

ASHBURTON DISTRICT COUNCIL

Dog Control Policy 2010

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Community consultation was undertaken in accordance with Section 83 of the Local Government Act 2002.

Copies of the consultation document were available from –

- Ashburton District Council website www.adc.govt.nz
- Ashburton District Council Administration Office – 5 Baring Square West, Ashburton
- Ashburton Public Library – Cnr Havelock and West Street, Ashburton
- Mobil Rakaia – Main Road, Rakaia
- Methven Information Centre – Main Street, Methven
-

For further information contact:

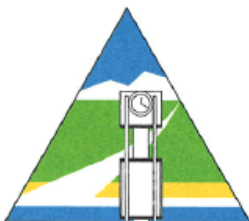
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June 2010

ASHBURTON DISTRICT COUNCIL

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ASHBURTON DISTRICT COUNCIL
DOG CONTROL POLICY

References:

- A. The Dog Control Act 1996.
- B. Ashburton District Council Bylaw 2008 Chapter 6 – Dog Control.
- C. Local Government Act 2002

Introduction

1. Section 10 of Reference A requires Ashburton District Council to produce a Dog Control Policy. A proposed new subsection 5(A) of Section 10 also requires that Council policy includes any matter prescribed in regulation under the Act. This will require the policy to be amended whenever new matters are prescribed in regulations under section 78(1)(ab) of the Act; Council must do this within 24 months of the regulations coming into force and use a Special Consultative Procedure to do it.
2. Reference B has been made under the provision of Section 20 of Reference A and was subject to a Special Consultative Procedure (SCP) as required by Reference C. It does not, however, cover all areas that will be required in the Dog Control Policy under the proposed amendment.
3. In order to have a Dog Control Policy which meets the needs of the District and complies with the proposed amendments it is recommended that the attached policy be adopted by resolution of the Council. It is further recommended that to comply with the requirement to amend the Policy within 24 months of a new regulation coming into force, that when required a SCP be run at the time of re-registration of dogs to allow dissemination of information to dog owners.

June 2010

ASHBURTON DISTRICT COUNCIL
DOG CONTROL POLICY 2010

Introduction. This Policy will be known as the Ashburton District Council Dog Control Policy and will come into force once ratified by resolution of Council. This Policy is made in accordance with Section 10 of the Dog Control Act 1996.

Bylaw. Ashburton District Council Bylaw 2008 Chapter 6 covers Dog Control and is made under Section 20 of the Dog Control Act. A full copy of this bylaw is attached as Annex A.

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1. POLICY 1 - REGISTRATION

1.1. That in accordance with the Dog Control Act (Section 34) all dogs must be registered with the Ashburton District Council. Section 36(2) requires a registration application to be made before a puppy reaches the age of three months and is required from 3 months of age.

1.2. Under Section 49 of the Dog Control Act a person may transfer the registration of a dog which has been previously and is currently registered;

1.2.1. elsewhere, and/or,

1.2.2. to another person in New Zealand,

free of charge.

1.3. The Dog Control Act requires micro-chipping of all dogs being registered for the first time unless they are working dogs⁽¹⁾. In addition Ashburton District Council Bylaw Chapter 6 Clause 610 requires micro-chipping of any dog being released from the Council Pound regardless of whether the dog has been previously registered or is a working dog⁽¹⁾. Persons declaring a dog to be a working dog must complete a “working dog declaration” and are liable to having the dogs’ status confirmed by council staff.

1.4. Fees for dog registration shall be set at least annually in the Ashburton District Council Annual Plan. The level of fees shall be dependent on the following criteria:

1.4.1. Urban Owner.

1.4.2. Rural Owner.

1.4.3. Selected Owner.

1.4.4. Probationary Owner.

1.4.5. Dangerous Dogs.

1.5. **3+ Dog Owners** – Persons wishing to keep three or more dogs on one property will be charged an initial fee and a renewal fee.

¹ A working dog is defined in the Dog Control Act 1996 as follows:

Working dog means—

(a) any disability assist dog:

(b) Any dog—

(i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee ; or

(ii) Kept solely or principally for the purposes of herding or driving stock.

- 1.6. Where a dog registered by Ashburton District Council dies, Council will refund the registration fee for each complete calendar month of the registration remaining after the date on which the application for refund is made. Owners must provide a signed written statement to Council confirming the dogs' death to support such a claim.

