

# DUNEDIN CITY COUNCIL DOG CONTROL POLICY

## 1.0 INTRODUCTION

The Dog Control Act 1996 requires territorial authorities to develop dog control policies that:

- minimise danger, distress and nuisance caused by dogs to the community generally
- 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
- enables, to the extent that is practicable, people to use streets and public amenities without fear of attack or intimidation by dogs
- provide adequate opportunities to fulfil the exercise and recreational needs of dogs and their owners.

The Dunedin City Council will create a bylaw pursuant to the Dog Control Act 1996 and Local Government Act 2002 that will give effect to this Dog Control Policy.

## 2.0 DEFINITIONS

To assist with the understanding of this Policy the following definitions have been included. All definitions, except the definition of a 'Roaming Dog', are taken from the Dog Control Act 1996. All references made below to the 'Act' are in relation to the Dog Control Act 1996.

**Companion Dog** – means a dog certified by the Top Dog Companion Trust as being a companion dog or a dog under training as a companion dog.

**Dog Control Fee** – means any fee prescribed under section 37 of the Act.

**Dog Control Officer** – means a Dog Control Officer appointed under section 11 of the Act, and includes a warranted officer exercising powers under section 17 of the Act.

**Dog Ranger** – means a Dog Ranger appointed under section 12 of the Act and includes an honorary Dog Ranger.

**Domestic Animal** – includes:

- any animal (including a bird or reptile) kept as a domestic pet
- any working dog
- any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

**Guide Dog** – means a dog certified by the Royal New Zealand Foundation for the Blind as being a Guide Dog or a dog under training as a Guide Dog.

**Hearing Ear Dog** – means any dog certified by the Hearing Association (Incorporated) as being a Hearing Ear Dog or a dog under training as a Hearing Ear Dog.

**Infringement Offence** – has the meaning given to it in section 65(1) of the Act.

**Neutered Dog** – means a dog that has been spayed or castrated but does not include a dog that has been vasectomised.

**Owner** – in relation to any dog, means every person who:

- owns the dog; or,
- has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or,
- the parent or guardian of a person under the age of 16 years who:
  - is the owner of the dog pursuant to this definition, and,
  - is a member of the parent or guardian’s household living with and dependant on the parent or guardian,

but does not include any person who has seized or taken custody of the dog under this Act, the Animals Protection Act 1960, National Parks Act 1980 or the Conservation Act 1987 or any order made under the Dog Control Act 1996.

**Paws Track** – the track defined by white painted paw prints and signage through the no dog area from the corner of Bedford Street and Victoria Road along the northern side of the Forbury Road extension, in front of the Surf Club to the access point for the Middle Track and onto the beach to the piles.

**Poultry** – means any live bird (including a domestic fowl, duck, goose, turkey, guinea-fowl, pheasant, emu, ostrich, quail, or pigeon) that is kept or raised for the purposes of sale or of producing eggs, hatching eggs, or poultry products or for the purposes of rearing on behalf of another person.

**Protected Wildlife** – means:

- any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953
- any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than an animal in such circumstances that it may be hunted or killed under the authority of subsection (2) of that section
- any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978.

**Public Place** – means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

**Registration Year** – has the same meaning as that given to the term ‘financial year’ by section 2 of the Local Government Act 1974. Currently this is

defined as the 1<sup>st</sup> day of July in any one year to the 30<sup>th</sup> day of June the following year.

**Roaming Dog** – means any dog that is found unaccompanied by their owner in any public place or on any land or premises other than that occupied by the owner.

**Stock** – means:

- any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, or mule that is not in a wild state
- any deer, goat, thar, or other animal that is kept within a fence or enclosure for domestic or farming purposes.

**Working Dog** – means:

- any guide dog, hearing ear dog, or companion dog
- any dog:
  - kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or,
  - a collie dog (heading, huntaway or handy) that is kept solely or principally for the purposes of herding or driving stock; or,
  - kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or,
  - declared by resolution of the territorial authority to be a working dog for the purposes of the Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

### **3.0 OBJECTIVES**

The objectives listed in this section have been developed to ensure that the Council consistently and effectively fulfils its responsibilities under the Dog Control Act 1996. These objectives have been based on the provisions of the Act.

It is important that the rights of the public are protected and the objectives listed below have been prioritised to reflect this.

#### **Objective 1**

To ensure that the owners of dogs comply with their obligations under the Dog Control Act 1996.

*Note: The obligations of dog owners are to:*

- *ensure that the dog is kept under control at all times*

- *ensure that the dog is registered in accordance with the Act*
- *ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter*
- *ensure the dog receives adequate exercise*
- *take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means*
- *take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person*
- *take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife*
- *take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person*
- *comply with all regulations and bylaws made under the Act.*

### **Objective 2**

To prevent the danger caused by dogs to the public, wildlife, and natural habitats.

