



**Ōpōtiki District Council**  
STRONG COMMUNITY STRONG FUTURE

# **DOG CONTROL POLICY 2020**

Adopted at an Extraordinary Meeting of Council on 25 August 2020

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## Introduction

Dog control is regulated by the Dog Control Act 1996 (the Act), which aims to balance the interests and freedoms of responsible dog owners with the need to protect the general public from harm from dogs.

The Consolidated Bylaws 2020, Part 9 Dog Control, gives effect to the Ōpōtiki District Council's Dog Control Policy 2020, which regulates the control of dogs so they do not cause danger, distress, or nuisance to the community, stock, domestic animals, or protected wildlife.

Councils are responsible for administering, implementing and enforcing the Act, including maintaining a dog register.

The Act requires all councils to adopt a policy on dogs, having regard to:

- The need to minimise danger, distress, and nuisance to the community generally.
- 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.
- 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.
- The exercise and recreational needs of dogs and their owners.

This policy sets Ōpōtiki District Council's direction for dog control in the district and is implemented and enforced through Part 9 Dog Control of the Ōpōtiki District Council Consolidated Bylaws 2020.

## Dog Control Bylaw

The Act requires the dog control policy to specify the nature and application of any bylaws made or to be made under section 20 of the Act. Part 9 Dog Control of the Ōpōtiki District Council Consolidated Bylaws 2020 is made for the following purposes:

- Prohibiting dogs, whether under control or not, from specified public places.
- Requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas or parts of the district.
- Regulating and controlling dogs in any other public place.
- Designating specified areas as dog exercise areas.
- Limiting the number of dogs that may be kept on any land or premises.
- Requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces.
- Requiring any bitch to be confined but adequately exercised while in season.
- providing for the impounding of dogs, whether or not they are wearing a collar having the proper label or disc attached, that are found at large in breach of any bylaw made by Ōpōtiki District Council (ODC) under this or any other Act.
- Requiring the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence against section 53).
- Any other purpose that from time to time is, in the opinion of ODC, necessary or desirable to further the control of dogs.

## Fees

Dog registration fees are set annually by Council resolution. Registration fees paid after 1 August incur a late payment penalty of 50%. Owners of dogs that remain unregistered will receive infringement notices, typically between September and December, following a check by animal control staff to confirm that the dogs are still in the district.

Registrations fees are set for the following categories:

- Entire dogs – full fee
- Neutered dogs – reduced fee
- Working dogs – reduced fee
- Certified disability assist dogs – reduced fee.

To promote responsible ownership and reduce the numbers of roaming and unwanted dogs, ODC has set a reduced registration fee for neutered dogs. A certificate from a registered veterinarian is required as proof of neutering.

Owners wishing to claim the reduced registration fee for working dogs must complete a declaration form. Working dogs include hunting dogs that are kept solely or principally for the purposes of hunting game by a person undertaking legal hunting activities, and that have completed avian awareness and aversion training, as resolved at the Ordinary Council meeting on 23 April 2019.

## **Classification of owners**

### **Owners on probation**

When an owner is convicted of an offence under the Act (or any other Act specified in section 21 of the Act) or has committed three or more infringement offences within a continuous 24-month period, ODC may classify that owner as a probationary owner for a period of 24 months.

The effects of the probationary owner classification are:

- The owner is not allowed to own any dogs other than those owned at the time the classification was made.
- The owner must dispose of every unregistered dog within 14 days, in a manner that does not constitute an offence.
- The owner may be required to undertake a dog owner education programme or dog obedience course (or both) approved by ODC, at their own expense.

### **Disqualified owners**

A five year disqualification will be imposed when any person is convicted of an offence under the Act, an offence against any other Acts specified in section 25 of the Act, or has committed three or more infringement offences within a continuous period of 24 months, unless ODC is satisfied disqualification is not warranted given the circumstances of the offence(s), or classifies the person as a probationary owner instead.

The effects of the disqualified owner classification are:

- The owner must dispose of every dog they own within 14 days, in a manner that does not constitute an offence.
- The owner must not dispose of the dog to any person who resides at the same address.
- The owner must not be in possession of a dog for the period of classification.

