

Policy on Dogs

for

Waitakere City

Adopted 29 September 2004

Prepared Pursuant to Section 10 of the Dog Control Act 1996



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DEFINITIONS

The following are definitions of terms you will find in this policy.

Control

In relation to any dog means that - the dog is not causing a nuisance or danger to others and that the owner is present and is able to obtain an immediate and desired response from the dog by means of any one or more of the following: a leash (or similar), voice, body language or any other stimulus which causes the dog to behave in a socially acceptable fashion and in accordance with the Dog Control Bylaws and Dog Control Act 1996.

Dangerous Dogs

Council shall classify as dangerous any dog where the owner has been convicted of an offence under section 57 (A) (2) of the Dog Control Act 1996 which relates to any dog rushing at or startling any person or animal in a manner that causes death, injury or endangerment or where a dog rushes at a vehicle in a way that is likely to cause an accident. In addition a dog may be classified as dangerous where Council receives sworn evidence attesting to aggressive behaviour by the dog on one or more occasions and has reasonable grounds to believe the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife.

Where a dog is classified as dangerous then the owner must keep the dog within a securely fenced portion of the owner's property so that there is access to at least one door of any dwelling on the property and the dog must be muzzled in any public place or private way except when confined completely within a vehicle or cage and the dog must be neutered. In addition the dog owner must pay an annual dog registration fee being 150% of the normal fee owing and must obtain written consent if the dog is to be disposed of to any other person. If the dog owner fails to comply with the requirements then the dog may be seized by Council.

De-sexed dog

A de-sexed dog is one that has been spayed or castrated but does not include a dog that has been vasectomised.

Disqualification

Under Section 25 of the Dog Control Act, the owner of a dog may be disqualified from being a dog owner if the owner is convicted of an offence under the Dog Control Act or specified sections of the Animal Welfare Act, Conservation Act or National Parks Act. Likewise, if a dog owner commits three or more infringement offences the owner may be disqualified from owning a dog.

Infringement Notice

An instant fine for a particular offence.

Leash

Any lead, chain, strap or other sufficient contrivance of a length not exceeding two metres, which is in good order and will not break if the dog strains or pulls on it. The leash must also have a secure handle or loop to enable the owner to maintain a hold on the leash. Where a leash is retractable/extendable then as long as the leash is retracted to be a maximum of a two metre length when the dog and owner are within 10 metres of any other person or animal then such a contrivance is deemed to fall within the definition of "leash".

Menacing Dogs

Council is legally obligated to classify as menacing any dog belonging to the breeds: Brazilian Fila, Dogo Argentino or Japanese Tosa, or to the type: American Pit Bull Terrier. In addition, where Council considers that any dog may pose a threat to any person, stock, poultry, domestic animal or wildlife then Council may classify that dog as menacing.

Where a dog is classified as menacing then the dog must be muzzled in any public place or private way except when confined completely within a vehicle or cage and Council may require the dog to be neutered.

Off Leash Area

Means a specified area where the dog owner may exercise the dog and the dog may be released from any physical restraint but must be under continuous strict supervision through verbal and/or body language signals or any other stimulus which causes the dog to behave in a socially acceptable fashion and in accordance with the Dog Control Bylaws and Dog Control Act 1996.

Owner

Owner - in relation to any dog means any person who:

- (a) Owns the dog; or
- (b) 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
- (c) The parent or guardian of a person under the age of 16 years who -
 - (i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
 - (ii) Is a member of the parent or guardian's household living with and dependent on the parent or guardian;

But does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996, Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999.

Probationary Owner

Under Section 21 of the Dog Control Act 1996 Council has the power to classify a dog owner as a probationary owner where the person has been convicted of an offence under the Dog Control Act or under specified sections of the Animal Welfare Act, Conservation Act or National Parks Act. Likewise, where three or more infringement offences occur through the same dog owner within a period of 24 months then the Council may classify the owner as a probationary owner.

Public Place

Includes a place that is open to or is being used by the public, and any vehicle carrying or available to carry passengers for reward.

