

WAIKATO DISTRICT COUNCIL

Dog Control Policy – Adopted 22 May 2007



Introduction

This document contains Waikato District Council's dog control policy under the Dog Control Act 1996 ("the Act"). The Waikato District Dog Control Bylaw, which is a separate document, implements part of this policy.

In accordance with the Act, in adopting this policy the Council has had 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.

Other considerations are referred to in the reasons and explanations after each policy.

Objective

To enable people to enjoy the benefits of dog ownership whilst minimising danger, distress and nuisance to the public.

Policies

The objective will be attained through the following policies:

Policy 1: Responsible dog ownership

Responsible dog ownership should be encouraged.

Methods: what Council will do to achieve this policy:

- Provide the knowledge to enable dog owners to be responsible before problems occur.
- Establish fee structures that acknowledge responsibility and compliance.
- Distribute information on dog control and care.
- Undertake regular property inspections to promote awareness of obligations and maintain compliance.

Council will make bylaws that:

- require dog owners to remove faeces from public places.
- have regard to the exercise and recreational needs of dogs and their owners by designating specified areas where owners can play with and socialise their dogs.

Reasons and Explanation

Dog owners need to be made aware of the propensity of dogs to cause harm or nuisance. Dog faeces are a nuisance and a potential public health hazard. Dogs need to be trained and socialised so that they learn how to behave in a public environment. Dog owners need to be encouraged to seek professional education. The number of professional animal behaviour consultants is growing as people are becoming more receptive to learning about the nature of domestic dogs. Solving behaviour problems takes time and specific expertise.

Council animal control staff will visit dog owners and inspect properties to help inform owners of dog ownership issues, and their duty to protect invitees and service workers. Animal control staff also promote education programmes to individuals and talk to public groups, schools etc.

Policy 2: Control

Owners should control their dogs to prevent danger, distress and nuisance, and comply with relevant legislation.

Methods - what Council will do to achieve this policy:

- Keep a register of dogs, to identify the owner of every dog in the district.
- Identify dogs through microchips, and provide information to the National Dog Control Database as required by the Act.
- Enforce the Dog Control Act requirements by responding to and investigating complaints, inspecting properties, issuing cautions, prosecuting offenders, serving infringement notices, and seizing dogs (e.g. dogs threatening public safety.)
- Emphasise the control of dangerous, menacing, or roaming dogs (especially by classifying menacing dogs in accordance with the Act).
- Define areas where dogs are prohibited, or restricted, in public places not suitable or appropriate for dogs, especially places frequented by children and families. These areas are set out in Appendix C.

Council will make bylaws that:

- prevent nuisance and harm caused by dogs, including impounding.
- regulate dogs in areas where dogs are prohibited or restricted in public places.
- require all dogs classified as menacing under section 33 of the Act to be neutered.
- make reasonable provision for working dogs (as defined in the Act) and hunting dogs (as defined in the Dog Control bylaw)
- require a permit to be obtained to keep more than two dogs per premises (this applies only to premises zoned urban and country living). Permit criteria are set out below.
- encourage the appropriate care and confinement of bitches in oestrus.
- warrant officers to impose or require reasonable remedies, suitable alterations to the property, or the removal of dogs in order to reduce or abate nuisance or risk to public safety.
- require high standards of accommodation and care in dog breeding and boarding establishments.
- establish offences for breaches and non-compliance.

Reasons and Explanations

Every person has a right to enjoy public places free from nuisance or harm caused by uncontrolled dogs. Problems with dogs are often attributed to how they interact with other dogs, inadequate fencing or confinement. Under the bylaw, Council may require dog ownership to be limited per property or to make reasonable alterations to their property to ensure that dogs are properly confined.

Restrictions on dogs in public places are aimed at minimising danger, distress, and nuisance to the community, including dangers to children if dogs have uncontrolled access to public places that are frequented by children. It is important to enable the public (including children and families) to use streets and public amenities without fear of attack or intimidation by dogs. The identified exercise and recreational areas (Appendix C) are expected to meet the needs of dogs and their owners.

The Code of Recommendations and Minimum Standard for the Welfare of Dogs (1998) Animal Welfare Advisory Committee, Wellington (www.maf.govt.nz) sets minimum dog welfare standards and "good practice" to ensure animal welfare is kept above the minimum acceptable level in practical circumstances. Dog control officers will refer to this code in evaluating living conditions and treatment of dogs.

Permit criteria to keep more than two dogs in urban and country living zones.

The over-riding considerations when considering an application for a permit to keep more than two dogs are as follows:

- Health and safety of people
- Risk of nuisances
- Welfare of dogs.