## **Classification of dogs**

### **Dangerous dogs**

According to section 31 of the Act, ODC must classify a dog as dangerous if:

- The owner of the dog has been convicted of a specified offence under the Act.
- ODC has reasonable grounds to believe the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife based on sworn evidence that the dog has shown aggressive behaviour on one or more occasions.
- The owner admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

If a dog is classified as dangerous, the owner must:

- Ensure that the dog is kept within a securely fenced portion of the owner's property with dog-free access to at least one door of the dwelling.
- Ensure the dog is controlled on a leash (unless it is in a dog exercise area) and muzzled in any public place.
- Ensure that the dog is neutered within one month after receipt of notice of classification.
- Pay a higher registration fee.
- Not dispose of the dog to any other person unless ODC gives written consent.
- Ensure the dog is microchipped within two months of classification.

If an owner fails to comply with any of the above, ODC may seek a destruction order from the District Court and the owner will face a maximum fine of \$3,000. If an owner fails to comply with a court order to have the dog destroyed and does not produce a veterinarian's certificate stating that the dog has been destroyed, the owner will face a further fine of \$3,000.

Complaints of dog attacks causing serious injury will be referred to the Police as a criminal matter.

### **Menacing dogs**

If ODC considers that a dog may pose a threat or has displayed aggressive and threatening actions towards any person, stock, poultry, domestic animal, or protected wildlife, that dog will be classified as menacing.

The Act requires all territorial authorities to classify as menacing any dog belonging wholly or predominantly to one or more breeds or types listed in Schedule 4 of the Act.

If a dog is classified as menacing, the owner must:

- Ensure that the dog is muzzled at all times when in a public place.
- Ensure that the dog is neutered within one month after receipt of notice of classification.
- Ensure the dog is microchipped within two months of classification.

All dogs classified by ODC as menacing dogs under section 33A or 33C of the Act, and all dogs classified by any other territorial authority as menacing dogs under section 33A or 33C and transferring to ODC, are required to be neutered.

## **Control of dogs in public places**

### **Dog control areas**

The Act enables ODC to specify public places where dogs are prohibited, required to be controlled on a leash, or allowed off leash. Dog control areas in the Ōpōtiki district are classified as follows:

- Dog exercise areas – dogs can be exercised off leash.
- Dog prohibited areas – dogs are not allowed in these areas, either at all times or at the times specified.

Dog exercise areas and dog prohibited areas are set out in schedule 1 of Part 9 Dog of the Ōpōtiki District Council Consolidated Bylaw 2019.

Dog exercise areas are:

- Beaches (except for those areas on beaches identified as dog prohibited areas)
- Ōpōtiki Township stop banks
- Volkner Island.

Dogs are prohibited at all times from:

- Public playgrounds (within 10 metres of play equipment).
- Church Street from Kelly Street to Richard Street, with the exception of being able to cross perpendicularly over Church Street at Kelly Street, Elliot Street, King Street and Richard Street.
- Hukutaia Domain.
- Rose Garden Pre-School and playground.
- Effluent ponds (Snells Beach).
- Upton Park.
- Any known demarcated dotterel area.

Dogs are prohibited from the following areas when organised sports events are taking place:

- Rugby Park / Princess Street Reserve.
- Ohui Domain on the corner of Otara Road and Gault Road.
- Memorial Park.

Dogs, other than working dogs, are required to be controlled on a leash in all public places in the urban area (areas zoned as Residential, Industrial, Town Centre and Mixed Activity under the District Plan), except in areas identified as dog exercise areas or dog prohibited areas. In all public places where dogs are not prohibited or required to be on a leash, dog owners must carry a leash and keep their dog under control.

#### **Access restrictions under other legislation**

The Act requires this policy to identify any land within the district that is included in:

- A controlled dog area or open dog area under section 26ZS of the Conservation Act 1987.
- A national park constituted under the National Parks Act 1980.

Only permitted hunting dogs, guide dogs and dogs used for special services (including conservation management activities) may be taken onto public conservation land. All other dogs are banned. On public conservation land, within Opotiki district, no dogs are permitted in any scenic reserve conservation or forest park (including Raukumara), or any named conservation areas (including but not limited to Urutawa, Wajoeka Conservation Area) unless owners have obtained an appropriate permit from the Department of Conservation.

Dog access to Te Urewera Park is restricted to pig dogs.

#### **Bitches in season**

Owners of bitches in season must keep their dog confined while ensuring it receives proper care and attention, sufficient food and water, and adequate exercise.

#### **Diseased dogs**

Dogs with infectious diseases are not permitted in public places and must be kept on the owner's property unless they are being taken to a veterinary clinic for treatment.

## **Education**

#### **Owner education**

ODC will inform and educate dog owners and the general public about dogs and owner responsibilities through brochures, ODC's newsletter "Panui", and school education programmes.