2. POLICY 2 - DOG EXERCISE AREAS

- 2.1. Ashburton District Council Bylaw Chapter 6 Schedule 1 Part C identifies areas where dogs may be exercised at large but under the direct control of their owners as follows:
 - 2.1.1. All public places; other than urban areas excepting that, through Reserve Management Plans, this bylaw authorises Reserve Boards to establish separate and independent dog control policies, non compliance with which shall be an offence under this Bylaw.
 - 2.1.2. The area in Tinwald adjacent to the main south railway line south of the Ashburton River Bridge and known as "The Green".
 - 2.1.3. Pioneer Park.
 - 2.1.4. Digby Park.
 - 2.1.5. Patching Street Reserve (excluding children's play area).
 - 2.1.6. Devon Park (excluding children's play area).
 - 2.1.7. George Glassey Park (excluding children's play area).
 - 2.1.8. Smallbone Drive Reserve.
 - 2.1.9. Signposted and fenced Ashburton District Council Dog Exercise Areas such as the area located beside the Ashburton River near the Ashburton Bridge.

(In all other Urban Areas Dogs must be restrained on a held leash)

- 2.2. Such areas will be indicated by suitable signage.

3. POLICY 3 - AREAS WHERE DOGS MUST BE ON A HAND HELD LEASH

- 3.1. All public places not included in Policy 2.

4. POLICY 4 - PLACES WHERE DOGS ARE PROHIBITED

4.1. Ashburton District Council Bylaw Chapter 6 Schedule 1 Part A identifies areas where dogs are prohibited as follows:

- 4.1.1. All cemeteries throughout the District.
- 4.1.2. All playing surfaces of Public sports grounds.
- 4.1.3. In any Public Library.
- 4.1.4. Lake Clearwater Hut Area.
- 4.1.5. Lake Camp Reserve Area.

4.2. Such areas will be indicated by suitable signage.

5. POLICY 5 - CLASSIFICATION OF OWNERS

5.1. Owners may be classified in one or more of the following categories:

5.1.1. **Urban control.**

5.1.2. **Rural control.**

5.1.3. **Selected Owners** – In order to obtain Selected Owner status persons must make an application (form attached) and demonstrate the following:

- 5.1.3.1. Their dog(s) have never been impounded.
- 5.1.3.2. Their property is sufficiently fenced so as to contain their dog(s).
- 5.1.3.3. All gates are in position and where necessary are fitted with self closers.
- 5.1.3.4. Independent access, clear of any area where dogs may be at large is available to at least one door of their dwelling.
- 5.1.3.5. Their dog(s) are and will continue to be registered at all times, (failure to register will void the Selected Owner Policy Status).
- 5.1.3.6. Their dog(s) will be under direct and continuous control at all times when not within their property.
- 5.1.3.7. Housing for their dog(s) provides sufficient warmth, shade, shelter, food and access to water at all times.

- 5.1.3.8. The barking of their dog(s) has and will not cause annoyance to neighbours either through volume or continuity.
 - 5.1.3.9. They authorise an inspection of the exterior of their property sufficient to ascertain compliance with Council's Selected Owner criteria.
 - 5.1.3.10. Owners have no history of upheld complaints or dog related infringements within the last year
- 5.1.4. **3+ Dog Owners** – Persons wishing to have this classification must make an application (form attached), be Selected Owners and must supply the name, address and phone number of three immediate neighbours to allow them comment on the application. The council will have regard to the comments of neighbours, but will not be restricted by unfavourable comment from neighbours unless it relates directly to breaches of this policy, the Dog Control Act or related Dog Control Bylaw.
- 5.1.5. **Probationary** - The Regulatory Manager is delegated authority to act as they consider necessary in regard to Section 21 of the Dog Control Act (probationary owners). This classification may be imposed where:
- 5.1.5.1. An owner is convicted of any offence against this Act that is not an infringement offence.
 - 5.1.5.2. The owner is convicted of any offence under the Animal Welfare Act 1999.
 - 5.1.5.3. The owner is convicted of any offence under Section 26ZZP of the Conservation Act 1987 or Section 56I of the National Parks Act 1980.
 - 5.1.5.4. The owner commits 3 or more infringement offences within a continuous 24 month period.
- 5.1.6. **Effects of Classification as a Probationary Owner:**
- 5.1.6.1. The classification will continue for 24 months, unless the District Council reduces the time.
 - 5.1.6.2. The owner will not be able to keep or register any other dogs other than the ones currently registered at the time of the classification.
 - 5.1.6.3. The owner will be required to pay a 50% surcharge on the normal registration fee during the period of classification.
 - 5.1.6.4. The owner may appeal to the District Council in writing against the classification.
 - 5.1.6.5. The classification extends over the whole of New Zealand. This means that if an owner moves to another District the classification will still be in force.