### **Objective 3**

To minimise the distress and nuisance caused by dogs to the public, wildlife, and natural habitats.

### **Objective 4**

To actively promote the responsible ownership of dogs.

### **Objective 5**

To provide for the reasonable exercise and recreational needs of dogs and their owners.

### **Objective 6**

To actively promote the neutering of dogs and provide a neutering scheme under the approved criteria.

## **4.0 ISSUES**

### **4.1 Community Health and Safety**

The Dunedin City Council has a responsibility to safeguard community health and safety. To do this it is necessary to control the activities of dogs which

involves avoiding potential conflict, preventing danger and minimising distress caused by dogs to the community.

In the maintenance of community health and safety the Council will employ the following:

- **Access to Public Places** – Access to public places shall be restricted to dogs where the likelihood of significant conflict exists with the community.
- **Education and Obedience** – The provision of information shall ensure that the community, particularly high-risk groups, are informed about the risks associated with dogs, their identification, and avoidance. Owners shall also be informed of the safety and health issues related to dogs.
- **Enforcement** – When community health and safety is compromised, effective enforcement will control the problem including compliance with dog control regulations. This includes taking action where dogs have attacked or threatened people or animals by:
  - issuing a warning or infringement notice
  - prosecution when the offence or the effects of the offence are significant
  - impounding of roaming dogs
  - impounding of unregistered dogs.

## 4.2 Wildlife

Native, indigenous or protected wildlife can be sensitive to threats by predators, including dogs, which can damage both wildlife populations and habitat. When it is identified that dogs will have a significant negative effect on wildlife or their habitats, access for dogs may be restricted.

In the protection of wildlife the Council will employ the following:

- **Access to Public Places** – Access by dogs to public places will be restricted where the likelihood of conflict exists with wildlife.
- **Education** – The provision of information to ensure that the community generally, and dog owners in particular, is informed about wildlife issues and the need to avoid disturbing them or allowing dogs to disturb them.
- **Enforcement** – When wildlife safety is compromised, effective enforcement will control the problem including compliance with dog control regulations. This includes taking action where dogs have attacked or threatened wildlife by:
  - issuing a warning or infringement notice
  - prosecution when the offence or the effects of the offence are significant
  - impounding of roaming dogs

- impounding of unregistered dogs.

### 4.3 Nuisances

The activities of dogs can cause annoyance and discomfort to members of the community. Nuisances cover a wide range of issues and include:

- barking
- dog faeces
- roaming dogs
- the general presence and activities of dogs.

It is important that when dogs cause a nuisance those problems are identified and appropriate measures are taken to minimise or mitigate their adverse effects.

In the management of dog nuisances the Council will employ the following:

- **Select Owner Policy (SOP)** – Minimise the nuisances caused by dogs by providing incentives designed to encourage responsible dog ownership.
- **Education and Obedience** – Educating owners about the major nuisances associated with the ownership of dogs and how to avoid them.
- **Enforcement** – When a nuisance exists, provide effective control to reduce the problem and sufficient deterrent against non-compliance. This includes:
  - issuing a warning or infringement notice
  - prosecution where the offence or the effects of the offence are significant
  - impounding of roaming dogs
  - impounding of unregistered dogs.

### 4.4 Dangerous Dogs

Problems exist with a small section of the dog population that pose a significant threat to the community through aggressive behaviour. These are the dogs that attack or threaten people, domestic animals (including poultry) or wildlife causing injury, damage, or distress. It is important that where dogs are identified as dangerous, through their behaviour, that the appropriate actions are taken to control them.

In the management of dangerous dogs the Council will employ the following:

- **Enforcement** – Where dogs have, through their actions, shown themselves to be dangerous appropriate actions will be taken. These include:
  - issuing a warning or infringement notice
  - prosecution where the offence or the effects of the offence are significant

- classifying owners as probationary or disqualified
- classifying dogs as menacing or dangerous.

#### 4.5 Dog Welfare

It is important to recognise that dogs have certain physiological and psychological requirements. Owners of dogs need to be aware that they have a responsibility to provide for their dog's welfare.

In the management of dog welfare the Council will employ the following:

- **Access to Public Places** – The classification of public places should provide sufficient opportunities for owners to provide for the exercise and welfare needs of their dogs.
- **Select Owner Policy Status** – Incentives will be provided to promote responsible dog ownership. This will include the welfare requirements of dogs.
- **Education and Obedience** – Information will be provided to owners about the welfare requirements of dogs.
- **Enforcement** – When welfare is not sufficiently provided for the Council will ensure that appropriate action is taken and that sufficient deterrence against non-compliance with dog control laws as they relate to dog welfare, are in place. This includes:
  - issuing a warning
  - prosecution where the offence or the effects of the offence are significant.