Animal control officers work with owners individually where problems or complaints have been received about their dogs.

## **Dog training**

ODC encourages all dog owners to train and socialise their dogs, including attending puppy training classes and dog obedience courses.

Avian awareness and avoidance training is required before a hunting dog can be registered with ODC as a working dog and is also a condition for hunting dogs being taken onto some Department of Conservation (DOC) managed conservation land. Owners should contact ODC or DOC to arrange for their dogs to undergo training.

## **Minimising nuisance**

### **Roaming dogs**

Roaming dogs can cause a nuisance and may pose a threat to people, domestic animals, stock, and protected wildlife. ODC responds to complaints about roaming dogs and if appropriate, will take further action. Animal control officers carry out patrols of urban areas to identify roaming dogs.

If it is the first time the dog has been found roaming and the dog is registered, it will be returned to its owner and an infringement notice may be issued. Otherwise, roaming dogs will be impounded and owners will be liable for impounding and daily sustenance fees in addition to any infringement fee. If a dog is found roaming more than once, ODC may require the owner to have the dog neutered.

### **Barking dogs**

Complaints about barking dogs will be investigated by an animal control officer. If an animal control officer is satisfied there are reasonable grounds for believing that a nuisance is being created by persistent and loud barking or howling, they may inspect the conditions where the dog is kept and issue the owner of the dog with a written notice requiring them to take reasonable actions to stop the nuisance.

### **Dog faeces**

Dog faeces can harbour disease and parasitic infection and is also unsightly when deposited in public places or on private property. The owner of any dog that defecates in a public place or on someone else's land or premises must immediately remove the faeces and dispose of them in a hygienic manner.

### **Limit on number of dogs on a premises**

To limit potential nuisances, no more than two dogs older than three months may be kept on a premises in the following zones as defined in the Ōpōtiki District Plan, unless the owner or occupier has a permit from ODC:

- Residential Zone
- Mixed Activity Zone
- Ohiwa Harbour Zone
- Coastal Settlement Zone.

Boarding kennels, veterinary clinics and the Duke Street Pound are exempt from the limit. There are no limits in the Rural Zone or Coastal Zone.

## **Minimum standards for accommodation of dogs**

All owners and people in charge of dogs must meet their obligations under the Animal Welfare Act 1999 and comply with minimum standards set in the [Code of Welfare: Dogs](#).

## Microchipping

The Act requires all dogs registered for the first time from 1 July 2006 to be implanted with a microchip, with the exception of working dogs kept solely or principally for the purposes of herding or driving stock. Owners must provide ODC with a copy of the microchip certificate.

Where microchipping has not occurred ODC may:

- Issue a warning or an infringement notice.
- Prosecute the owner.
- If the dog has been impounded, microchip the dog and recover the costs from the owner or person taking possession of the dog.

## Infringement notices

The Act empowers dog control officers to issue infringement notices. The following infringement offences and associated fees are set by the Act. ODC has no discretion to alter these fees.

Section	Brief description of offence	Infringement fee
18	Wilful obstruction of dog control officer or ranger	\$750
19(2)	Failure or refusal to supply information or wilfully providing false particulars	\$750
19A(2)	Failure to supply information or wilfully providing false particulars about dog	\$750
20(5)	Failure to comply with any bylaw authorised by the section	\$300
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	\$300
24	Failure to comply with obligations of probationary owner	\$750
28(5)	Failure to comply with effects of disqualification	\$750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300
32(4)	Fraudulent sale or transfer of dangerous dog	\$500
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	\$300
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100
36A(6)	Failure to implant microchip transponder in dog	\$300
41	False statement relating to dog registration	\$750
41A	Falsely notifying death of dog	\$750
42	Failure to register dog	\$300
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	\$500
48(3)	Failure to advise change of dog ownership	\$100
49(4)	Failure to advise change of address	\$100
51(1)	Removal, swapping, or counterfeiting of registration label or disc	\$500
52A	Failure to keep dog controlled or confined	\$200
53(1)	Failure to keep dog under control	\$200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	\$300
54A	Failure to carry leash in public	\$100
55(7)	Failure to comply with barking dog abatement notice	\$200
62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	\$300
62(5)	Failure to advise of muzzle and leashing requirements	\$100
72(2)	Releasing dog from custody	\$750



## **Prosecution**

Except in non-registration and dog attack offences, prosecution will be at ODC's discretion.

The Planning and Regulatory Group Manager has delegated authority to prosecute for non-registration and dog attack offences.