FOREWORD

In producing this policy on dogs, Waitakere City Council has (in addition to observing the legislative parameters) been guided by its eco-city qualities of being sustainable, dynamic and just. Public consultation and consideration of the needs of the entire community have also been taken into account in the formation of the Policy. In addition, because of Council's ongoing efforts to address dog control problems within the community Council has developed a particular approach to dog related issues. Council's approach stems from the following perceptions:

- Dog ownership carries extra responsibilities.
- Dog control problems are a symptom of community, social and individual people problems.
- The impact of a dog on others is in the hands of the owner of the dog.
- To be a successful owner any dog owner must take a daily and active interest in the welfare of the dog with attention given to the physical, emotional and mental needs of the dog.
- Humans have domesticated and selectively bred the dog and it is therefore the responsibility of each dog owner to treat the dog with respect and manage it responsibly so that it lives harmoniously within the community and does not negatively impact on others.
- There are far too many dogs being destroyed mainly due to owners allowing excessive/uncontrolled breeding rather than to meet legitimate demand and it is a socially responsible action for a dog owner to have the dog de-sexed.
- Many dog owners do not realise the extent to which their dogs can have a negative impact on others.
- Many dog owners do not realise that the domestic dog has strong instincts, particularly the aggressive instincts of territorial aggression and predatory aggression.
- The ownership of a dog brings with it a twenty four hour a day, seven day per week social responsibility towards other people (including their property and animals) and towards the dog itself.
- It is in the interest of the community that Council's Animal Welfare Officers maintain interaction with dog owners.

INTRODUCTION

The control of dogs is an issue which attracts the attention of many residents in our City and, unfortunately, it is the negative connotations which tend to be most prevalent. Over a number of years, Council's Animal Welfare officers have been aiming to get all known dogs in the City registered, provide a quick response rate to dog related complaints, and provide educational and training courses to dog owners.

The Dog Control Act 1996 ("the Act") contains obligations that require all owners to register their dogs, to ensure they are kept under control, and to ensure they do not cause a nuisance to any person, cause damage to property, or injure, endanger or cause distress to any person, stock, poultry or domestic animal, or protected wildlife.

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

To ensure these powers are used effectively and fairly, and form part of a broad approach to the management of dogs (for example, rewards to responsible dog owners), the Act requires the Council to adopt a policy on dogs in its area through a public consultation process.

The approach adopted by this Policy on Dogs recognises the benefits and problems of dogs to their owners and the community as a whole, and that everyone in the community, dog owners, the general public, and Council, has a role to play in order to continue to realise these benefits and minimise the problems.

The legislation requires Council to produce a 'Policy on Dogs'. In preparing this document Council has ensured that it complies with its own 'Strategic Platforms', as set out the City's Long Term Council Community Plan, which encapsulates a holistic approach to communities by promoting a safe and sustainable city. There are also wider issues which are taken into consideration such as urban growth, traffic issues, and economic factors.

The policy takes into account both the needs of dog owners and the concerns and interests of other residents within the City; in other words, it considers the rights, responsibilities, and personal freedom of all its citizens. Consideration is also given to the provision of recreational facilities, the protection of natural environment, the investment in services, including parks and public areas, and it aims to protect or minimise adverse impacts on natural and physical resources, and promote safety within our neighbourhoods and parks.

The Act requires that every Territorial Authority shall adopt a policy on dogs by 1 September 2004.

EDUCATION

Waitakere City Council considers education a key factor in addressing dog control problems such as the problems relating to noise, aggression, fouling, wandering and the offshoots of these. It will provide information for the public and promote dog obedience courses.

Policy 1 Education

Council will promote better understanding in the care and control of dogs through:

- Provision of a voluntary and incentive based Dog Owner Licensing programme which enables dog owners and potential dog owners to learn about their obligations and responsibilities as dog owners;
- The promotion of better management of dogs by way of media advertising, and lectures to schools, clubs and the general public;
- The production and distribution of informative brochures for the care and control of dogs within the City of Waitakere;
- The promotion of Puppy Training and Dog Obedience Training. Dog owners will be advised and encouraged to join Dog Training Classes and learn how to improve their dog management skills;
- The legal obligations of dog owners; and
- Provision of information on public health and safety, wildlife, wetlands, and other ecological sensitive areas within the City.

REGULATION

Registration

Council shall enforce the legislation in relation to dog registration whereby the owner of any dog aged three months or over must ensure that the dog is registered and that the registration is renewed by the end of July in each year.

Non compliance with dog registration may result in an instant fine or court prosecution and/or debt collection actions and/or seizure of the dog.

Microchipping

For all dogs that are classified as menacing or dangerous after 1 December 2003 and for all dogs that are registered for the first time on or after July 1 2006 then the dog must be implanted with a functioning microchip transponder (i.e. micro-chipped). This requirement will take place as from July 2006.

Failure to comply with this provision may result in a court prosecution.

