. Aviary at Queen Elizabeth Park.

Classification of Dogs

The Dog Control Act requires the council to classify as menacing dogs, those belonging wholly or predominantly to 1 or more breeds or types listed in schedule 4, as listed below.

- Breed of dog
 - Brazilian Fila
 - Dogo Argentino
 - Japanese Tosa

- Type of dog
 - American Pit Bull Terrier

or

Dogs that the council considers may pose a threat to any person or animal because of observed or reported behaviour of the dog, or any characteristics typically associated with the dogs breed or type.

Classification of Owners

The Dog Control Act provides for the Council to classify dog owners as probationary owners if they are convicted of certain offences under the Act. A probationary owner is liable to pay 150% of the usual registration fee and must dispose of any unregistered dog. The Council may also require that person to undertake, at their own expense a dog owner education programme or dog obedience course (or both).

A decision to classify an owner as a probationary owner can be appealed by the owner to the territorial authority.

The Council's policy will be to classify owners as probationary where provided for in the Act.

Disqualification of Owners

The territorial authority must, unless it is satisfied the circumstances of an offence do not warrant disqualification, disqualify a person from being the owner of a dog if that person is convicted of certain offences.

Where a person who is classified as a probationary owner and is convicted of certain offences the Council may disqualify that person from being the owner of any dog. The disqualification can be for any period up to a maximum of 5 years. A disqualified owner must dispose of any dog/s owned within 14 days.

A decision to classify an owner as a disqualified owner can be appealed by the owner to the territorial authority.

The Council's policy will be to classify an owner as disqualified for an appropriate period as provided for in the Act.

Issuing of Infringement Notices

The Act provides for infringement notices for certain offences under the Act. Infringement notices can be served at the time of the offence on the owner as defined in the Act and generally the person in charge of the dog. The infringement requires an infringement fee to be paid or for the owner to request a court hearing in respect of the alleged offence.

Infringement Offences and Fees

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

The Council's policy is to issue infringement notices where appropriate to promote the objectives set out in this amended dog policy.

Dog Exercise Areas

The following areas are designated dog exercise areas where dogs may be exercised at large while under continuous surveillance and effective control.

- Henley Lake – all areas controlled by the Henley Lake Management Plan, with the exception of leash restrictions imposed between 1st August and 30th November (inclusive) in signposted areas.
- Waipoua River Banks up to and including top of stop bank.
- Ritimona Reserve
- Waingawa River Bank, South Road
- Castlepoint Beach, beach front north of DOC reserve (aka the Basin)
- Riversdale Beach, beach front and Southern Reserve
- Ruamahunga River bank, town side north of Te Ore Ore Road bridge
- Renall Street Railway Reserve.

Dog Control Fees

The Council will regularly review its dog control fees to suit operational requirements. Council is to continue setting an approved owner fee to reward owners who have never been the subject of complaint, infringement notice etc. Owners who breach the Dog Control Act or bylaws will be classified general owners for one complete registration year and will pay a general registration fee which is higher than the approved owner fee. This is apart from any other legal action which may be taken. The Council will continue to promote desexing of dogs by imposing a lower registration fee for desexed dogs.

Rural Dogs

It is recognised that rural dogs cause less dog control problems and therefore a differential between rural and urban fees will continue.

The Council aims to self fund dog control operations from dog control fees, with the exception that from time to time the Council may approve a contribution from the general ratepayer base.

Open and Controlled Dog Areas Under Conservation and National Parks Acts

At this stage there are no gazetted areas under the above Acts. The Department of Conservation is preparing guidelines for local DOC branches for the creation of controlled and open areas. These areas will be determined and gazetted following public consultation.

Owner Education

Owner education is seen as an important part of the Dog Control Policy.

The Council will continue to promote responsible dog ownership by producing and distributing information material to owners and by providing regular publicity on dog control matters.

The Council will also liaise with other groups such as SPCA and the Dog Obedience Club to provide a coordinated dog owner education module and a programme for delivery to schools.

The pooper scooper bylaw will be given publicity and disposal bags will be widely distributed eg. Stores at Castlepoint, Riversdale, local dairies etc. Disposal bins for bags will be located at dog exercise areas.