6. POLICY 6 - CLASSIFICATION OF DOGS

6.1. Menacing Dogs: That the Regulatory Manager be delegated authority to act in accordance with Section 33A of the Act (Menacing Dogs)

6.1.1. That Ashburton District Council may require the desexing of dogs classified as menacing under Sections 33A and 33C of the Dog Control Act if deemed necessary. Owners are required to comply with Section 33E(1)(b) of the Act.

6.2. Effects of Menacing Dog Classification:

6.2.1. If a dog is classified as a menacing dog under section 33A or section 33C of the Dog Control Act, the owner of the dog:

6.2.1.1. must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

6.2.1.2. must, within 1 month after receipt of notice of desexing requirement, produce to Ashburton District Council a certificate issued by a veterinarian certifying:

6.2.1.2.1. that the dog is or has been desexed; or

6.2.1.2.2. that for reasons that are specified in the certificate, the dog will not be in a fit condition to be desexed before a date specified in the certificate; and

6.2.1.2.3. must, if a certificate under paragraph **6.2.1.2.2** is produced to the Council, produce to the Council within 1 month after the date specified in that certificate, a further certificate under paragraph **6.2.1.2.1**.

6.2.2. Paragraph **6.2.1.1** does not apply in respect of any dog or class of dog that the territorial authority considers need not be muzzled in any specified circumstances (for example, at a dog show).

6.2.3. Any dogs being registered in the District which has been classified as menacing elsewhere in New Zealand may be required to be neutered if it they have not already been done.

6.3. Dangerous Dogs: That the Regulatory Manager be delegated authority to act as they consider necessary in regard to Section 31 of the Act (Dangerous

Dogs). Dogs may be classified as dangerous by the Council and have restrictions placed on them for the following reasons:

- 6.3.1 If the owner has been convicted for allowing the dog to rush out at or attack a person, vehicle or domestic animal in a public place.
- 6.3.2 Where there is sworn evidence that the dog has been aggressive.
- 6.3.3 Where the aggressive behaviour of any dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.
- 6.3.4 Where the owner admits that the dog is dangerous.

6.4. Effects of Dangerous Dog Classification

- 6.4.1. The property where the dog is kept must be fenced to keep the dog in and allow safe access to a door. The fencing must be completed within 1 month of notification of the classification.
- 6.4.2. A Veterinary Certificate must be produced within one month of classification certifying the dog has been desexed.
- 6.4.3. The dog must be muzzled while in a public place or private way unless it is confined within a cage or vehicle.
- 6.4.4. The registration fee is 150% of the normal level.
- 6.4.5. The dog cannot be given or sold to another person without the consent of the Council.
- 6.4.6. This classification extends throughout New Zealand.

7. POLICY 7 - BARKING DOGS

- 7.1. That the “Barking Dog Assessment Procedure” be used to ascertain if a breach of section 55 of the Dog Control Act has occurred. A copy of the procedure is attached as Annex B.

8. POLICY 8 - ENFORCEMENT

- 8.1. That Council will endeavour to ensure that owners and dogs causing nuisance or distress to residents are firmly dealt with. It shall be Council policy that legal action be taken for serious offences against the Act and/or the Council Dog Control Bylaw, particularly where safety of persons is concerned. For other offences, including where dogs attack or threaten other animals, Infringement Notices will be an option available for Council Staff and Animal Control Officers to use as a penalty.
- 8.2. In all cases delegated authority is given to the Regulatory Manager as to whether in any specific cases it is appropriate to proceed with legal action.