- 1 Criteria for a permit to keep more than two dogs include:
 - (a) The physical suitability of the premises to hold more than two dogs.
 - (b) The applicant must meet the approved owner and selected owner policy criteria.
 - (c) There must be written approval from neighbours who live on adjoining properties.
 - (d) The applicant must meet such terms or special conditions the Council may attach to any permit.
- 2 Council reserves the right to exercise its overall discretion to issue or refuse a permit, irrespective of whether the above criteria are met or not met.
- 3 Where a permit holder fails to comply with any of the permit conditions, or the above criteria are no longer met, Council may cancel the permit by giving the dog owner one month's notice.
- 4 Where a decision has been made to refuse or cancel a permit, the applicant may apply to the Council for a review of that decision by the appropriate Committee responsible for the Dog Control Policy, within the one month's notice period.
- 5 Any permit to keep more than two dogs will be issued in respect of the premises where the dogs are to be kept. The permit will state the maximum number of dogs to be kept on the premises. If the limit is exceeded or circumstances affecting the permit criteria change, a new permit will be required.
- 6 Where an application has been made for a new permit or a review of an existing permit an inspection is required and an application fee is payable.

Policy 3: Funding

Adequate funding should be provided to maintain an acceptable level of dog management services, principally funded by dog owners on a user pays basis.

Methods: What Council will do to achieve this policy:

- Set a reasonable annual registration fee, and graduated fee structure as set out in Appendix A.
- Set a fee for the release of an impounded dog in order to recover costs associated with the provision of pound facilities
- Use income from fines to offset the costs associated with providing a dog control service.
- Provide for otherwise irrecoverable costs through general rate funding.

Reasons and Explanations

The costs of providing what is essentially a public safety service amount to more than \$700,000 annually. Partial general rate funding of dog control (40%) recognises the public benefit resulting from dog control. Funding is allocated annually through the LTCCP or Annual Plan for provision of dog exercise areas.

The Dog Control Act allows Council to recover dog control costs from dog owners through registration fees. Dog owners should principally fund dog control services because dog control issues only arise through people owning dogs. This policy implements a "user pays" approach by acknowledging responsible dog ownership with discounts on the registration fee.

The Council recovers about 60% of overall costs through fees. Council derives income from the collection of fines by the Ministry of Justice. Income is used to directly offset costs and helps to reduce the annual registration fee.

The graduated fee structure allows for substantial rebates. Discounted fees are intended to:

- Encourage competence and compliance with respect to keeping a dog as a pet
- Acknowledge the role of working dogs in the district.
- Reflect public expectation that Council will adopt a "user pays" approach to funding.

Appendix A: Registration Fees

Council sets the general dog owner registration fee annually for the financial year ending 30 June. The general dog owner fee is payable in respect of every dog, unless a rebate or surcharge applies.

Rebates

A1 General Dog Owner

Prompt Payment rebate (is paid before 1 August) **15% of fee**

A General Dog Owner is defined as a dog owner who:

- has not previously owned a dog in the Waikato District; or
- cannot supply evidence of rebated dog registration under another local authority; or
- has had a dog impounded; or
- has been the subject of a justified complaint; or
- has been prosecuted for a dog offence; or
- has received an infringement fine.

A2 Approved Owner Policy

Prompt Payment rebate (if paid before 1 August) **15% of fee**

Approved Owner Rebate **35% of fee**

Total rebate (if paid before 1 August) **50% of fee**

Approved Owner Policy applies when the dog owner has had his/her dog registered with the Waikato District Council for the previous two years and Council records show that person has:

- not had a dog impounded; and
- not been the subject of a justified complaint; and
- not been prosecuted for a dog offence; and
- not received an infringement fine
- kept Council informed of changes of address or dog ownership through written advice prior to the new registration; and
- paid the registration fee before 1 August of each registration year.

A dog owner moving to the District will be given consideration for this rebate if proven evidence of previous history relating to the these requirements is presented.

Any breach of these criteria will lead to immediate cancellation of the approved owner rebate.

A3 Selected Owner Policy

Prompt Payment rebate (if paid before 1 August) **15% of fee**

Approved Owner Rebate **35% of fee**

Selected Owner Rebate **25% of fee**

Total rebate (if paid before 1 August) **75% of fee**

Selected Owner Policy applies to a dog owner who is residing on an urban, country living or rural property that is less than 20 hectares in area and who:

- already meets the Approved Owner Policy criteria; and
- holds a permit where more than two dogs are kept on premises zoned urban or country living; and
- meets the minimum standards for accommodation of dogs; and
- provides a fully fenced dog-proof section or area of the premises, appropriate for the size of the dog(s) kept.

Any breach of these criteria will lead to immediate cancellation of the selected owner rebate.