#### 4.6 Registration

The maintenance of a registration system is both a statutory requirement and an essential component of the efficient running of a dog control service.

In the maintenance of a dog register the Council shall employ the following:

- **Education and Obedience** – Information will be provided to owners and potential owners, about their obligation to register their dog.
- **Enforcement** – Registration shall be monitored and action taken against owners that fail to register their dog. This includes:
  - issuing a warning or infringement notice
  - impounding of unregistered dogs
  - the requirement that all dogs be registered before they are released from the pound.
- **Fees** – Provide incentives for registration by setting reasonable fees for the registration of dogs, and recognising and providing for responsible ownership. Penalties for late registration will be set.
- **Microchip Transponder for Certain Dogs** – All dogs listed in Schedule 4 of the Act, or classified as menacing or dangerous on or after the 1<sup>st</sup> day of December 2003, must have a microchip transponder

of the prescribed type implanted by the 1<sup>st</sup> day of July 2006. All dogs registered for the first time on or after the 1<sup>st</sup> day of July 2006 must have a microchip transponder of the prescribed type implanted. The Council will support and participate in the development and maintenance of the National Dog Control Database that will come in to effect on the 1<sup>st</sup> day of July 2006.

Dog breeds listed in Schedule 4 include:

- Fila Brazilian
- Dogo Argentina
- Japanese Tosa

Dog types listed in Schedule 4 include:

- American Pit Bull Terrier

#### **4.7 Dog Owner Recreation**

Dog owners wish to enjoy a range of recreational activities with their dogs. Although the health and safety of the community takes priority it is still important to provide recreational opportunities for owners and their dogs.

In the management of dog owner recreation the Council will employ the following:

- **Access to Public Places** – The classification of public places to provide sufficient opportunities for owners to enjoy a range of recreational activities with their dogs.

#### **4.8 Costs**

The provision of a dog control service includes the maintenance of dog registration databases, the monitoring of regulations and bylaws, response to complaints, enforcement actions, and education programmes. It is important that the costs involved with the dog control service are identified and recovered through appropriate means. The Council will, where possible, recover the cost associated with dog control from those who benefit from the service.

There are constraints on the Council recovering costs and the user of a service cannot always be directly identified. The monitoring of regulations and bylaws or the impounding of a dog whose owner cannot be identified are two examples where the immediate user of the service cannot be identified. Enforcement actions (the Council prosecuting an owner in Court) are an expensive process and the ability to recover these costs is constrained by law.

The public does benefit from the dog control service (e.g., the reduction in nuisance factors, safety issues addressed, and no roaming dogs) and therefore they should contribute to the cost. However, dog owners should incur most of the Council's costs associated with the ownership of their dogs.

The Council will recover 75% of the total cost associated with dog control through:

- registration and control fees

- enforcement.

The balance (25%) will be met from residential rates.

- **Fees** – Council will set reasonable fees to recover the costs of dog control from:
  - registration and control fees
  - enforcement
  - residential rates.

## 5.0 POLICIES

### 5.1 Access to Public Places

This will allow dogs and owners access to public places while ensuring public safety and comfort. Where it has been determined that there is a potential for conflict with the general public, restricted access will apply to identified areas.

Dogs are allowed anywhere in the city on a leash except for those particular areas identified as “Prohibited Public Places”.

Three defined areas identify access restrictions to public places. The Act classifies public places as:

- **controlled** – dogs are allowed if controlled on a leash
- **exercise** – dogs are allowed and are not required to be on a leash
- **prohibited** – dogs are not allowed under any circumstances.

*Dogs must be kept under control at all times.*

#### **Exemptions for certain dogs**

The following classes of dogs will be exempt from all the restrictions over public places specified in this section.

- Hearing Ear dogs
- Guide dogs
- Companion dogs

Certain working dogs will be exempt from the restrictions over public places specified in this section.

- All working dogs shall not need to be on a leash in a Controlled Public Place
- All working dogs, except those kept solely or principally for the purposes of herding or driving stock, need to be on a leash in a Prohibited Public Place

#### **Other Legislation**

Dog access is also controlled by other legislation. The Dog Control Policy is required to define specific areas of land designated under other legislation.

These include:

- a controlled area – Conservation Act 1987
- an open dog area – Conservation Act 1987

- a national park – National Parks Act 1980

**Policy**

That dogs and their owners shall be provided with a reasonable level of access to public places, however this must be balanced with the need to prevent danger and to minimise distress and nuisance to the public at large.

**Policy**

That where the likelihood of conflict exists between dogs and the public at large, access by dogs to the public places shall be restricted.