- 8.3. Where appropriate, as referred to above, infringement notices shall be the first action considered.
- 8.4. Infringement Notices: That in general terms infringement notices allowed in Schedule 1 of the Act shall be issued when Officers become aware of an infringement offence(s) being committed.
- 8.5. Summary Prosecutions:
- 8.5.1 **Dogs Biting Persons.** That in cases where a dog has rushed at, attacked or bitten a person going about their lawful business the Council will instigate legal action against the dog owner or person in charge of the dog at the time of the offence. A written statement of complaint may be required from the complainant and the Court may be asked for a destruction order.
- 8.5.2 **Dogs Attacking Stock, Poultry, Domestic Animals or Protected Wildlife.** That in cases where stock, poultry, domestic animals or protected wildlife are rushed at, attacked or bitten by a dog, Council will instigate legal action against the dog owner or person in charge of the dog at the time of the offence unless there are extenuating circumstances that warrant lesser action.

9. POLICY 9 - IMPOUNDED DOGS

- 9.1. That the policy relating to impounded dogs shall be as follows:
- 9.1.1 **Impounding Fees.** These are reviewed on at least an annual basis and stated in the Annual plan.
- 9.1.2 **Unclaimed Dogs.** Where owners of impounded animals cannot be traced an impounded dog will be held for 7 days. In accordance with the Act, Ashburton District Council will then dispose of the dog as it sees fit if the dog is unclaimed i.e.
- 9.1.2.1 The dog may be rehomed through a reputable agency, or
- 9.1.2.2 Rehomed to an individual provided that Ashburton District Council is satisfied that they are a fit and proper person and the dog is registered before being released.
- 9.1.2.3 No impounded dog shall be released to an organisation for research purposes.
- 9.1.2.4 If after a maximum of 28 days the dog cannot be rehomed it will be humanely destroyed.
- 9.1.3 **Release of Dog to Rightful Owner from Pound.** That dogs shall only be released from the pound under the following circumstances:

- 9.1.3.3 All fees (including any outstanding Registration fees) must be paid prior to release, provision may be made to allow an Automatic Payment Authority to be set up in some circumstances.
- 9.1.3.4 The dog owner must satisfy the officer that he is the rightful owner of the dog or has been duly authorised by the owner to act in that capacity.
- 9.1.3.5 Release shall only be by pre-arranged appointment.
- 9.1.3.6 Impounded dogs will only be released if they are fitted with a functioning microchip and are registered.

10. POLICY 10 - WELFARE OF DOGS

- 10.1. That although welfare of dogs is not the prime responsibility imposed on Council by the Dog Control Act 1996, the Council charges its officers with a duty to ensure that animal welfare is part of any inspection work carried out by officers. Matters to be considered by officers shall include but not be restricted to:

- 10.1.1 Supply of adequate dry and clean housing.
- 10.1.2 Supply of adequate water and food.
- 10.1.3 Freedom from injury or infection - or receiving treatment if appropriate.
- 10.1.4 Legal action may be taken when the above are not observed.
- 10.1.5 Where cases of neglect or cruelty are found an appropriate agency will be informed and the dog may be seized.

11. POLICY 11 - EDUCATION PROGRAMMES

- 11.1. That Ashburton District Council will make available education and training for dog owners and the general public.

June 2010

ANNEXES:

- A. Ashburton District Council Bylaw 2008 Chapter 6 – Dog Control.
- B. Ashburton District Council Barking Dog Procedure.
- C. Ashburton District Council Forms for Selected Owner Status, 3+ Dog Owner and Working Dog Declaration.

DRAFT

ASHBURTON DISTRICT COUNCIL BYLAWS

CHAPTER 6 - DOG CONTROL

SCOPE

The purpose of this bylaw is to set standards of control which must be observed by dog owners. It covers matters such as dogs in public places, wandering dogs, ownership of more than two dogs and nuisances caused by dogs.

This bylaw is not the only or major document regulating the control of dogs and the actions of dog owners. The Dog Control Act 1996 also addresses various issues such as registration, dangerous dogs, barking dogs, dogs attacking people or stock and other matters. Both this bylaw and the Dog Control Act 1996 make provision for legal action and consequent fines.

INTERPRETATION

601 In this bylaw:-

COUNCIL means the Ashburton District Council.

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:

- (a) Hearing Dogs for Deaf People New Zealand:
- (b) Mobility Assistance Dogs Trust:
- (c) New Zealand Epilepsy Assist Dogs Trust:
- (d) Royal New Zealand Foundation of the Blind:
- (e) Top Dog Companion Trust:

an organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.

DOG CONTROL OFFICER means a dog control officer appointed under Section 11 of the Dog Control Act 1996.

DOG RANGER means a dog ranger appointed under Section 7 of the Dog Control Act 1996 and includes an honorary dog ranger.

