

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
25 AUGUST 2016

Name of item: PROPOSED DRAFT DOG CONTROL BYLAW AND DOG POLICY

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Date of report: 27 July 2016

Document number: A1742510

Executive Summary

The purpose of the report is to propose a revised Dog Control Bylaw and Dog Policy for public consultation.

The Dog Policy was adopted in 2006 and requires updating to reflect changes in legislation and best practice. The existing Bylaw was adopted in 2006 and has been reviewed in a report to Council on 15 June 2016. Changes have been made to the proposals that were presented to Council at that time. This report details the further changes to the proposed Bylaw and Policy as a result of consultation with Community Boards and further community conversations.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

AND THAT Council consults on the proposed Draft Dog Control Bylaw 2016;

AND THAT Council consults on the proposed Draft Dog Policy 2016.

1) Background

The existing Bylaw and Policy were adopted in 2006 and require updating. The Dog Control Act 1996 section 10AA requires that Council must review the Dog Policy if the Bylaw requires review. On 16 June Council 2016 determined that a Dog Control Bylaw is the most appropriate way of addressing the problem.

Te Hiku Community Board on 27 June, Kaikohe-Hokianga Community Board on 28 June and Bay of Islands-Whangaroa Community Board on 29 June 2016 resolved to recommend to the Regulatory and Environment Committee that the proposed Draft Dog Control Bylaw 2016, and the proposed Draft Dog Policy 2016 be adopted by Council for public consultation. Bay of Islands-Whangaroa Community Board also recommended that the Committee consider comments from the Community Board made to staff at this meeting regarding changes to the proposed Bylaw and Policy.

2) Discussion and options

Two options are discussed below:

Option 1 Consult under the Special Consultative Procedure on the proposed Draft Dog Policy and Dog Control Bylaw 2016

The proposed Draft Dog Policy and Dog Control Bylaw 2016 introduce significant changes from the previous Dog Policy and Dog Control Bylaw 2006. These are summarised in the report to the Regulatory and Environment Committee on 2 June 2016. The most significant proposed changes include:

- substantial redrafting to simplify the regulations so far as possible under the requirements of the Dog Control Act 1996;
- increased requirements for the neutering of dogs;
- the introduction of a new category of Responsible Dog Owner;
- changes to the schedules setting out dog prohibited, dog restricted and dog exercise areas;
- the introduction of protected wildlife areas.

A large number of minor changes have been made to the proposed Draft Bylaw and Policy as a result of the feedback received from the Community Board meetings. Most of these are detailed wording changes and the subsequent changes have been tracked in the Bylaw and Policy documents attachments 1, 2 and 3 to this report.

One significant alteration is to allow (rather than prohibit) dogs to be left unattended in public places provided they are muzzled or within view. This is to protect children and other people who may approach the dog which is more likely to bite as it cannot get away from unwanted attention.

Another issue that from feedback is that whilst people consider small dogs may be less problematic, small dogs out of control can agitate larger dogs, bite people and attack wildlife. Officers do not consider that the size of the dog to be as important as the level of control the owner has over the dog.

This table below sets out significant changes to the proposed schedules made as a result of the feedback received from the Community Board meetings:

Area	Change	Reason
English Bay Beach	Return to prohibited from exercise area	At the request of the Community Board.
Kaikohe	Not to include land off Memorial Drive as an exercise area and continue to investigate other options	The land is contaminated.
All beaches	Remove Mean High Water (or equivalent) and replace with Mean Low Water Spring Tides Dogs must remain on the boat at all times to protect island wildlife sanctuaries.	Advice from Department of Conservation and Northern Regional Council to protect wildlife. This makes restrictions on beaches clear (no dogs on the sand). The Eastern Bay of Islands are the focus on an ecological restoration Project Island Song is a partnership between Te Hapu o te Rawhiti (Ngati Kuta and Patukeha), DOC and the Guardians of the Bay. DOC responds to a number of calls of dogs being on islands over the summer season. The best way to protect wildlife is to stop dogs landing on the islands.

All beaches	Remove 'blanket' winter on leash restrictions from most beaches	Most beaches are not busy in the winter months and vulnerable birds nest in the summer season. Dogs must remain under control at all times.
Sportsfields	Remove prohibition and replace with dogs on leash at all times	Dogs are not encouraged on sports fields. However, people walk through these areas with their dogs. Anyone allowing their dog to foul a public place is liable to an infringement fee.
Protected Wildlife Areas	Consider allowing dogs on leash at L T Hirst Reserve (near Russell) and Hongi Hika Recreation Reserve, Kerikeri. Other species (such as Weka) added.	DOC response to request from Community Board is to look at starting the process to Gazette changes. Ensure that all protected wildlife is covered.
Restrictions in urban areas	Schedules revised to more accurately capture the urban zones. Some potential extensions identified.	Urban areas lack appropriate places to exercise dogs and barking can cause a nuisance. The Statement of Proposal can allow for community consultation about the limits in terms of the exact area and number of dogs.

Dog Restriction Zones

This restriction is intended to apply to urban areas where there are smaller lot sizes with a greater likelihood of nuisance to neighbours. An Urban Area was defined as a contiguous area containing a population of approximately 500 or more with a distinct commercial and/or industrial core. This may include an extended Urban Area of settlement not contiguous with an urban area; that is between multiple urban areas by less than a distance of two kilometers, and exhibits similar density to the urban areas. The maps included in the Schedule include all residential, coastal residential and commercial parcels. In addition, rural living, coastal living parcels under 200 hectares, proximate to roads 50km and under, and part of a contiguous urban area.