Infringement Notices

Under the Dog Control Act Council may issue an infringement notice (instant fine) to a dog owner where the Dog Control Officer has reasonable cause to believe that the dog owner has committed an infringement offence. Council has a choice between issuing an infringement notice or seeking Court Action.

Infringement offences and their fees as specified in the Dog Control Act 1996 are reproduced below.

Table 1: Penalties as a Result of Enforcement Action for Offences under the Dog Control Act 1996

Description of Offence (Section of Act)	Possible Penalties				
	Seizure of Dog	Destruction of Dog	Council Fee ¹	Instant Fine ²	District Court (maximum penalty)
Dog Welfare Failure to provide adequate food, water, shelter (15, 54)	✓		✓		\$5,000 or 3 months in prison
Dog Control Officers or Dog Rangers Wilful obstruction of Dog Control Officer or Dog Ranger (18)				\$1,000	\$3,000
Failure or refusal to supply information or wilfully stating false particulars about owner (19)			✓	\$1,000	\$3,000
Failure or refusal to supply information or wilfully stating false particulars about dog (19A)				\$1,000	\$3,000
Registration and Microchipping False statement relating to registration (41)				\$1,000	\$3,000
Failure to register dog (42)	✓		✓	\$300	\$3,000
Fraudulent attempt to procure replacement label or disc (46)				\$1,000	\$3,000
Failure to advise Council of change of ownership or address (48, 49)				\$100	\$500
Removing, swapping or making counterfeit registration labels or discs (51)				\$1,000	\$3,000
Fraudulent sale or transfer of dangerous dog (32(4))				\$1,000	\$3,000
Failure to meet provisions relating to microchipping from 1st July 2006 (36A)				\$500	\$3,000
Uncontrolled Dog Failure to comply with any bylaw (20) <i>(copy of dog bylaw contained in Appendix 2)</i>				\$500	\$20,000
Failure to keep dog under control (53)	✓		✓	\$300	\$3,000
Failure to control or confine dog on owners property from 1st July 2004 (52A)	✓		✓	\$300	\$3,000
Failure to carry a leash (54A)				\$100	\$500
Failure to abate noise of a barking dog (55)	✓		✓		\$1,500
Dog attacking any person, stock, poultry, domestic animal, or protected wildlife (57)	✓	✓	✓		\$3,000
Dog rushing affecting any person or causing a traffic accident or property damage (57A)	✓	✓	✓		\$3,000
Dog causing serious injury to any person or protected wildlife (58)	✓	✓	✓		\$20,000 +/- 3 years in prison
Failure to keep dog under proper restraint (61)		✓			\$150 for every day of offending
Allowing dogs known to be dangerous to be at large unmuzzled (62)				\$1,000	\$500
Failure to produce certificate of dogs destruction (64)					\$3,000
Classification Failure to comply with requirements of a disqualified owner classification (28)	✓		Extended period of disqualification	\$1,000	\$3,000
Importation of banned dogs (30A)					\$3,000
Failure to comply with requirements of a dangerous dog classification (32)	✓	✓	✓		\$3,000
Failure to comply with requirements of a menacing dog classification (33E)	✓		✓		\$3,000
Failure of owner to advise requirements of dangerous or menacing dog classifications to person in charge of dog (33F)					\$500
Animal Shelter Unlawfully releasing a dog from shelter or having custody of a dog unlawfully released from shelter (72)					\$3,000

¹ Council fees for offences relate to late registration or impounding fees for seizure, custody, sustenance, transport and/or destruction of dogs as appropriate.

² An instant fine is called an Infringement Fee in the Dog Control Act 1996.

Probationary Owners

Under Section 21 of the Dog Control Act 1996 Council has the power to classify a dog owner as a probationary owner where the person has been convicted of an offence under the Dog Control Act or under specified sections of the Animal Welfare Act, Conservation Act or National Parks Act. Likewise, where three or more infringement offences occur through the same dog owner within a period of 24 months then the Council may classify the owner as a probationary owner.

Council responds in varying degrees (under Section 21) depending on the nature of the offence, in order to achieve compliance with the law.

Classification as a probationary owner means that:

- No new dog may be registered by that owner.
- The owner may be required to undertake an approved education programme.
- Any unregistered dog(s) must be disposed of.

The rights, conditions and obligations of probationary owners are stated in sections 21 to 24 of the Act.