**Policy**

That where the likelihood of conflict exists between dogs and wildlife, access for dogs to those places shall be restricted.

**Policy**

That the Council will, from time to time, make areas temporarily prohibited to dogs when there is the potential for conflict with people, domestic animals, or at the advice of the department of Conservation, wildlife. Temporary prohibitions will be notified by signage placed at the main points of entry to the areas and where practicable, public notice in the newspaper.

**5.1.1 Controlled Public Places**

All public places in the Dunedin City area are classified as controlled public places where dogs may go when controlled on a leash, except for public places classified as:

- **Prohibited** under Section 5.1.2 of this Policy. In these areas dogs are not allowed under any circumstances.
- **Exercise Area** under Section 5.1.3 of this Policy. In these areas dogs are allowed and are not required to be on a leash.

**5.1.2 Prohibited Public Places**

These are areas where it is considered that a significant risk of conflict between dogs and the public at large exists. In order to prevent danger and to minimise the nuisance caused by dogs, they are prohibited from these areas.

The following areas will be classified as **Prohibited Areas** pursuant to a bylaw made under section 20(1)(a) of the Act.

**Table 1 – Prohibited Public Places**

<b>All designated and marked sports fields and children’s playgrounds</b>
<b>All cemeteries</b>
<b>Commercial Areas</b>
The Octagon

Civic Centre
Library Plaza
Princes Street between the Octagon and Exchange
George Street between the Octagon and Knox Church
King Edward Street between Hillside and Macandrew Roads
<b>Beach Areas</b>
Designated bathing beaches defined by flags placed by lifeguards marking safe swimming areas
<b>St Clair/Esplanade</b>
Beach from Salt Water Pool to nearest piles on beach to the north, <b>however</b> , dogs on a leash may have access to the beach between 8.00 pm and 8.00 am the following day with access via end of Beach Street and the steps between shark warning bell and the end of the sea wall at the northern end of the Esplanade.
Park on Victoria Road adjacent to playground area, the playground area itself and the sealed area between the Esplanade and beach track past the Surf Club
Esplanade area, including carpark accessed from the Esplanade, to Beach Street to the south
Reserves park between the Esplanade and Bedford Street
<b>Brighton</b>
Brighton Beach between the Big Rock and the small cliff to the south including the estuary and all the beach within the confines of Brighton Road
<b>Recreation</b>
Macandrew Bay Beach Reserve
Broad Bay Beach Reserve
Botanic Garden
Woodhaugh Gardens (other than on defined walking tracks)
<b>Conservation/Wildlife Areas</b>
Okia Reserve (DCC and the Yellow Eyed Penguin Trust)
Boulder Beach (DOC)
Sandymount and associated track network (DOC)
Sandfly Bay (DOC)
Seal Point Road to Sandfly Bay (DOC)
Pilots Beach Recreation Reserve (DCC)
Warrington Spit and Island (DCC)
Aramoana Beach from Keyhole Rock north to Heyward Point (DOC)
Aramoana Ecological Area – salt marsh and wetland (DOC)
Lighthouse Reserve (Taiaroa Head and DCC)
Taiaroa Head (DCC and DOC)
Allans Beach north east of where access track enters the beach (DOC)
Deep Stream Scenic Reserve (DCC and DOC)
Grangers Road Track (DOC)
Hyde-Middlemarch Rail Trail (DOC)
Mill Creek Track (DOC)
Outram Glen to Lee Stream (DOC)
Sutton Salt Lake Scenic Reserve (DOC)
Careys Creek (DOC)
Grahams Bush Walk (DOC)
Hawksbury Lagoon (DOC)

Leith Saddle (DOC)
Matanaka (DOC)
Organ Pipes (DCC)
Mount Cargill (DCC)
Orokonui (DOC)
Tunnel Beach (DOC)
Burns Park (DOC)
Goat Island (DOC)
Quarantine Island (DOC)
Otekiho Reserve (DCC and Yellow Eyed Penguin Trust)
<b>Tracks</b>
Highcliff Road to Hoopers Inlet
Lime Kilns (private)
Mount Charles (private and DOC)
Paradise Road and Track
Pipikaretu Beach (private)
Quion Cliff (private)
41 Peg Track
District Road Track
Ridge Road Track
Nyhon Track
Bacon Street Track
Buskin Road (Otago Peninsula)
Aramoana – Heyward Point Track (DOC)

From time to time The Council will notify, by way of signage and advertising, any temporary dog prohibition because of wildlife issues.

**Right of Access**

In an area of ‘Children’s Play Equipment’ owners shall be allowed to move through the area for the purpose of moving from one side of the prohibited area to the other. Any owner and their dog are required to move directly through the prohibited area via the most direct path.