This methodology would result in minor Boundary Shifts for Haruru and Paihia, Russell and Okiato, Kaikohe and Kerikeri. It also shows three potential new zones:

- Awanui
- Pukenui
- Tokerau Beach

The Dog Restriction Zones could be presented as options in the final Statement of Proposal with the Community Boards having suggested that there may be useful discussion about the merit and applicability of such restrictions. In addition there is some debate about the optimum number of dogs to restrict (currently two dogs per household) in areas with Protected Wildlife Zones. Council could retain the existing zones only (as amended to take account of changes over the past ten years). Detailed maps have been prepared to present the options.

Option 2 Status Quo.

This would mean that the Dog Control Bylaw and Policy, having been reviewed, will remain unchanged.

This option is not recommended as there has been significant public feedback that changes are required and advice from government that Councils need to reconsider how they approach their dog control activities.

Option one is the preferred option recommended by staff as it would provide for improved dog control and welfare and respond to community feedback.

Dog Policy

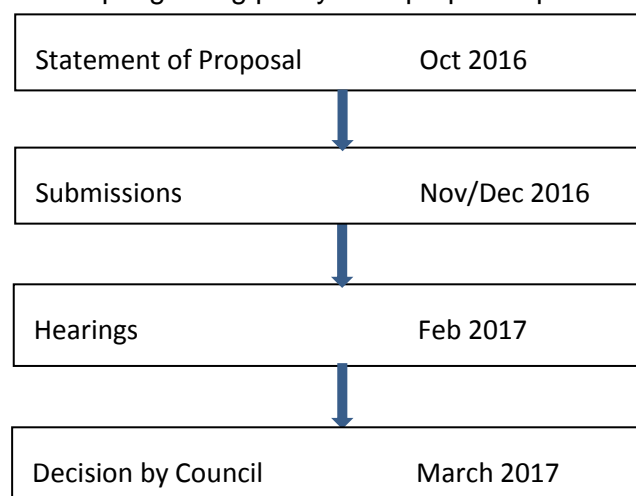
The Dog Control Act 1996 section 10 sets out a duty of territorial authorities to adopt policy on dogs

The Draft Dog Policy also replaces, and includes the substance of, Policy # 3113 - Dog Registration - Waiver of Penalty Fee; Withdrawal of Prosecution.

The Schedules also include a list of Dog Controlled - No Access areas as required by the Dog Control Act 2006 section 10.

Consultation and decision-making process

The LGA 2002 s 156 states that a Special Consultative Procedure (SCP) is required to propose a new bylaw if the proposal is of significant interest or impact. The proposed Draft Dog Control Bylaw and Dog Policy have a significant impact upon dog owners and the public. Further, the Dog Control Act 1996 s 10 requires the SCP for adopting a dog policy. The proposed process and a potential timeline is below:



3) Financial implications and budgetary provision

There is a cost to carrying out any consultation, especially an SCP. The consultation for this Bylaw has been budgeted for.

4) Reason for the recommendation

Council has determined that a Dog Control Bylaw is the most appropriate way of managing the problem of dogs and public safety. A dog policy is required under s10 of the Dog Control Act 1996 and must be reviewed when a dog bylaw is reviewed. Substantial changes have been proposed to improve dog control and welfare. There has been consultation with the Community Boards.

The recommended next step is for Council to seek public feedback through the Special Consultative Procedure to progress this Policy and Bylaw. There is insufficient time to commence consultation under this outgoing Council.

Manager: Dr Dean Myburgh - General Manager District Services Group

Attachment 1: Proposed Draft Dog Control Bylaw Tracked Changes - Document number A1742491

Attachment 2: Proposed Draft Dog Policy Tracked Changes - Document number A1742492

Attachment 3: Proposed Draft Dog Policy and Dog Control Bylaw Schedules Tracked Changes - Document number A1742476

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 s 77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,-
 - a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) assess the options in terms of their advantages and disadvantages; and
 - c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to section 79 - Compliance with procedures in relation to decisions.

Relationship with existing policies and Community outcomes.	<p>The proposed policy would replace the current Dog Registration policy.</p> <p>The District Plan restricts commercial kennels to rural areas. District Plan Chapter 12 on Natural and Physical Resources Section 2 - Indigenous Flora and Fauna and Policy states: "In order to protect areas of significant indigenous fauna:</p> <p>(a) that dogs (excluding working dogs), cats, possums, rats, mustelids and other pest species are not introduced into areas with populations of kiwi, dotterel and brown teal;</p> <p>(b) in areas where dogs, cats, possums, rats, mustelids and other pest species are having adverse effects on indigenous fauna their removal is promoted.</p>
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Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	None identified.
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	Yes, dog owners will be particularly impacted and it is proposed to write to all dog owners to encourage their participation in the SCP.
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	Yes, this matter is significant to dog owners and to the wider community.
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	This is a district wide matter. Community Boards were consulted at their June meetings.
Financial Implications and Budgetary Provision. Chief Financial Officer review	There are no direct budgetary implications. The costs associated with the establishment of this Bylaw and Policy have been budgeted. The Chief Financial Officer has not reviewed this report

FAR NORTH DISTRICT COUNCIL DOG CONTROL BYLAW 2016

To come into force **XXXXX**

1.0 Short Title, Commencement and Application

1.1 The title of this bylaw is the Far North District Council *Dog Control Bylaw 2016* and comes into force on **xxxx 201x**.