Disqualification

Under Section 25 of the Dog Control Act, the owner of a dog may be disqualified from being a dog owner if the owner is convicted of an offence under the Dog Control Act or specified sections of the Animal Welfare Act, Conservation Act or National Parks Act. Likewise if a dog owner commits three or more infringement offences the owner may be disqualified from owning a dog.

Council will use these powers where it is considered that the nature of the offending warrants disqualification of the owner.

Policy 2 Regulation

Council, for the purpose of providing disincentives for various offences will, as the offence warrants:

- Ensure dog owners register their dogs through infringements, prosecutions and debt collection activities;
Undertake prosecutions against the non-compliant owner;
- Issue infringement notices;
Classify a dog owner as a 'probationary owner' for up to twenty four months;
- Disqualify an owner from owning a dog
- Classify a dog as menacing where appropriate;
- Classify a dog as dangerous as appropriate.

PROHIBITED AREAS

Council has historically endeavoured to recognise the valid place of dogs within the community and their role as an integral part of many families, recreational pursuits, rehabilitation/therapy exercises, mental/emotional health and the work environment.

Council has also recognised that poorly managed dogs can create a physical danger to others and can have serious social and environmental impacts on the City.

In order to arrive at any decision which results in dogs being prohibited or permitted in relation to any specified area of the City, the Council must take into account a vast array of diverse opinions which range from intense anti-dog lobbyists to extremely pro-dog enthusiasts.

Through listening to the needs of the community Council endeavours to arrive at a balanced and appropriate measure of dog permitted and prohibited areas within the City. Council's policy needs to be compatible with other parties, their strategies and policies.

The Dog Control Act 1996 requires the identification of all land within the Council district which is subject to the Conservation Act 1987 or a national park constituted under the National Parks Act 1980.

The Department of Conservation - Auckland Conservancy 'Conservation Management Strategy' prohibits from land administered by the Department, all domestic pets, but allows dogs on the land for the following purposes:

- Search and rescue;
- Protected species management;
- Animal control work;
- Farm working dogs under the control of Department staff or lessees.
- Recreational hunting; and
- Assistance for the visually impaired.

The Department of Conservation prohibits dogs from the Crown foreshore adjacent to Whatipu Scientific Reserve, and the Crown foreshore adjacent to Pollen Island (eastern coastal edge of Te Atatu Peninsula).

The Royal Forest & Bird Protection Society has a ban on dogs at Matuku Reserve (near Bethells).

Within the Waitakere Ranges Regional Park, the Auckland Regional Council has prohibited dogs from:

- All campgrounds
- Designated picnic areas (but this may be relaxed during winter).
- Whatipu Scientific Reserve, including the Crown foreshore (under DoC administration) and Pararaha Valley.
- Grassed areas at Cornwallis
- Lake Wainamu
- Water supply dam buffer zones.

Otherwise dogs are permitted on a leash.

Policy 3 Dog Prohibited Areas

The following areas are designated as Dog Prohibited Areas:

- (a) *Piha Beach from the Piha Stream (Lion Rock) to the southern most end of South Piha Beach, as marked by appropriate marker poles, and commencing from the start of daylight saving in any one year and concluding at the end of daylight saving in the next succeeding year.
- (b) Any area marked as prohibited to dogs for the purpose of protecting wildlife.
- (c) On any area that is developed or marked out as a sports field (but not including any spectator area); outdoor court, skateboard park and cycle park.
- (d) On or within reasonable distance (10 metres) of any area that is developed or marked out as a playground or contains children's play equipment.
- (e) Within reasonable distance (10 metres) of any fitness apparatus.
- (f) Within reasonable distance (10 metres) of any person picnicking on a Council reserve or beach unless that person is the owner of the dog, or unless mutual consent is reached.
- (g) Dogs are also prohibited from areas within Waitakere City which are not managed by Waitakere City Council as follows:
 - Lake Wainamu Scenic Reserve.
 - Whatipu Scientific Reserve and adjoining Crown foreshore and Pararaha Valley.
 - Grassed area at Cornwallis.
 - Water supply dam buffer zones.
 - Regional Park camping grounds and picnic areas.
 - Matuku Reserve.
 - Foreshore along the Te Atatu Peninsula adjacent to Pollen Island Marine Reserve.
- (h) In any public place, determined by the Council from time to time by resolution during any period specified in the resolution. Any such resolution is to be declared publicly by two notifications in a newspaper circulating within the Waitakere City area.

Note 1:

Where a dog is confined within a vehicle the dog owner is not in breach of this Policy 3 provided that the dog has sufficient water, shelter and ventilation and provided that there is no risk of the dog overheating or causing a nuisance to citizens.