A4 Farm Owner Policy

Prompt Payment rebate (if paid before 1 August)	15% of fee
Approved Owner Rebate	35% of fee
Farm Owner Rebate	<u>25% of fee</u>
<u>Total rebate</u> (if paid before 1 August)	<u>75% of fee</u>

Farm Owner Policy applies to a rural dog owner who is residing on and farming a property of 20 hectares or more, and who:

- already meet the Approved Owner Policy criteria; and
- meet the minimum standards for accommodation of dogs; and
- ensure that all home killing and the disposal and-or treatment of offal and trimmings, including the heads of sheep and goats, are carried out in an approved dog-proof enclosure or killing facility; and
- ensure that all dogs are not fed or allowed access to any raw offal or untreated sheep or goat meat; and
- voluntarily carry out treatment for hydatids and sheep measles as part of their regular dog-worming programme from their local veterinarian.

Any breach of these criteria will lead to immediate cancellation of the farm owner rebate.

A5 Desexing policy – neutered or spayed dogs

On provision of written proof from a veterinary surgeon, the registration fee for the current year will be waived and a tag provided free of charge for a dog that has been neutered or spayed during the course of the previous year. This is subject to the following conditions:

- the dog is NOT classified as a Dangerous Dog and required under the provisions of the Dog Control Amendment Act 2003 to be neutered or spayed; and
- written proof is provided by a certified veterinary surgeon who has adequately described the dog involved; and
- the proof and registration form is presented to the Council on or before the 31 July of the current year.

This waiver will apply for one registration year only.

A6 Guide dogs, hearing ear dogs, companion dogs (assisting the disabled)

A special annual registration fee of \$5.00 applies to dogs in these categories, as defined by the Act.

A7 Probationary Owner Classification

A dog owner classified as probationary shall pay the general dog owner registration fee and no prompt payment rebate shall apply.

Surcharge

A8 Dangerous Dog Classification

The owner of a classified Dangerous Dog shall pay 150% of the general dog owner registration fee and no prompt payment rebate shall apply.

Where a period of classification includes only part of a registration year a surcharge of 5% of the annual registration fee is payable for each month of that year.

Appendix B: Additional Fees

B1 Pound Fees

Pound fees are imposed under section 68 of the Act. Council will annually set impounding fees, miscellaneous fees and charge out fees for staff time and vehicles.

B2 Application fees for Selected Owner and Farm Owner Policies

An inspection is required for every new application for classification under selected owner or farm owner policy and an application fee is payable. Applications must be received before 28 February in every year.

Every application will include consent to annual inspection.

Where reclassification is sought an inspection is required and an application fee is payable. Applications must be received no later than 28 February of the year for which reclassification is sought.

B3 Permit to keep more than two dogs - application fees

An inspection is required for a new permit or review of an existing permit and a fee is payable upon application. Council sets the fee annually.

B4 GST and Rounding

GST will be included in all fees. The fee including GST will be rounded up or down, to the nearest \$1.00.

Appendix C: Control of Dogs in Public Places

Unless provided for in the Animal Control Act 1996 or Waikato District Council Dog Control Bylaw, a dog that enters or remains in a public place must be secured on a leash and kept under continuous control. Exceptions apply where otherwise specified in this Appendix C.

C1 Prohibited Areas

No person shall permit any dog to enter or remain in a prohibited area whether it is under control or not, except a working dog (but not a working dog kept solely or principally for the purposes of herding or driving stock), a dog confined in or on a vehicle, a dog being taken to or from veterinary premises.

Locality	Map	Description of area and times
Huntly	1 & 4	Any street or public place within the central business area of Huntly, including Main Street and rear accesses, at all times including public holidays.
Ngaruawahia	6	Any street within the central business area of Ngaruawahia township including Jesmond Street, from the pedestrian crossing between the Waipa Hotel and Pharo's Postshop, Stationary and Lotto to the area between the Plunket Rooms and the Anglican Church, at all times including public holidays.
	8	Business side of SH1 Ngaruawahia between Martin and Market Streets
Raglan	12	In or on any part of any street or public place within the central business area of Raglan township more particularly defined as: Bow Street from the Cliff Street intersection to 43 Bow Street, Wainui Road from Bow Street to the Bankart Street intersection, Wallis Street from Bow Street to the end of the business premises, at all times including public holidays
Raglan	10	Within the Raglan Kopua Camping Grounds, the domain, the playground and picnic area of the foreshore of Oporuru inlet (Pt Papahua 2 Blk) from the footbridge to the boat ramp, at all times including public holidays
Te Kauwhata	14	In or on any part of any street or public place within the central business area of Te Kauwhata township more particularly defined as Main Road from the Te Kauwhata Trust Tavern and business premises opposite to Saleyard and Te Kauwhata Road intersection, at all times including public holidays.

C2 Dog Exercise Areas

Dog exercise areas are specified below in two categories:

- 1 Dog exercise areas in which a dog may be exercised free of restraint if kept under continuous control by its owner; or
- 2 Dog exercise areas in which a dog may be exercised only on a lead to ensure continuous control in an area specifically defined.