1.2 This bylaw applies to the Far North District.

1.3 This Bylaw is due for review by xxxx

2.0 Former Bylaw Repealed

2.1 As of the date this bylaw comes into force the following bylaw is hereby repealed:

The "*Far North District Council Dog Control Bylaw*"

2.2 All approvals, permits and other acts of authority that originated under the *Far North District Council Dog Control Bylaw*, and all applications, shall for the purposes of this bylaw continue as if they had originated under this bylaw.

2.3 The revocation of the *Far North District Council Dog Control Bylaw* shall not prevent any legal proceedings, criminal or civil, being taken, to enforce these bylaws and such proceedings shall continue to be dealt with and completed as if the bylaw had not been revoked.

3.0 Interpretation

AT LARGE means at liberty, free, not 'on a leash' as defined in this section.

AUTHORISED OFFICER means any person appointed or authorised by the Council to act on its behalf and with its authority, including a member of the Police.

BEACH means the area of shoreline above mean **high-low** water spring **tides** and any adjoining land in public ownership.

CONFINED means enclosed securely in a building or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.

CONTROL means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means. Where the dog is not required to be on a

leash, and other than in a designated dog exercise area, it is not allowed to be any more than 10 metres distant or out of the line-of-sight of the handler.

COUNCIL means the Far North District Council.

COUNCIL OFFICER means any person authorised in writing by the Council and includes any Dog Control Officer or Dog Ranger appointed by the Far North District Council to carry out and enforce the requirements and obligations of this bylaw.

DANGEROUS DOG has the meaning in s 31 of the *Dog Control Act 1996*.

DISABILITY ASSIST DOG means a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability as defined in Section 2 of the *Dog Control Act 1996*.

DISTRICT means the area under the control of the Far North District Council.

DOG CONTROL OFFICER means a Dog Control Officer appointed by the Far North District Council under Section 11 of the *Dog Control Act 1996*.

DOG OWNER means owner as defined in Section 2 of the *Dog Control Act 1996*.

HUNTING DOG means a dog used for hunting game provided that:

- (a) It shall be a defence that any hunting dog found in a public place without a leash is under the immediate supervision of a currently licensed or permitted game hunter who is using the dog for the immediate purpose, of locating and/or retrieving game.
- (b) It shall also be a defence that any hunting dog found in a public place without a leash is under the immediate supervision of a currently licensed firearms owner who is using that unleashed dog for the immediate purpose of locating and/or retrieving game.
- (c) In both (a) and (b), the onus shall fall on the hunter/shooter to demonstrate that he or she was entitled to legally be in that public place and to demonstrate that the unleashed dog was under their full control.

IMPOUND means to seize and impound any dog in accordance with the provisions of the *Dog Control Act 1996*.

INFRINGEMENT OFFENCE has the meaning given to it in s 65(1) of the Act.

LEASH means an adequate restraint, not exceeding 2 metres in length.

MENACING DOG has the meaning in ss 33A or 33C of the *Dog Control Act 1996*.

NEUTERED DOG means a dog that has been spayed or castrated and does not include a dog that has been vasectomised.

NUISANCE means anything annoying, harmful or offensive to a community or a member of it and always as defined by law.

ON A LEASH means that a dog is kept under control by means of a leash, which is attached to the dog, so that the dog cannot break loose, and the other end held by a person physically capable of restraining the dog.

PERSON includes not only a natural person but also a corporation sole and a body of persons whether incorporated or not.

PRIVATE WAY means any way or passage whatsoever over private land within the district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally.

PROTECTED WILDLIFE ZONE means any zone or area identified by a recognised authority as being an area where the New Zealand Dotterel, Banded Dotterel, Brown Teal, Blue Penguin, Weka and North Island Brown Kiwi either live or breed.

PUBLIC PLACE means a place that, at any material time, is open to or is being used by the public, whether for free or on payment of a charge.

RECOGNISED AUTHORITY means:

- (a) A Regional Council named in Part 1 of Schedule 2 of the *Local Government Act 2002*.
- (b) A Territorial Authority, being a city council or district council named in Part of Schedule 2 of the *Local Government Act 2002*.
- (c) A Unitary Authority as defined in Section 5 of the *Local Government Act 2002*.
- (d) The Department of Conservation.

RESERVE means any land under the control, administration, or ownership of the Council that is subject to the *Reserves Act 1997*.

RESPONSIBLE DOG OWNER means a Dog Owner who has been certified by Council as having all their dogs registered in the District for at least one year or ~~to~~ has attended and passed an approved Responsible Dog Owner Education and Obedience course; has not received a conviction under the Act or an infringement notice or had a dog impounded in the past year; has not been the subject of a substantiated public complaint in the past year; and, has not been classified as a Probationary or Disqualified owner.

SUBSTANTIATED COMPLAINT means a complaint where a Dog Control Officer considers that there is enough evidence to support a case in a court of law.

WORKING DOG means any working dog as defined in section 2 of the *Dog Control Act 1996* and for the purpose of this bylaw shall include Disability Assist Dogs and Hunting Dogs.

4.0 Control of Dogs in Public Places

PROHIBITED AREAS

- 4.1.0 Every Dog Owner must ensure that their dog does not enter or remain in any place designated as a Prohibited Area in the First Schedule of this Bylaw.

ON-LEASH AREAS

4.2.0 Every Dog Owner must ensure that his or her dog is kept on a leash in any public place or private way designated as a Leashed Area in the Second Schedule of this Bylaw.

4.2.1 Dog classified as Dangerous or Menacing must be muzzled whilst in a Leashed Area.

OFF-LEASH AREAS

4.3.0 Every Dog Owner may exercise his or her dog other than on a leash, but must keep the dog under continuous control at all times, in any other public area that is not designated as an on-leash or prohibited area.