DOG includes any dog male or female whether or not spayed or neutered and of any age.

OWNER, has the same meaning as defined in Section 2 of the Dog Control Act 1996 and shall include any person who has a dog in their possession for the purpose of caring for such dog for a short period of time on behalf of the owner.

PUBLIC PLACE has the same meaning as defined in Section 2 of the Dog Control Act 1996.

URBAN AREA shall be any area defined in the operative or proposed District Plan of the Council, as being zoned "Residential" or "Township".

WORKING DOG has the same meaning as defined in Section 2 of the Dog Control Act 1996.

EXCLUSION

- 602 Nothing in this bylaw shall prohibit any dog certified as a Disability Assist Dog while acting in that capacity from entering any premises or area where dogs are otherwise prohibited from being under the provisions of this bylaw.

DOGS TO BE KEPT UNDER EFFECTIVE CONTROL AT ALL TIMES

- 603 The owner or any person in charge or having control of any dog, shall keep such dog securely tied up or otherwise effectively confined or under his/her direct control at all times.

WELFARE OF DOGS ON PRIVATE AND PUBLIC PROPERTY

- 604 Every owner of a dog shall ensure that the dog is provided with adequate food, water and shelter and that no unnecessary suffering is caused to the dog by the manner of the shelter.

LIMITATION AS TO NUMBER OF DOGS TO BE KEPT

- 605 No occupier of any property in any urban area shall allow or cause to remain or keep on such premises for any period exceeding fourteen days, three or more dogs, over the age of three months (whether or not such dogs are registered) unless such occupier shall be the holder of a licence for such purpose from the Ashburton District Council.
- 605.1 Such licence may be issued upon or subject to such terms, conditions or restrictions as the Council may consider necessary and any breach of such terms, conditions or restrictions shall result in revocation of the licence.
- 605.2 Any person desiring to allow or cause to remain or to keep three or more dogs on any premises as provided in the bylaw shall make written application to the

Council in such form as may be required by the Council for a licence and shall give to the Council such information in respect of the application as the Council may require; except that no application shall be accepted by the Council unless the applicant is first classified as a Selected Owner in accordance with this bylaw and the Dog Control Policy.

- 605.3 For every such licence there shall be paid to the Council such annual fee as the Council may decide from time to time by resolution passed by the Ashburton District Council.
- 605.4 The fee for such licence shall be payable in addition to and separate from the dog control fees payable to the Ashburton District Council under the Dog Control Act 1996.

BREEDING OR BOARDING KENNELS

- 606 No person shall establish or maintain any hospital, or breeding kennel for dogs except on a site for which a Resource Consent has first been obtained for such purpose and subject to such conditions as the Council may impose. For the purpose of this clause the expression "hospital, or breeding kennel" shall include any establishment where dogs of a greater age than three months are accommodated for the purpose of treatment, custody or breeding.

CLASSIFICATION OF OWNERS

- 607 For the purpose of this bylaw and for the registration of dogs under the terms of section 37 of the Dog Control Act 1996 the following shall be the classifications of owners throughout the Ashburton District.
- (a) Urban Owners shall be the owners of dogs resident within an urban area of the District.
 - (b) Rural Owners shall be the owners of dogs resident within those parts of the Ashburton District excluded from the Urban Area.
 - (c) Selected Owners shall be the owners of dogs resident within an Urban Area as defined by this bylaw who have demonstrated to the Council that they have met the terms and conditions of the Selected Owner Policy of the Council and have therefore been granted Selected Owner Status by the Council.

CONTROL OF DOGS IN PUBLIC PLACES

- 608 The owner of any dog shall not cause or permit or allow such dog to enter or remain in or on any part of any street or public place declared by resolution of the Council to be subject to the provisions of this clause unless such dog is being carried in or on a vehicle. The streets and public places as resolved from time to time shall be detailed in Part A of the First Schedule of this bylaw.
- 608.1 The owner of a dog shall not cause or permit or allow such dog to enter or remain in or on any part of any street or public place declared by resolution of the Council to be subject to the provisions of this clause unless such dog is

being carried in or on a vehicle or is at all other times on a hand held leash. The streets and public places as resolved from time to time shall be detailed in Part B of the First Schedule of this bylaw.

608.2 Areas where dogs may be exercised at large but under direct control of their owners are indicated in Part C of the First Schedule of this bylaw.