Any owner and their dog will not be allowed in any area of ‘Children’s Play Equipment’ for more time other than is reasonably necessary for passing through the area.

Where an owner intends to transport their dog via the Dunedin International Airport the dog is allowed access to that Prohibited Public Place specifically for that purpose.

These rights of access do not apply to sports fields or to the other Prohibited Public Places listed in Table 1.

**Table 2 – Tracks and Reserves where Dogs are allowed**

<i>Controlled dogs permitted without a leash unless otherwise specified</i>
<b>Dunedin City</b>
Market Reserve - Princes Street
Bethunes Gully (on a leash in lower picnic area)
Ferntree (on a leash)
Frasers Gully Recreation Reserve (on a leash)
Leith Valley Scenic Reserves (DOC)
Ocean Beach Domain
Ocean Grove Recreation Reserve
Ross Creek (on a leash)
Track from north end of Esplanade to the scout den at the southern end of Kettle Park (on a leash)
Track from Forbury Road to the Middle Track and known as the “Paws Walking Track” (on a leash)
Woodhaugh Gardens (on a leash on defined walking tracks only)
<b>Flagstaff</b>
Flagstaff/Swampy
Jim Freeman Track
Nicols Falls
Pineapple Track (on a leash)
Whare Flat
<b>North Dunedin</b>
Aramoana Beach south of Keyhole Rock (DOC)
Bucklands Crossing
Cleghorn Street
Doctors Point
Evansdale Glen
Huriawa Pa (on a leash - Ngai Tahu and DOC)
Karitane Esplanade Reserve
Long Beach Recreation Reserve
Mapoutahi Pa (on a leash - Ngai Tahu and DOC)
Purakanui Recreation Reserve
Signal Hill Recreation Reserve
Scott Memorial
Truby King Reserve (on a leash)
Waikouaiti Recreation Reserve
Waikouaiti River Foreshore and Duncansby Street River Reserve (on a leash)
Warrington Recreation Reserve
<b>Peninsula</b>
Allans Beach south west of where access track enters beach (DOC)
Bacon Street to Highcliff Road
Camp Road
Greenacres Street
Karetai Road
<b>Silverstream</b>
Racemans Track

<b>South of Dunedin</b>
Brighton Recreation Reserve
Island Park Recreation Reserve
Ocean View Recreation Reserve
Westwood Recreation Reserve
Woodside Glen Track (DCC and DOC)

**Table 3 – Areas where a Hunting Permit is required**

<i>Permits are necessary to take your dog into the following areas for hunting purposes</i>
Allans Beach Wildlife Management Reserve (DOC)
Chalkies (DOC)
Silverpeaks (DOC)
Maungatua Scenic Reserve (DOC)
Woodside Glen Track (DOC)
Taieri Gorge Scenic Reserve – Outram Glen (DOC)

### 5.1.3 Exercise Areas

The following areas shall be classified as Exercise Areas where dogs can be exercised off their leash. Owners are required to maintain control over their dog at all times.

**Table 4 – Exercise Areas**

<i>(NOTE: dogs are not permitted in children's playgrounds or on marked sports grounds adjacent to some of these Exercise Areas)</i>
Kew Park - Caversham
Shand Park - Green Island
Wakari/Taieri Road Reserve
Rotary Park - Highcliff Road
Forrester Park - Norwood Street
East Taieri Dog Park - Cemetery Road, East Taieri

## 5.2 Select Owner Policy

Historically the Dunedin City Council has promoted a Select Owner Policy status whereby fees are reduced to encourage responsible dog ownership. The reduced fees are set for owners that comply with set criteria. The Council recognises that encouraging responsible dog ownership is an effective means of preventing danger and minimising distress and nuisance and to this end will continue to provide incentives for the owners of dogs to become responsible owners.

### **Policy**

That the Dunedin City Council will actively encourage responsible dog ownership through the promotion of the Select Owner Policy.

To be classified as a ‘Select Owner’ the following must be met:

- the owner must comply with the Dunedin City bylaws as they relate to dogs either:
  - having been a registered owner in Dunedin for at least one year; or,
  - all owners shall be required to attend and pass an approved dog owner education course
- the owner must have never:
  - received a conviction under the Act
  - received an infringement in the last two years
  - had a dog impounded in the last two years
  - had a bona fide complaint laid against them
- registration fees (if relevant) have been paid by due date for the last two years
- the area of the property that the dog has free access to must be fully fenced and gated
- any outside kennels must be waterproof and hygienic.

Application must be made to the Council before the benefits of the ‘Select Owner’ status can be gained.