4.3.1 It is the responsibility of the Dog Owner or person in charge of a dog to adequately control the dog, and be seen to be in control of the dog, so it will not cause a danger, distress or nuisance.

4.3.3 The person in charge of the dog in an off-leash area must be carrying a leash, and must be seen to be doing so.

4.3.2 Dogs classified as Dangerous or Menacing must be muzzled whilst off-leash in any public areas.

DOG EXERCISE AREAS

4.4.0 A Dog Owner may exercise their dog ~~other~~ off-leash but must keep the dog under control in any area designated as a dog exercise area in the Third Schedule of this Bylaw

4.4.1 Dogs classified as Dangerous or Menacing must be muzzled whilst in a designated Dog Exercise Area.

GENERAL PUBLIC ACCESS AREAS

4.5.1 No dog may be left unattended and tethered, at any time, to any apparatus whether it be fixed or otherwise in any public place at any time and ~~whether~~ unless the dog is muzzled.

4.5.2 A dog ~~will not be regarded as unattended if it is and not more than 10 metres distance from and within sight of the owner. or not, in any public place at any time.~~

EXEMPTIONS

4.6 Clause 4.1.0 and 4.2.0 do not apply to the owner of:

- (a) a Working Dog while it is working; or
- (b) any dog which is confined completely within a vehicle or cage; or
- (c) any dog taking part in a special event approved by the Council such as a dog show or dog training seminar or any other organised dog event.
- (d) any dog with specific written approval exempting it from the requirements of clause 4.1.0 and/or 4.2.0.

5.0 Shelter/Housing

- 5.1 The owner of any dog or other person having charge of any dog shall provide adequate accommodation for that dog. If the accommodation is a kennel it is to be sited on a suitable hard surface, have wooden flooring in the sleeping area, be of appropriate size, and provide suitable shelter from the elements in that it must, at all times:
- (a) be weatherproof
 - (b) be dry
 - (c) be clean, and
 - (d) give the dog adequate space, warmth and shade.
- 5.2 If a kennel is not provided, dogs are to be confined inside premises, which comply with the requirements of 5.1.
- 5.3 Accommodation for dogs is to be kept in a clean condition at all times so as not cause a nuisance to any other person through visual, audible or olfactory disturbance.
- 5.4 No dog accommodation or place of confinement for any dog in any area shall be sited in a position whereby any dog connected to any such accommodation or place of confinement, whether by a chain or some other approved and humane device, can get tangled up or have its movements further restricted, by any other restrained dog or permanent fixture, other than that which would be normal for the device that it is connected with.
- 5.5 No dog accommodation or place of confinement for any dog in urban areas shall be sited in a position that allows any dog connected to it by way of a chain or some other approved and humane device, to be able to enter upon any other persons land or property.

6.0 Limitation on Number of Dogs

- 6.1 No person may keep a dog over the age of three months on any land or premises in any urban area identified in the Fourth Schedule of this Bylaw, which results in more than two dogs being kept on the land or premises.

~~6.2 Every application for a permit must supply the information that Council requires to issue the permit and must pay any fee prescribed from time to time by resolution of Council.~~

~~6.3 Council may place conditions on the permit and the holder must comply with them. If the holder fails to comply with the conditions the Council may cancel the permit whereby the holder then must comply with any and all conditions attached to the cancellation.~~

~~6.4 When a permit is cancelled by Council the holder will not be able to re-apply for a permit within 12 months of the cancellation.~~

7.0 Confinement of Dogs

- 7.1 The owner of any dog or other person having charge of a dog shall, during the period commencing half an hour after sunset on each day and ending half

an hour before sunrise on the next day, keep the dog tied up or otherwise confined, unless the dog is on a leash or under the control of the owner or handler.

8.0 Removal of Faeces

- 8.1 Where any dog defecates in a public place or on land or premises other than that occupied by the owner, the Dog Owner must remove the faeces immediately and dispose of them in a suitable waste container.

9.0 Female Dogs in Season and Diseased Dogs

- 9.1 Every Dog Owner must ensure that every female dog in season is contained on their land or premises in such a manner that it cannot freely leave the land or premises but also that it is adequately exercised.
- 9.2 It shall be an offence to exercise any bitch in season in any public place.
- 9.3 Every Dog Owner must ensure that any dog infected with a contagious disease is contained on his or her land or premises in such a manner that it cannot freely leave the land or premises other than when being transported to a registered veterinary clinic for treatment.
- 9.4 It shall be an offence to exercise any dog infected with a contagious disease in any public place.

10.0 Neutering of Dogs

- 10.1 Where any Dog Owner fails to keep their dog under control on more than one occasion with a 12 month period, Council may, by written notice, require the owner to cause the dog to be neutered.
- 10.2 Where any dog has been impounded more than two times at any time throughout its life, and in the ownership of the same person, Council may require the neutering of that dog prior to the dog's release from the pound to its owner or any other person.
- 10.3 Where any dog is classified as Dangerous or Menacing and/or the owner is classified as Probationary or Disqualified, Council will require the neutering of that dog by written notice to the owner.
- 10.4 Where a written notice that a dog must be neutered has been given to the Dog Owner they must, within one month of receipt of the notice, produce to the Council a certificate issued by a registered veterinary surgeon certifying:
- (a) that the dog is or has been neutered; or
 - (b) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate;
 - (c) if a certificate under clause (b) is produced, the Dog Owner must within one month after the date specified in the certificate, produce a further certificate to the Council under clause (a).