608.3 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 that is sufficiently short in length as to prevent the dog from leaving the tray or endangering passers-by.

608.4 An authorised officer may require the owner of any dog that is being carried in or on a vehicle in a prohibited area as detailed in Part A of the first schedule of this bylaw to remove the dog from the prohibited area if the officer considers the dog to be a nuisance.

DOGS FOULING PUBLIC AREAS

609 Where any dog defecates in any public place or private way or land or premises other than that occupied by the owner of the dog, that owner must remove the faeces forthwith and dispose of it in a hygienic manner.

MICROCHIPPING UPON RELEASE FROM POUND

610 No dog shall be released from any pound either operated by the Council or on behalf of the Council unless:

- (a) it has a microchip implanted in that dog and the details of that dog and its ownership recorded by the Council.
- (b) proof of ownership and identity of the dog is established and payment made of:
 - (i) A poundage fee as set by the Ashburton District Council from time to time by resolution publicly notified.
 - (ii) Any boarding and sustenance fee.
 - (iii) In the case of any unregistered dog of registerable age, the current annual fee payable under this bylaw.
 - (iv) Any charge in connection with advertising of such dog.

INFECTED DOGS

611 No person being the owner of any dog, or being in charge of any dog infected with an infectious disease shall take the dog or permit or suffer the dog to enter or remain in any public place.

BITCHES IN SEASON

612 No person being the owner of any bitch in season shall take that bitch or permit or suffer that dog to enter or remain in any public place in an urban area. Such bitch shall be confined but adequately exercised while in season.

DOGS BECOMING A NUISANCE OR INJURIOUS TO HEALTH

- 613 The owner of any dog or the owner or the occupier of any premises whereon any dog or dogs are customarily kept shall take adequate precautions to prevent the dog or dogs, or the keeping thereof, from becoming a nuisance or injurious to the health of the public.
- 613.1 If, in the opinion of the Council, the dog or dogs or the keeping thereof on such premises has become or is likely to become a nuisance or injurious to health, the Council or any person duly authorised in that behalf by the Council may, by notice in writing, require the owner or occupier of the premises within a time specified in such 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 buildings used to house or contain such dog or dogs.
 - (c) Require such dog or dogs to be tied up or otherwise confined during specified periods.
 - (d) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health.
 - (e) To clean and keep clean the dog kennel and associated area.
- 613.2 Any person to whom notice is given under the preceding provisions of this clause who fails to comply with such notice within the time therein specified shall be guilty of an offence against this part of this bylaw.

BURIAL OF DEAD DOGS

- 614 No person shall neglect to bury or to cause to be buried the body or part of the body of any dog belonging to him or in his charge or keeping that may have died.
- At least 750mm of cover shall be provided on the body or part thereof.

CAUSING DOGS TO BECOME UNMANAGEABLE

- 615 Any person shall be guilty of an offence against this bylaw who behaves so as to cause any dog in any street, private street, or public place to become restive or unmanageable.

NEUTERING OF MENACING DOGS

- 616 In accordance with the Dog Control Act section 33E(1)(b) dogs classified as menacing may be required to be desexed

Conviction and Fines

- 616 Every person who commits a breach of any of the provisions of this bylaw shall be liable on summary conviction to a fine not exceeding \$5000.

ASHBURTON DISTRICT COUNCIL BYLAWS

CHAPTER 6 - CONTROL OF DOGS

FIRST SCHEDULE

PART A - AREAS WHERE DOGS ARE PROHIBITED

1. All cemeteries throughout the District.
2. All children's playground areas and paddling pool areas within the District.
3. All playing surfaces of Public sports grounds
4. In any Public Library.
5. Lake Clearwater Hut Area.
6. Lake Camp Reserve Area.

PART B - AREAS WHERE DOGS ARE PERMITTED ONLY IF ON A HAND HELD LEASH

1. All public places in any urban area other than those areas detailed in Part C of this schedule.

PART C - AREAS WHERE DOGS MAY BE EXERCISED AT LARGE BUT UNDER THE DIRECT CONTROL OF THEIR OWNERS

1. All public places in other than urban areas excepting that, through Reserve Management Plans, this bylaw authorises Management Boards to establish separate and independent dog control policies non compliance with which shall be an offence under this bylaw.
2. The area in Tinwald adjacent to the main south railway line south of the Ashburton River Bridge and known as "The Green".
3. Pioneer Park.
4. Digby Park.
5. Patching Street Reserve (excluding children's play area).
6. Devon Park (excluding children's play area).
7. George Glassey Park (excluding children's play area).
8. Smallbone Drive Reserve.