### **Cancellation**

Cancellation of Select Owner status shall occur in the following situations:

- if a Select Owner is convicted of an offence under the Act, the owner shall never be permitted to be reinstated as a Select Owner
- if a Select Owner is issued with an infringement notice, the owner shall not be permitted to be reinstated as a Select Owner for two years
- if a Select Owner’s dog is impounded, the owner shall not be permitted to be reinstated as a Select Owner for two years
- if a Select Owner has a bona fide complaint laid against them, the owner shall not be permitted to be reinstated as a Select Owner for two years
- if a Select Owner fails to pay dog registration fees by the due date, the owner shall not be permitted to be reinstated as a Select Owner for two years

If a Select Owner changes address at any time then the owner must immediately notify the Council of the change.

Note: Classification as a ‘Select Owner’ applies to all dogs owned by an individual. Select dog owners still require a licence to keep more than one dog (see section 5.7.6 of this Policy).

### 5.3 Neutering

The Dunedin City Council recognises that the neutering (spaying or castrating) of a dog is an effective means of controlling unwanted behaviour in dogs. The Council will continue to promote the neutering of dogs by subsidising veterinary costs (strict criteria apply) and providing a financial incentive in the fees structure.

### 5.4 Education and Obedience

The Dunedin City Council recognises that the provision of education will help to promote greater awareness both with owners and the general community about the issues associated with dog control.

Education and the provision of information about dogs and their requirements is seen as a method of being able to address dog control problems before they occur. With the new requirements of the Act it is important that owners are aware of what is required of them and how they should address dog control problems as they arise.

All members of the community come into contact with dogs on a regular basis. For this reason it is important to educate the wider public about dog control issues.

Education should focus on those groups in the community that come into regular contact with dogs or are at a higher risk from dogs. These include:

- prospective owners
- children
- the providers of education and obedience programmes.

Providing obedience courses is a method of controlling dog control problems and issues in a more targeted manner. The use of these courses is seen as a method of reducing dog control problems in specific cases. In the development and use of education and promotional activities as tools for dog control the Council will maintain the following policies.

#### **Policy**

The Council will engage in education with the following aims:

- to promote maximum public safety
- to promote responsible dog ownership
- to promote the provisions of the Dog Control Act 1996 and the Dunedin City Dog Control Policy

### **Policy**

The Council will engage in the education of owners on the following matters:

- the requirements and welfare of dogs
- major dog control problems and their avoidance
- the obligations imposed on dog owners under the Dog Control Act 1996 and the Dunedin City Dog Control Policy
- the requirements of the Wildlife Act 1953 and Marine Mammals Protection Act 1978

### **Policy**

The Council will engage in the education of the general public, especially children and other high-risk groups, on the following matters:

- the needs and welfare of dogs
- major dog control problems and their avoidance
- the rights of the general public
- dog safety and the handling of dogs

## **5.5 Enforcement**

The Act provides several powers to Territorial Authorities to control dogs and enforce the requirements of the Act. The use of enforcement mechanisms is provided to allow Territorial Authorities to effectively carry out their obligations to protect the community and to offer a sufficient deterrent against non-compliance with the legislation.

This section outlines the different enforcement mechanisms that are available to the Dunedin City Council. Many of the mechanisms are not open to interpretation by the Council.

### **5.5.1 Prosecution**

The Act sets out the obligations of dog owners. Where a person has failed to comply with a particular obligation under the Act they can be prosecuted in a Court of Law and the offences carry heavy fines, a conviction and in extreme circumstances, imprisonment.

Prosecution can be a costly process, both in terms of time and recourses, and, where appropriate, alternative methods of enforcement can be used. However, where an offence is considered to be serious and sufficient evidence exists the Council will consider prosecuting an offender in situations where a dog has:

- caused significant damage to property
- caused significant damage or injury to any person, domestic animal (including poultry) or wildlife

- caused severe distress
- caused danger, distress or nuisance to any person or the community on a number of occasions.

### 5.5.2 Infringement Notices

The Act empowers Dog Control Officers to issue Infringement Notices which impose an ‘instant’ fine for dog owners. Infringement Notices can only be issued for particular offences.

**Table 5 – Offences Pursuant to the Dog Control Act 1996**

Section	Offence	Infringement
18	Wilful obstruction of a Dog Control Officer	\$ 750.00
19(2)	Failure/refusal to supply information/wilfully stating false particulars	\$ 750.00
32(4)	Fraudulent sale/transfer of a dangerous dog	\$ 500.00
41	False statement relating to registration	\$ 750.00
46(4)	Fraudulent attempt to procure a replacement registration label/disk	\$ 500.00
51(1)	Removal/swapping of labels/disks	\$ 500.00
62(4)	Allowing a dog known to be dangerous to be at large unmuzzled	\$ 500.00
28(5)	Failure to comply with disqualification	\$ 750.00
36(A)	Failure to implant a microchip	\$ 300.00
20(5)	Failure to comply with the Dog Control Bylaw	\$ 300.00
52(A)	Failure to keep a dog controlled/confined	\$ 200.00
53(1)	Failure to keep a dog under control	\$ 200.00
42	Keeping an unregistered dog	\$ 300.00
48(3)	Failure to advise a change of ownership of dog	\$ 100.00
49(4)	Failure to advise a change of address of dog	\$ 100.00
54(A)	Failure to carry a leash in public place	\$ 100.00