11.0 Impounding

- 11.1 Any Authorised Officer may impound a dog found at large in breach of any provision of this Bylaw whether or not it is wearing a collar having the proper registration label or disc thereon or attached thereto.
- 11.2 Any Authorised Officer may impound a dog found tethered and unattended in breach of Clause 4.5.
- 11.3 Where any dog has been impounded the provisions of the Dog Control Act 1996 and Council's Standard Operating Procedures shall apply in relation to the dog's release.

~~11.4 The Council shall not be obliged to release any dog from any pound except during the following times:~~

- ~~(a) the Kaikohe Pound will be open on Monday to Friday (except public holidays) between 8:30am and 9:00am;~~
- ~~(b) the Kaitia Pound will be open on Monday to Friday (except public holidays) between 9:30am and 10:00am.~~

12.0 Dogs In or On Vehicles

- 12.1 No person shall take a dog onto any public place in a motor vehicle or leave a dog in any unattended motor vehicle unless that person takes measures to render it impossible for the dog to get out of the vehicle without limiting the requirements of the *Animal Welfare Act 1999*.
- 12.2 Any person allowing a dog to ride on the open tray of a vehicle shall ensure that it is at all times kept under control by a chain or any other suitable tether that is sufficiently short in length as to prevent the dog from leaving the tray or endangering or causing a nuisance to passers-by.

13.0 Duty to Avoid Nuisance

- 13.1 A person must not keep a dog on any land or premises if:
- (a) the dog causes a demonstrable nuisance; or
 - (a) the dog exposes the health and safety of others to significant risk; or
 - ~~(c)~~ (a) the dog creates a reasonable apprehension in the minds of others of a threat to their health or safety. The reason must be justified by proven evidence; or
 - ~~(d)~~ (b) the dog prevents lawful access to at least one door of the dwelling.
- 13.2 No person shall cause any dog ~~on any land, premises or public place,~~ to become restive or unmanageable or incite any dogfight with or attack any other animal or person.
- 13.3 If, ~~in the assessment of a Council Officer or Dog Control Officer,~~ any dog or dogs or the keeping of any dogs on any premises has become or is likely to become a nuisance or injurious to health the Council authorised officer ~~or Dog~~

~~Control Officer~~ may by notice in writing require the owner or occupier of the premises within a time specified in the notice to do all or any of the following:

- (a) Reduce the number of dogs kept on the premises.
- (b) Construct, alter, reconstruct or otherwise improve the kennels or other accommodation used to house or contain or restrain the dog or dogs.
- (c) Require the dog or dogs to be tied up or otherwise confined during specified periods
- (d) Take such other reasonable action as the Council Officer or Dog Control Officer deems necessary to minimise or remove the likelihood of nuisance or injury to health.

13.4 Any person who fails to comply with any notice issued under Clause 14.1 commits an offence under the Bylaw.

14.0 Offences and Penalties

14.1 Every person who fails to comply with the requirements of this Bylaw commits an offence and is liable to a penalty under the *Dog Control Act 1996* and the *Local Government Act 2002*.

14.2 The Council may apply to the District Court under section 162 of the *Local Government Act 2002* for an injunction restraining a person from committing a breach of this Bylaw.

DRAFT

POLICY # 3120 – DOG POLICY

Date Issued:

INTRODUCTION

The *Dog Control Act 1996* requires Council to:

- Minimise the danger, distress, and nuisance that dogs may pose to the community
- Avoid the danger inherent in allowing dogs to have uncontrolled access to public places that are used by children
- Enable the public to use public places without fear of attack or intimidation by dogs
- Provide for the exercise and recreational needs of dogs with their owners
- Classify dogs and owners, and provide an annual report on the classifications made by Council.

POLICY OBJECTIVE

The objective of the Council is to promote Responsible Dog Ownership and the welfare of dogs.

Council recognises the importance of dogs to many people within the Far North District.

Council recognises that the main factor in dog control is the quality of care by the dog's owner so it defines and incentivises the status of Responsible Dog Owner.

The policy aims to:

1. Promote Responsible Dog Ownership and enforce the legal obligations of dog owners
2. Prevent danger and fear from uncontrolled dogs
3. Help dog owners to provide for the exercise and welfare needs of their dogs
4. Protect wildlife

POLICIES

Policy 1 – Identify the Owner of Every Dog

Policy 2 – Enforce Dog Owner Obligations

Policy 3 – Classify Dogs and Owners

Policy 4 – Encourage Responsible Dog Ownership

Policy 5 – Apply Registration Fees

Policy 6 – Control Access of Dogs to Public Places

Policy 1 – Identify the Owner of Every Dog

- 1.1 All dog owners must register and microchip their dogs to formally identify the person responsible for the care and control of every dog.
- 1.2 All dogs three (3) months of age and over must be registered.

Policy 2 – Enforce Dog Owner Obligations

Council will:

- 2.1 Make dog owners comply with their legal obligations to control and correctly care for their dog(s) and maintain the safety of the public.
- 2.2 Seize and impound dogs that are considered to be a danger, threat or nuisance to the public, wildlife, stock, poultry or domestic animals.
- 2.3 Limit the number of dogs in urban areas.
- 2.4 Make Menacing or Dangerous dog classifications and Probationary or Disqualified dog owner classifications where considered necessary or where required under the Act.
- 2.5 Take action where necessary for breaches of the Act or bylaws, and, to prevent any breaches from occurring, –by way of infringement notices, the seizing and impounding of unregistered dogs, prosecution, or any other action needed.