BARKING DOG ASSESSMENT PROCEDURE

Introduction:

This procedure forms part of the Ashburton District Council Dog Control Policy and provides guidance for the assessment of Barking Dog incidents. It is intended to give consistency to assessments and to achieve understanding & agreement throughout the Council on how assessment of a Barking Dog Nuisance is to be conducted.

Generally, the Council will activate this procedure when a complaint has been received, however the Council may become involved without a complaint, if the Council, or its Animal Control Officer becomes aware that a barking dog or dogs are likely to cause a nuisance.

Complaints will generally be responded to as follows;-

First Complaint	Issue a letter to dog owner informing them of a complaint and that there is a barking nuisance occurring.
Second Complaint	Animal Control Officer attends site of complaint and assesses problem. Second letter may be issued. Barking Dog Notice may be issued.
Third Complaint	Animal Control Contractor attends site, the views of neighbours (not the person complaining) can be sought on extent of nuisance. Third letter may be issued. Barking Dog Notice may be issued.
Fourth Complaint	Animal Control Contractor attends site. Dog may be seized. Barking Dog Notice may be issued. Notice of dog seizure will be issued if dog removed from site. Prosecution may occur in some circumstances.

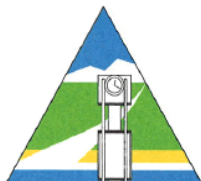
Assessment Criteria:

The Dog Control Act 1996, section 55, refers to Persistent & Loud Barking when dealing with the offence of barking dogs. The following assessments of these terms may be used;-

Persistent: To be assessed over a 15 minute period where no provocation of the dog exists. Up to seven noise assessments to be carried out over a period of no less than seven days. As soon as 33% or 35 minutes of barking time has been heard, then the barking will be deemed to be persistent.

Loud: Assessments of loudness will have regard to the time of day that the barking occurs and is heard. Loudness will be determined as strongly audible and excessive for the time of day that the barking is heard. Assessments of loudness will be made on the property boundary.

ANNEX C TO
ADC DOG CONTROL POLICY
DATED XX XXXX 2010



ASHBURTON DISTRICT COUNCIL

5 Baring Square West, Ashburton, New Zealand
e-mail info@adc.govt.nz Website www.ashburtondc.govt.nz

APPLICATION FOR THE ACCEPTANCE FOR REGISTRATION OF DOGS UNDER THE SELECTED OWNER PROVISIONS

The Ashburton District Council Dog Control Bylaw 2008 and Council's Dog Control Policy provides for a reduced dog registration fee for the owners of dogs who satisfy fencing, housing and dog control criteria. These reduced fees will apply in the next ensuing dog registration year following application for 'Selected Owners Provisions' status provided that the criteria are met and continue to be met.

I, _____
_____ of _____

Hereby apply to become accepted as a Selected Owner within the terms of Ashburton District Council Dog Control Bylaw 2008.

I confirm that:

- a) My dog(s) have never been impounded.
- b) My property is sufficiently fenced so as to contain my dog(s).
- c) All gates are in position and where required are fitted with secure closers.
- d) Independent access, clear of any area where dogs may be at large is available to at least one door of my dwelling.
- e) My dog(s) are and will continue to be registered at all times.
- f) My dog(s) will be under direct and continuous control at all times when not within my property.
- g) Housing for my dog(s) provides sufficient warmth, shade, shelter and access to water at all times.
- h) The barking of my dog(s) has and will not cause annoyance to my neighbours either through volume or continuity.
- i) I authorise an inspection of the exterior of my property sufficient to ascertain compliance with Council's Selected Owner criteria.
- j) I have had no upheld complaints or infringements relating to dog ownership against me within the last year.