Section	Offence	Maximum Penalty on Conviction
54(2)	Failure in obligations as a dog owner	3 months imprisonment or \$5,000.00
55(7)	Barking dog	\$1,500.00
57(5)	Dog rushing at any person, animal or vehicle	\$3,000.00
58	Dog causing serious injury	3 years imprisonment and/or \$20,000.00

### 5.5.3 Classifications

Under the Act the Dunedin City Council has the ability to classify owners as ‘probationary’ or to disqualify owners from owning a dog. These classifications only apply in certain situations and carry restrictions on that person owning a dog.

## **Probationary Owners**

The Act allows the Council to classify any person that has been convicted of an offence under the Dog Control Act 1996, or has received three infringement notices in 24 months as a 'probationary' owner. While the Council has discretion to use this power it is considered that where the two matters listed above have occurred then classification as 'probationary' is justified.

The probationary classification has the following effect:

- the owner is not allowed to own any additional dog(s) than was owned at the time the classification was made
- the owner must dispose of any unregistered dogs
- a 50% surcharge on the owners registration fees is charged.

A probationary owner has the right to object to the classification and the Act outlines a number of circumstances whereby the two-year probationary period can be reduced. In considering an objection the Council will have regard to;

- the circumstances and nature of the offence(s)
- the competency of the person in terms of responsible dog ownership
- any steps taken by the person to prevent further offences
- the matters advanced in support of the objection
- any other relevant matters.

In addition to the matters listed the Council will encourage owners to undertake approved education and obedience courses as a means of reducing their probationary period.

## **Disqualification of Ownership**

If an owner is classified as probationary and they commit a further offence the owner can be disqualified from owning a dog. The disqualified owner must dispose of all dogs they own and cannot own any more dogs for up to five years. A disqualified owner has the right to object to the classification.

As with classifying an owner as probationary, the Council has discretion to use this power. It is considered that where the two matters listed above have occurred, disqualifying a probationary owner from owning a dog is justified.

### **5.5.4 Barking Dogs**

The provisions for dealing with barking dogs are covered by sections 55 and 56 of the Act. Where a dog is considered to be causing a nuisance through persistent and loud barking or howling, a dog control officer may issue the owner of the dog with a notice requiring the owner to take such reasonable steps so as to abate the nuisance.

The owner of the dog has seven days to either comply with the notice or object to the Council about the content of the notice. If after seven days the notice has not been complied with and further complaints have been received, a Dog Control Officer may remove the dog from the land or premises.

If an objection has been received the objector shall have the right to be heard by the Council who shall consider the notice and any evidence submitted with the objection and shall confirm, cancel, or modify the notice.

### **5.5.5 Classification as a Dangerous Dog**

Under the Act provision is made for classifying individual dogs as dangerous. The classification is made where:

- an owner of the dog has been convicted of an attack offence under section 57(6) of the Act
- the Council has sworn evidence that the dog has shown aggressive behaviour
- the owner admits that the dog constitutes a threat to the safety of any person, animal or stock.

This procedure is prescribed by law and is not open to interpretation by the Council.

In addition to all other obligations the owner of any dog that is classified as dangerous must:

- ensure the provision of a secure area where it is possible to gain unrestricted access to any door of the residence
- ensure the dog is muzzled in any public place or when not confined in a vehicle or cage
- ensure the dog is neutered
- not dispose of the dog to any other person without the written consent of the Council.
- pay 150% of the registration fee.

Classifying dogs as dangerous is an effective method of controlling individual dogs that have demonstrated aggressive or dangerous behaviour.

### **5.5.6 Impounding**

The Act sets out certain provisions for the impounding of dogs. Where any dog is found at large in a public place in contravention of a bylaw or on any property other than the owners it may be impounded. Where any dog is impounded and the owner is known, the Council shall make all reasonable attempts to contact the owner. The owner then has seven days to recover the dog from the pound.

Where the owner of the dog is unknown the Council must keep the dog for seven (7) days. If the dog is not claimed after this time the dog may be disposed of or destroyed as the Council sees fit.

Where a dog is recovered from the pound, it shall not be released until all registration and pound fees are paid.