Policy 3 – Classify Dogs and Owners

- 3.1 Council will exercise its authority under the Act to classify non-compliant owners as either Probationary or Disqualified and dogs as either Dangerous or Menacing. Council will also provide an annual report in relation to the numbers of these classifications made each financial year.
- 3.2 Council will order all dogs classified as Menacing or Dangerous to be neutered at the owner's expense.

Policy 4 – Encourage Responsible Dog Ownership

Council will:

- 4.1 Recognise and encourage Responsible Dog Ownership (RDO):
 - (a) The owner must have fully complied with Council Bylaw requirements as they relate to dogs.
 - (b) The owner's dog must have been registered in the District for at least one year; or the owner must provide proof of having held this status from their previous authority.
 - (c) If an owner has not been registered in the District for at least one year the owner will be required to attend and pass a Council-approved Responsible Dog Owner Education and Obedience course.
 - (d) The owner must not have:
 - i. Received a conviction under the Act.
 - ii. Received an infringement notice in the past two years related to dogs.
 - iii. Had a dog impounded in the last two years due to their negligence.
 - iv. Been the subject of a substantiated public complaint in the last two years.
 - v. Been classified as a Probationary or Disqualified owner.
 - (e) The property that the dog has free access to must be fully fenced and gated.



- (f) Any outside kennels must be weatherproof and hygienic.

An application must be made to Council and approved before the benefits of the RDO status can be gained.

4.2 Cancel an owner's RDO status if the owner:

- (a) Is convicted of an offence under the Act. The owner will not be reinstated as a RDO.
- (b) Is issued with an infringement notice. The owner will not be reinstated as a RDO for two (2) years.
- (c) Has their dog impounded. The owner ~~will~~may not be reinstated as a RDO for two (2) years.
- (d) Has one substantiated complaint upheld. The owner will not be reinstated as a RDO for two (2) years.
- (e) Fails to pay dog registration fees by the 31st day of August in any year.

4.3 Supply information about dogs on Council's website and provide owners of dogs with information on their legal obligations and how to deal with dog control issues.

4.4 Promote dog safety along with care and control awareness amongst children, the general public and dog owners.

4.5 Supply information on dog obedience courses, owner training courses and support organisations (such as kennel clubs) to promote Responsible Dog Ownership.

Policy 5 – Apply Registration Fees

5.1 Council will set fees to recover costs of dog control and provide adequate dog management services. Dog owners will contribute by paying dog registration fees; recovery of costs where applicable (e.g. impounding fees); and fines and infringement.

5.2 Council will promote responsible dog ownership by offering a discounted registration fee annually to Responsible Dog Owners.

5.3 Council will levy penalties of up to 50% of the registration fee on dog owners who do not register their dogs by the 31st day of August each year.

5.4 Charge a lower recovery fee for registered dogs impounded for the first time.

5.5 A waiver of the penalty fee may be granted if:

5.5.1 Council has made an omission or error.

5.5.2 There are circumstances beyond the control of the dog owner that prevent the registration fee being paid within the registration period and the dog owner has contacted Council within 14 days.

5.5.3 There is evidence of a good track record of paying the registration fees on time for the previous three years, a reasonable reason for waiver has been supplied, and the dog owner has contacted Council within 14 days to give the reason for the delay in payment.



- 5.5.4 There is evidence of hardship and payment arrangements are agreed between the owner and Council. Where arrangements are made, the waiver of the penalty will be subject to the agreed payments being kept up to date.
- 5.6 Failure to make full payment or arrangements for payment of the Registration Fee and Penalty Fee may, at Council's discretion, result in a prosecution in the District Court.
- 5.7 Council will take enforcement action against owners of unregistered dogs by way of infringement notices, prosecution and or seizing and impounding of unregistered dogs.

Policy 6 – Access of Dogs to Public Places

- 6.1 Council provides for Dog Prohibited Areas where the presence of dogs could create a danger or cause distress or nuisance to the public. See Dog Policy Schedules 2016.
- 6.2 Council provides for Dog Exercise Areas where dogs can be exercised off-leash. They must at all times be under the control of the owner by voice command or signal, see Dog Policy Schedules 2016.
- 6.3 At all times and public places not specified in the Dog Policy Schedules 2016 dogs must be on-leash or under the control of the owner.

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Schedule One	Dog Prohibited Areas
Schedule Two	Dog On-leash areas
Schedule Three	Dog Exercise Areas
Schedule Four	Limitation on Number of Dogs in Urban Areas
Schedule Five	Department of Conservation Controlled Dog Areas - No Access

Schedule One - DOG PROHIBITED AREAS

- All dogs are banned from all childrens' playgrounds at all times.
- All dogs are banned from all public swimming pools at all times.
- ~~All dogs are banned from all sports fields and complexes at all times.~~
- All dogs are banned from all Protected Wildlife Zones at all times.
- All dogs are banned from land administered by the Department of Conservation (unless the Department of Conservation issues a permit or specifies otherwise).
- In addition, all dogs are banned from the areas listed below.
- This ban includes working dogs unless these dogs are being used for the purpose for which they are kept. Disability assist dogs are exempted in all cases.