Note:

Council may from time to time by resolution under the Dog Control Bylaw designate additional dog exercise areas.

Exercise Areas

Locality	Map	Description of area	Leash Requirement
Huntly	4	A fenced area on the shore of Lake Hakanoa situated at the end of Onslow Street in the Huntly Domain (Pt Lot 3 DP 23824 and Pt Allot 776).	Nil
	2	The grassed area along the Waikato River on Riverview Road known as the Riverview Reserve.	Nil
	3	Park on Fairfield Avenue, Graham Place and Scurr Place (Pt Allots 43, 44 Parish of Pepepe).	Must be on Leash
	5	Park on Meadows Lane and Rosser Street (Lot 256 DPS 24502).	Must be on Leash
Taupiri	16	Bob Byrne Park on Great South Road (State Highway 1).	
	16	Taupiri Recreation Reserve next to the Taupiri Rugby Grounds (Pt Lot 1 DPS 24870).	Must be on Leash
Ngaruawahia	6	All of "The Point".	Must be on Leash
	6	Regent Street Reserve. The grassed area from Great South Road to the end of area bordering Turangawaewae Marae.	Nil
	8	From the Great South Road (SH1) bridge pilings on Lower Waikato Esplanade along the grassed area known as the Waikato Esplanade Reserve to Belt Street.	Nil

Locality	Map	Description of area	Leash Requirement
Ngaruawahia	7	The fenced area on the corner of Great South Road and Ellery Street (old dump site).	Nil
	7	The grassed area between Great South Road and the Railway lines from the fenced exercise area to the south end of this area (old dump site).	Must be on Leash
	9	Waipa Esplanade Reserve from the Pony Club along the grassed area to the area below Princess Street.	Nil
Raglan	12	The fenced area on the corner of Wallis Street and John Street known as Aro Aro Reserve (Sec 1 & 2 SO 57281).	Nil
	11	To the right of the jetty along the foreshore low tide area below Cliff Street within the signs.	Must be on Leash
	11	From the footbridge in the Oporuru inlet along the foreshore to the beach area adjacent to the Airfield on Ocean Beach.	Must be on Leash
	11	The grassed area and foreshore from the boat ramp in the Oporuru inlet to the Aerodrome Bridge.	Nil
	11	From the Wainui Reserve carpark at the western end of Te Riria Kereopa Memorial Drive to 300 metres south of the northern walkway at Ngarunui Beach below the Wainui Reserve.	Nil
	13	Beach areas from the wharf, the Cliffs, Cox's Bay, Lorenzen Bay, The Doughboys and Moonlight Bay.	Nil
Te Kauwhata	14	Fenced areas on the Te Kauwhata Recreation Reserve (Sec 49 & 50 and part 76 Te Kauwhata Town).	Nil
	14	The grassed area between Main Road and the Main Trunk Railway Line (Pt Railway Reserve).	Must be on Leash
Meremere	15	Recreation Reserve behind the Te Pua Avenue and Te Wheoro Crescent (Lot 255 DPS 47627).	Must be on Leash
Horotiu	18	AFFCO Park on Horotiu Road and State Highway 1 (Pt Allot 132 DP 10108).	Nil
	18	Riverside Reserve on Horotiu Bridge Road.	Nil
Whatawhata	19	Whatawhata Recreation Reserve (Sec 71-74 and Pt Sec 81-84) except when the reserve is being used for sporting activities.	Nil
Te Kowhai	17	Te Kowhai Recreation Reserve (Lots 1 & 2 DPS 77702 and Lot 20 DPS 79015).	Nil

C3 Control Of Dogs In Wildlife Areas

The Act gives dog control staff the powers to deal with dogs that attack or cause serious injury to protected wildlife. Powers include seizing or destroying the dog, and summary prosecution.

C4 Land in a National Park or Department Of Conservation Area

There are no national parks within the Waikato District. Controls in areas under the Conservation Act 1987 are managed by the Department of Conservation and Animal Control Officers will assist when requested. In the Waikato District these areas are extensive and administered by the Department of Conservation. The most notable areas are the Hakarimata Scenic Reserve and Pirongia Forest Park. A permit to specifically allow a dog to be taken into a conservation area is required and a full list of Conservation Land within the district is available from Animal Control staff.

C5 Schools, Kindergartens, Playcentres, Hall Committees, Recreational Clubs, Marae, Churches

Each Board or Committee will establish their own policy about dogs on their properties, which are identified by the Dog Control Act as a Public Place. Dogs will be prohibited except where the Board or Committee otherwise states, or specifies that dogs must be on leash control. Animal Control Officers will assist when requested.

C6 Wainui Reserve & Farm

No dog is to be domiciled on the Wainui Reserve and/or farm, at all times without the prior written approval of the Chief Executive. Any such approval may be withdrawn by the Chief Executive by giving written notice.