



## **WESTLAND DISTRICT COUNCIL**

### **POLICY ON DOGS (2018)**

Prepared pursuant to section 10 of the Dog Control Act 1996 and revised in 2016 and 2018 using the Special Consultative Procedure.

#### **Introduction**

The Dog Control Act 1996 places obligations on dog owners to register their dogs, ensure that dogs are kept under control and ensure that they do not cause nuisance to any person, do not cause damage to property or injure, endanger or cause distress to any person, stock, poultry, domestic animal or protected wildlife.

Council has powers under the Act to assist dog owners to meet these obligations and to address situations where those obligations are not being met.

The Dog Control Act 1996 requires Council to adopt a policy on dogs within its district, and review this policy regularly, so that these powers are used effectively and form part of Council's approach to the management of dogs.

Council must also be mindful of the need to minimise adverse impacts of dogs on the community. In adopting this policy Council must have regard to:

- The need to minimise danger, distress and nuisance to the community generally; and

- 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
- 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
- The exercise and recreational needs of dogs and their owners.

## **1. Council's approach**

Council's objective is to keep dogs as a positive part of people's lives in Westland by adopting measures that minimise the problems caused by dogs while at the same time maintaining dog owners' rights to enjoy recreational opportunities with their dogs.

In undertaking dog registration and dog control functions, Council has historically sought to meet the minimum requirements prescribed in the Dog Control Act 1996. However, our current agreement requires our dog control contractor to conduct proactive patrols and visits to properties. Monitoring will be carried out as a direct result of complaints received and to ensure that appropriate remedial action has been taken.

Dog Welfare is not a priority for Council as the Dog Control Act 1996 does not require the Council to undertake programmes or provide services that promote or protect the welfare of dogs. That is the domain of the welfare branch of the SPCA who are warranted to provide such services under the Animal Welfare Act 1999. Council has limited powers in the welfare area under the Dog Control Act 1996.

## **2. Appointment of specialist staff**

Under section 11 of the Dog Control Act 1996 Council is required to either appoint one or more dog control officer or enter into an agreement with an agent for the provision of dog control services in its area.

### **3. Safer Communities**

Council recognises dog owners as users of public places and seeks to integrate (not separate) dogs and their owners with other users of public places.

Council will ensure that obligations imposed on dog owners in terms of the care and control of their dogs under the Dog Control Act 1996 and the Westland Dog Bylaw are maintained and enforced if necessary.

Council's primary and preferred method is through encouragement and education of the dog owner where possible in order to ensure public safety and comfort.

Council seeks to change the attitudes and behaviours of irresponsible dog owners and where appropriate penalise irresponsible dog ownership. Other enforcement options such as infringement notices, menacing / dangerous dog classifications, probationary dog ownership, disqualification as a dog owner and prosecution are available if required. Infringement notices are generally issued for failure to register a dog or for a dog wandering at large in a public place not under adequate control.

Incidents involving dog attacks on people or animals will result in decisive action being taken to address the issue and to prevent further incidents.

Council supports a graduated enforcement system starting from a warning for a first minor offence through to a potential prosecution in the District Court for a serious offence.

Council acknowledges that dog control is important across the whole district but public expectation is such that the majority of dog control work is associated with Hokitika, Kaniere, Kumara and Ross and to a more limited extent Franz Josef, Fox Glacier and Haast.

### **4. Dog Control in Public Places**

Council recognises that dogs should not be allowed in any public place unless the dog is under adequate control. As per the Council's Dog Control Bylaw, within the Hokitika Urban Area this control is generally required to be via a leash, lead or container unless the dog is in an approved off-leash area. Outside the Hokitika Urban Area, there is greater provision for off-leash areas,

including allowance for dogs to be off-leash on footpaths and berms, provided that control is still maintained via whistle, voice, electronic collar or other means.

There are particular requirements relating to the control or prohibition of dogs within conservation land or national parks. Details of such land areas are available from the Department of Conservation.

Council will prohibit dogs on any mown playing surfaces of sports fields and will require them to be on-leash within 20m of any children's playgrounds.