DOG PROHIBITED AREAS		
Area	Details	Time
Ahipara	Beach from the rock pools before Shipwreck Bay to Kaka Street stream	From 1st December to 28th or 29th February, and all other statutory holidays, of every year between 9:00am and 6:00pm
Cable Bay	All beaches	
Coopers Beach	All beaches	
<u>English Bay</u>	<u>The complete length of the beach</u>	
Hihi	The complete length of the beach	
Opito Bay	Opito Bay Beach next to the adjoining roadway	
Opononi and Omapere	All areas from the road for a length of 200 metres in a south direction from the boat ramp in Opononi.	
<u>Paihia and Waitangi</u>	All beaches (with the exception of the grass bank off the sand at Te Haumi beach which is allowed on-leash)	
Russell	Russell Beach and all public areas adjoining and including the Strand between Pitt Street and Wellington Street Tapeka Point Beach and reserves and adjoining public places Long beach Beach up to the area opposite the vehicle turn around zone at the end of the adjoining roadway	
Taipa	All beaches	
Taupo Bay	All beaches	At all times
Tauranga Bay	All reserves	
Pou Herenga Tai Twin Coast Cycle Trail	All parts of the trail that are off-road (as detailed in the Pou Herenga Tai Twin Coast Cycle Trail Schedule Maps).	At all times
Tauranga Bay	Beach from the sandspit to the north of the tractor access point	At all times
<u>Rangiputa Beach</u>	<u>The complete length of the beach</u>	From 1st December to 28th or 29th February,

<u>Tokerau Beach</u>	<u>The complete length of the beach</u>	and all other statutory holidays, of every year between 9:00am and 6:00pm
Te Ngaere Bay	All beaches and reserves	
Whangaroa	All beaches	

Schedule Two – DOG ON-LEASH AREAS

- All dogs are required to be on a leash at all times on any footpath adjoining any public street, road, private way and State Highway.
- All dogs are required to be on leash at all times on sports fields or at sports complexes.
- In addition, all dogs are required to be on a leash at the times in the areas listed below.
- This includes working dogs (unless these dogs are being used for the working purpose for which they are kept).
- Dogs classified as Dangerous or Menacing must also be muzzled while in these On-Leash areas.

DOG ON-LEASH AREAS		
Area	Details	Time
Ahipara	Beach from the rock pools before Shipwreck Bay to Kaka Street stream	All times outside the times specified as prohibited
Cable Bay	All beaches	All times outside the times specified as prohibited
Coopers Beach	All beaches	All times outside the times specified as prohibited
Hihi	The complete length of the beach	All times outside the times specified as prohibited
Opito Bay	Opito Bay Beach	All times outside the times specified as prohibited
Opononi and Omapere	All beaches	All times outside the times specified as prohibited
Paihia <u>and Waitangi</u>	All beaches (but only on the grass bank off the sand at Te Haumi beach)	From 6.00pm to 8.00pm from 1st December to 28th or 29th February of every year From 9.00am to 5.00pm from the 1st March to 30th November of every year
Russell	Russell Beach Tapeka Point Beach and reserves and adjoining public areas Long Beach for the length of the beach up to the area of beach opposite the vehicle turn around zone at the end of the adjoining roadway	All times outside the times specified as prohibited
Taipa	All beaches	All times outside the times specified as prohibited
Taupo Bay	All beaches accessible to the public All reserves	All times outside the times specified as prohibited All times
Tauranga Bay	The beach area that is not prohibited	All times
Tauranga Bay	All reserves	All times outside the times specified as prohibited
Te Ngaere Bay	All reserves	All times
Whangaroa	All reserves	All times

Whangaroa	All beaches	All times outside the times specified as prohibited
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Schedule Three - DOG EXERCISE AREAS

- Every dog owner may exercise their dog(s) off-leash at the times in the areas listed below **providing that the dogs are under control at all times.**
- Dogs classified as Dangerous or Menacing must be muzzled while in these Dog Exercise Areas.

Dog Exercise Areas		
Area	Details	Times
Kaitia	Matthew's Park (within the designated fenced area of the park)	All times
Kaikohe	Maihi Memorial Park, Memorial Drive	All times
Kerikeri	Rolands Wood The reserve adjoining Samaree Place The land behind the Crematorium in Wiroa Road	All times
Opua	English Bay Beach and Opua Beach between the car ferry ramp and the boat ramp opposite Opua Hall	All times
Russell	The area of beach forming part of Long beach Beach from opposite the vehicle turn around zone at the end of the adjoining roadway to the end of the eastern part of the beach	All times

Other Public Places

- **In all other public areas** (that is public places not specified as dog prohibited, dog exercise, or dog leash control areas) **all dogs must be on-leash or under control at all times.**
- The dog owner (or person in charge of the dog) must be seen to be in control of the dog so that it does not cause a danger, distress or nuisance.
- Dogs classified as Dangerous or Menacing must be muzzled when in public areas.

Legend

- Original Dog Restriction Zones
- New Dog Restriction Zones

The map displays the Far North District Council area, showing various locations and dog restriction zones. Key locations labeled include Pukenu, Tokerau Beach, Cable Bay-Coopers Beach-Manganui, Awanui, Kaitake, Ahipara, Kerikeri, Haruru-Pahia, Russell-Okaito, Moerewa-Kawakawa, Kairokohe, Rawane, South Hokianga, and Rotorua. The map also shows the coastline, major roads, and a scale bar indicating distances up to 20 Kilometers.