Note 2:

Where a dog is being walked on a leash along a pathway that is within 10 metres of fitness or playground apparatus then no breach of the bylaw occurs.

LEASHED AREAS

Every dog owner must ensure that his or her dog does not enter or remain in any public place or private way designated as a leashed area unless the dog is led by a chain, strap or other sufficient contrivance by the person for the time being in charge of the dog.

Policy 4 Leashed Areas

The following areas are designated as Leashed Areas:

- (a) *Bethells Beach at any time of day with exemption within the marked Off Leash Area specified in Policy 5.
- (b) *Piha Beach on any part of the beach not marked as Dog Prohibited Area specified in Policy 3, and with exemption within the marked Off Leash Area specified in Policy 5.
- (c) All other beaches within Waitakere City at all times.
- (d) All other public places and private ways not included under Policy 5 Off Leash Areas.
- (e) Waikumete Cemetery.
- (f) Harbourview-Orangihina walkway and coastal area.

OFF LEASH AREAS

Off leash areas are where the dog owner may exercise the dog and the dog may be released from any physical restraint but must be under continuous strict supervision through verbal and/or body language, signals or any other stimulus which causes the dog to behave in a socially acceptable fashion and in accordance with the Dog Control Bylaws and Dog Control Act 1996.

Council, through its bylaws will identify appropriate areas in which dogs can be exercised off the leash. In doing so, it will take account of public safety, any wildlife in the area, and any sensitive ecological areas.

Note:

Council may consider developing fully fenced Designated Dog Exercise Areas where menacing and dangerous dogs can be exercised off the leash but muzzled.

Policy 5 Off Leash Areas

The following areas are designated as Off Leash Areas:

- (a) *Bethells Beach within the area allowed by marked poles between sunrise and sunset on each day.
- (b) *Piha Beach within the area allowed by marker poles generally located north of Lion Rock and the northern end of the beach between sunrise and sunset on each day.
- (c) Cornwallis Beach sand area only from sunrise to 9 am daily.
- (d) All Council reserves (excluding beaches) within Waitakere City (refer to Schedule 1) provided that:
 - The dog owner complies with the appropriate sections of Policy 3 - 'Dog Prohibited Areas', and
 - The dog does not enter any area being within ten metres of any other person or that person's pet using the reserve, unless by mutual agreement.Note: The intention is to ensure that enjoyment of using the reserve is not compromised by unwelcome intrusion.

*Refer to Maps in Schedule 2.

BYLAWS

The dog control bylaws form an integral part of the policy on dogs and are readily available along with the policy. From time to time and in response to community needs the dog control bylaws may be reviewed.

Policy 6 Bylaws

Council will make bylaws as deemed necessary for all, or any of the following purposes, in respect of public places:

- Prohibiting dogs
- Requiring dogs to be on a leash
- The removal of dog faeces from public places by the owner.
- Regulating and controlling dogs.
- Prescribing minimum standards for the accommodation of dogs.
- Providing for well being of dogs.
- Limiting the number of dogs that may be kept on any land or premises to 2 dogs for properties under 2000m² down to 1 dog for properties less than 600m² but providing for an application and consent process to allow exceptions.
- The confining of dogs during specified periods, and bitches while in season.
- The de-sexing of dogs where they have not been kept under control.
- The impounding of dogs found at large in breach of any bylaw.
- Any other purpose which Council deems necessary or desirable for the control of dogs.

Note:

Waitakere City Council promotes de-sexing of dogs. In the circumstance of a bitch being entire, it is recommended that the owner seeks veterinary advice.”

FEES

In setting the dog fees Council takes into account the user pays principle, penalty based fees, legislative requirements, Policy 44 of Council's Funding and Rating Policy, recognition of responsible dog ownership, and community responsibilities. Registration and dog control will be mainly funded by dog owners. However, where costs cannot be recovered from the owner, they will be rates funded.

Policy 7 Fees

Registration and dog control will be mainly funded by dog owners. However, Council recognises that dog control is a community issue and is therefore partly rates funded. Council shall set fees for the registration and control of dogs. In setting the fees Council will, where it deems appropriate, use different scales of fees for de-sexed dogs, working dogs, dogs not exceeding 12 months of age, dogs registered by any person who has met a specified level of competency in terms of responsible dog ownership, and fees for the replacement of registration labels or discs.

The penalties for successive impounding of the same dog will be set on a graduated scale.