June 2010

Signed _____

Date _____

(Applicant)

Applicant's Phone Number(s) _____ Registration Number(s) _____

Property _____ Inspected _____ By _____

Approved Declined
reason _____

Owner advised Yes No Date _____

Animal Number(s) _____ Owner Number _____

Letter Sent

DRAFT

June 2010



ASHBURTON DISTRICT COUNCIL

5 Baring Square West, Ashburton, New Zealand
e-mail info@adc.govt.nz Website www.ashburtondc.govt.nz

ASHBURTON DISTRICT COUNCIL

APPLICATION FOR A LICENCE TO KEEP THREE OR MORE DOGS

I

Hereby apply to the Ashburton District Council for a licence to keep no more than ____ dog's, 3 months of age or older at premises situated at

for the purpose of

I have read the conditions overleaf and agree to accept such conditions for the issue of a licence and tender herewith the licence fee of \$40.00

Signed: _____ Date: _____

Phone _____

Please supply the name, address, phone number and signature of your three immediate neighbours to indicate they are aware of your application.

1) _____

2) _____

3) _____

FOR OFFICE USE

Property Inspected By:

Recommended Conditions:

Approved Declined Reason _____

Date: _____ Dog Control Officer: _____

CONDITIONS FOR KEEPING THREE OR MORE DOGS
IN URBAN AREAS

1. Unless alternative housing is approved by the District Environmental Health Officer, the following basic requirements are to be complied with for dog kennels erected provided on any premises for three or more dogs:

Dogs must be housed in clean, dry conditions with adequate shelter and ventilation. The kennel area must be able to be regularly and easily cleaned to prevent a nuisance being created by smell.
2. The holder of any such licence to keep three or more dogs shall ensure said dogs do not create a nuisance by persistent barking or howling.
3. For the purpose of annual renewal of this licence, the expiry date shall be 12 months from the date of approval.
4. To avoid a further application fee, licence holders are required to apply for renewal to the-Ashburton District Council one clear month before the expiry of this licence.
5. Any breach of these conditions will lead to cancellation of licence.

LICENCE TO KEEP THREE OR MORE DOGS: EXTRACT FROM COUNCIL BY-LAWS

- 605 *No occupier of any property in any urban area shall allow or cause to remain or keep on such premises for any period exceeding fourteen days, three or more dogs, over the age of three months (whether or not such dogs are registered) unless such occupier shall be the holder of a licence for such purpose from the Ashburton District Council.*
- 605.1 *Such licence may be issued upon or subject to such terms, conditions or restrictions as the Council may consider necessary and any breach of such terms, conditions or restrictions shall result in revocation of the licence.*
- 605.2 *Any person desiring to allow or cause to remain or to keep three or more dogs on any premises as provided in the Bylaw shall make written application to the Council in such form as may be required by the Council for a licence and shall give to the Council such information in respect of the application as the Council may require; except that no application shall be accepted by the Council unless the applicant is first classified as a Selected Owner in accordance with this Bylaw and the Dog Control Policy.*
- 605.3 *For every such licence there shall be paid to the Council such annual fee as the Council may decide from time to time by resolution passed by the Ashburton District Council.*

June 2010

605.4 *The fee for such licence shall be payable in addition to and separate from the dog control fees payable to the Ashburton District Council under the Dog Control Act 1996.*

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June 2010



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WORKING DOG DECLARATION

I _____ hereby declare that my
(Full Name)

Dog _____ is a working dog
(Dogs Name and Breed)

As defined under [Section 2\(b\)\(ii\)](#) of the Dog Control Act 1996.

Section 2(b)(ii):

Any dog kept solely or principally for the purpose of herding or droving stock

I am prepared to demonstrate my dogs abilities to comply with **Section 2(b)(ii)** of the Dog Control Act 1996 should Council request such a demonstration.

Signed _____

Date _____

Making a false declaration renders the dog owner to an infringement notice of \$750 being issued to them under Section 41 of the Dog Control Act 1996

June 2010
Submission Form

TO:

Ashburton District Council
FREPOST 127284
Ashburton 7740

Phone 03 307 7700
Fax 03 308 1836
Email info@adc.govt.nz

WHO:

Person/Organisation making submission

Name _____

Postal Address _____

Phone (work) _____

Phone (private) _____

Fax _____

Email _____

Yes—I wish to be heard in support of my submission

Please tick only if you wish to present your submission in person. You will be advised of a time and date in due course.

What do you want the Council to consider? What specific action do you think the Council should take? Why should this be done? *(additional pages maybe added if necessary)*

Signature of submitter or authorised agent on behalf of submitter

Date

SUBMISSIONS CLOSE 26TH APRIL 2010

Thank you for taking the time to make a submission on the Ashburton District Council draft Dog Policy 2010.



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