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Schedule Five – Department of Conservation CONTROLLED DOG AREAS NO ACCESS

- Dogs are not allowed in Department of Conservation (DOC) nature reserves or wildlife sanctuaries except with express written approval.
- If you are on a boat with your dog, you cannot take your dog ashore to a controlled dog area or nature reserve, to let it relieve itself. This includes the foreshore of any such island or land (the foreshore includes the entire beach area down to the low tide level).
- Unless specified, dogs and other pets are not allowed in DOC campgrounds.
- Dogs are not allowed inside any DOC hut or lodge. In some cases there may be a kennel beside the hut. If this is not the case, please find somewhere suitable outside the hut to tie your dog.
- In addition dogs are not permitted in the areas listed below:

DOC Reference	Dog Prohibited Areas - no access	Local Office
Ref: P05032	Akeake Historic Reserve	Bay of Islands
Ref: Q05043	Balast Point	Bay of Islands
Ref: Q05002	Black Rocks Scenic Reserve	Bay of Islands
Ref: P05030	Blacksmiths Bay	Bay of Islands
Ref: Q05013	Deep Water Cove Scenic Reserve	Bay of Islands
Ref: Q05065	Harata Historic Reserve	Bay of Islands
Ref: P05060	Hongi Hika Recreation Reserve	Bay of Islands
Ref: Q05030	Kahuwhera Pa Historic Reserve	Bay of Islands
Ref: P05024	Kerikeri Basin Recreation Reserve	Bay of Islands
Ref: P05065	Kerikeri Esplanade Reserve	Bay of Islands
Ref: P05022	Kerikeri Govt. Purp. Fish Hatchery	Bay of Islands
Ref: P05026	Kerikeri Inlet Scenic Reserve	Bay of Islands
Ref: P05020	Kerikeri River Scenic Reserve	Bay of Islands
Ref: P05066	Kerikeri Wharf Historic Reserve	Bay of Islands
Ref: P05025	Kororipo Pa Historic Reserve	Bay of Islands
Ref: Q05063	T Hirst Scenic Reserve	Bay of Islands
Ref: P05015	Lake Waiparaheka Scientific Reserve	Bay of Islands
Ref: P04005	Mahinepua Peninsula Scenic Reserve	Bay of Islands
Ref: Q05033	Man O War	Bay of Islands
Ref: Q05014	Manawahuna Scenic Reserve	Bay of Islands
Ref: Q05001	Marsden Cross Historic Reserve	Bay of Islands
Ref: Q05036	Motuarahi Island Scenic Reserve	Bay of Islands
Ref: Q05003	Motuarohia Island Recreation Reserve	Bay of Islands
Ref: P04006	Motukawanui Island Scenic Reserve	Bay of Islands
Ref: Q05034	Motumaire Island Historic Reserve	Bay of Islands
Ref: P05044	Motupapa Island Scenic Reserve	Bay of Islands

Ref: Q05004	Moturua Island Scenic Reserve	Bay of Islands
Ref: P05031	Motutapu Island Scenic Reserve (Kerikeri Inlet)	Bay of Islands
Ref: Q05042	Motutokape Island	Bay of Islands
Ref: P05016	Ngawha	Bay of Islands
Ref: P05109	Ngawha Purchase Scenic Reserve	Bay of Islands
Ref: Q05006	Okahu Island Scenic Reserve	Bay of Islands
Ref: P05017	Okuratope Pa Historic Reserve	Bay of Islands
Ref: Q05009	Otehei Bay (Pt. Urupukapuka Island Rec. Reserve)	Bay of Islands
Ref: P05061	Pakaraka Kauri Scenic Reserve	Bay of Islands
Ref: Q05010	Poroporo Island Scenic Reserve	Bay of Islands
Ref: P05018	Puketona Scenic Reserve	Bay of Islands
Ref: P05019	Pukewhau Ecological Area	Bay of Islands
Ref: P05021	Rainbow Falls Scenic Reserve	Bay of Islands
Ref: P05029	Rangitane Scenic Reserve	Bay of Islands
Ref: P05034	Taranaki Island Scenic Reserve	Bay of Islands
Ref: P04022	Taronui Bay Access	Bay of Islands
Ref: P04021	Taronui Bay Recreation Reserve	Bay of Islands
Ref: P04023	Taronui Bay Addition Recreation Reserve	Bay of Islands
Ref: Q05016	Te Toroa Scenic Reserve	Bay of Islands
Ref: Q05031	Tikitikioure	Bay of Islands
Ref: Q05037	Toretore Island Scenic Reserve	Bay of Islands
Ref: Q05008	Urupukapuka Island Recreation Reserve	Bay of Islands
Ref: Q05029	Uruti Bay	Bay of Islands
Ref: Q05007	Waewaetorea Island Recreation Reserve	Bay of Islands
Ref: P05023	Waipapa Stm Scenic Reserve	Bay of Islands
Ref: P05068	Wairoa	Bay of Islands
Ref: P05045	Waitangi Endowment Forest	Bay of Islands
Ref: Q05028	Waitata Point	Bay of Islands
Ref: O03001	Maitai Bay Recreation Reserve	Kaitaia
Ref: O04024	Mangonui Court House Historic Reserve	Kaitaia
Ref: M02001	Motuopao Island Nature Reserve	Kaitaia
Ref: N02003	North Cape Scientific Reserve	Kaitaia
Ref: O04014	Rangikapiti Pa Historic Reserve.	Kaitaia
Ref: N03008	Simmonds Is. Nature Reserve	Kaitaia
Ref: L01001	Three Kings Islands Nature Reserve	Kaitaia
Ref: O04036	Walker Island Nature Reserve	Kaitaia

Attachment 3 Draft Dog Control Bylaw 2016 and Dog Policy 2016 Schedules

Ref: O03007	Whangatupere Bay Marginal Strip	Kaitaia
Ref: O03008	Paeroa/Knuckle Point Scenic Reserve	Kaitaia

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