### **5.5.7 Abatement of Nuisance**

Where a complaint has been received and a Dog Control Officer considers that a nuisance exists, the officer may issue the owner with a notice requiring that they take such steps as are specified in the notice to abate the nuisance. These notices shall be issued pursuant to the Dunedin Dog Control Bylaw.

## 5.6 Fees

Section 37 of the Act states:

*“The dog control fees payable to a territorial authority shall be those reasonable fees prescribed by resolution of that authority for the registration and control of dogs under this Act.”*

The Council may also set lower fees for certain types of dogs or owners, or penalty fees for late payment. It can set fees for the impounding of dogs - this includes fees for the seizure, sustenance, and the destruction of a dog. Fees can be varied for registered and unregistered dogs and may be graduated for the repeated impounding of the same dog.

The setting and review of fees will vary over time and will be set and advertised before the beginning of each registration year (the 1<sup>st</sup> day of July to the 30<sup>th</sup> day of June the following year).

**Table 5 – Categories for which fees will be charged under the Dog Control Act 1996**

<p><b>Registration</b></p> <ul style="list-style-type: none"><li>- Select Owner Policy</li><li>- neutered (spayed or castrated) dogs</li><li>- standard pets</li><li>- working dogs</li><li>- approved guide dogs, hearing dogs, and companion dogs</li></ul>
<p><b>Impounding</b></p> <ul style="list-style-type: none"><li>- first impounding</li><li>- second impounding</li><li>- third and subsequent impounding</li><li>- daily sustenance fee</li></ul>
<p><b>Miscellaneous</b></p> <ul style="list-style-type: none"><li>- Permit to have more than one dog on a property (other than rural properties)</li><li>- collection or delivery of dog on behalf of owner</li><li>- euthanasia of dog at owners written request</li></ul>

The Dunedin City Council in seeking to encourage responsible ownership will offer a reduction in registration fees for the following:

- having a dog neutered (spayed or castrated)
- owners who are classified as Select Owners
- Guide Dogs
- Hearing Ear Dogs
- Companion Dogs

## **5.7 Bylaws**

The Council has the ability pursuant to the Dog Control Act 1996 and Local Government Act 2002 to create bylaws to give effect to the Dog Control Policy. The Act lists the particular matters for which bylaws can be made and the Council has identified the specific matters that will be covered in the Dunedin City Council bylaw.

### **5.7.1 Notice to Abate Dog Nuisance**

Where a Dog Control Officer considers that any dog, or the keeping of any dog, has become a nuisance or injurious or hazardous to the health, property or safety of any member of the public, an officer may in writing require the owner to do any or all of the following:

- permanently remove a single dog from a property
- reduce the number of dogs kept on a premises
- construct, alter, reconstruct or improve the kennels or other buildings used to house or contain the dog or dogs
- take such action as an officer deems necessary to minimise or remove the likelihood of nuisance, injury or hazard to health, property or the safety of any member of the public.

### **5.7.2 Restriction on Diseased Dogs or Dogs in Heat**

Where any dog is infected with mange, distemper, or other infectious disease, or any bitch is in heat, the owner of the dog shall not allow that dog in any public place.

### **5.7.3 Fouling of Public Places**

Where any dog defecates in a public place or on land or premises other than that occupied by the owner, the owner of the dog shall forthwith remove and dispose of the faecal matter. Regardless, the owner shall carry a suitable receptacle at all times (e.g., plastic or paper bags or a 'pooper scooper') when their dog(s) is/are in a public place.

### **5.7.4 Dogs in Public Places**

The bylaw shall identify the public places where dogs shall be:

- controlled (allowed on a leash)
- allowed to be exercised (allowed off a leash)
- prohibited (not allowed).

These areas shall be identified from time to time by resolution of the Council and must be consistent with the areas identified in the Dog Control Policy. These areas must be identified in the bylaw to allow Dog Control Officers to enforce the public place restrictions made under the Policy.

This bylaw shall also specify particular dispensations for particular dogs where the general provisions of the bylaw may not apply or may be altered.

### **5.7.5 Impounding**

The bylaw will allow Dog Control Officers and rangers to impound roaming dogs and dogs found without their owners.

### **5.7.6 Permit Required for More Than One Dog**

The bylaw shall require any owner who keeps more than one dog, other than on a rural property, to obtain a permit to do so. In considering an application the Council shall have regard to the danger, distress and nuisance that would be caused to the community generally if the permit were issued.

The Council shall have the right to impose terms and conditions on the issuing of the permit including:

- specifying the number of dogs that may be kept at any one time
- specifying the duration of the permit
- specifying the particular dogs to which the permit shall relate
- restrictions as to the purpose for which such dogs may be kept
- provision of hygiene.

The Council may fix an annual fee for a permit issued for more than one dog.