On the dog owner's property, dogs must either be under the direct control of a responsible person or confined in such a manner that they cannot freely leave the property.

## **5. Impounding**

Any dog found wandering at large will be impounded in the Council pound.

Pound fees will be set to cover operational costs including sustenance, and, as permitted under the Dog Control Act 1996, will be structured to discourage repeat offences.

When dogs are not claimed within the statutory time frame, ownership of the dog will be transferred to the welfare branch of the SPCA who will endeavour to rehome any suitable dog.

All impounded dogs must be registered prior to release of the dog to the owner.

Any dog declared menacing and subsequently impounded will only be released to its owner when all the criteria for menacing dog classification have been met.

## **6. Dog ownership and classifications**

The Council will ensure that the provisions of the Dog Control Act 1996 are met in terms of probationary dog ownership, disqualified dog owners, menacing dog classifications and dangerous dog classification.

The Council must classify as menacing, any dog that Council has reasonable grounds to believe belongs to a breed or type listed in Schedule 4 of the Act.

Council will have a policy of requiring all dogs declared menacing to be neutered.

Council will monitor menacing and dangerous dogs and their owners to ensure that the owners continue to comply with the criteria for their dog's classification status.

A dog can be classified as dangerous after a moderate to serious incident of aggression where a prosecution in court is not warranted or where there has been an ongoing pattern of aggressive behaviour by the dog against people or animals.

## **7. Dog Registration**

Council accepts that regular contact with dog owners is an important way of promoting the proper care and control of dogs. It also enables Council to assess existing standards and to check on dog registration.

Dog control officers will be required to both carry out patrols, and make visits to properties to ensure compliance with the Act. These visits will be dependent on the importance of other priorities and staff availability.

Where previously unknown dogs are detected Council will ensure that all steps are taken to ensure that the dog becomes registered.

Council will keep a register of dogs and attempt to identify the owner of every dog.

All dog registration data will be maintained on the national dog data base.

## **8. Classes of dog ownership**

Council will proactively promote the responsible ownership of dogs, including the care and control of dogs around people and animals, property, protected wildlife and natural habitats.

In addition to the traditional urban and rural classes of dog Council will also reward those classes of dog that have little financial impact on our dog control service.

Council will reward those dog owners who meet the criteria for Selected Dog Ownership by establishing a separate category of fees which provides a financial incentive to those dog owners. The criteria will include:

- (a) Dog was currently registered by 31 July when application for Selected Dog Owner status was made and was also registered by 31 July for the previous year
- (b) No justified complaints registered against the dog in the last two years
- (c) Dog has not been impounded in the last two years
- (d) Dog is microchipped
- (e) Property where dog resides is fully fenced or the dog is kept within a securely fenced portion of the property. In areas zoned rural, a securely fenced portion of the property or a kennel and enclosed run is considered acceptable fencing.
- (f) Dog owner has not received an infringement notice in the last two years

Working dogs, including those dogs kept solely or principally for the herding or driving of stock, disability assist dogs, dogs kept principally or solely for destroying pests under any pest management plan under the Biosecurity Act, search and rescue dogs certified for use by the Director of Civil Defence Emergency or any other working dog defined under section 2 of the Dog Control Act 1996, will also be incorporated in a new fee category. This class of dog has very little impact in terms of being the focus of our service. The vast majority of working dogs are of some considerable value to their owner and they are well cared for and controlled on their property.

## **9. Funding**

All dog control activities will be funded through dog registration fees, infringement fees, impounding fees and a contribution from the general rate which recognises there is a wider public good resulting from effective dog control. Infringement fees are set by regulation and dog registration fees and

impounding fees are set through the public consultative process each year as part of the Annual Plan process.

## **10. Dog Bylaw**

Under section 20 of the Dog Control Act 1996 Council will adopt a Dog Bylaw covering such things as the control of dogs generally, the requirements for dogs to be on leash in specific public areas, limiting the number of dogs that may be kept on land or premises, requirements with respect to fouling, etc.