

DRAFT Policy

DRAFT DOG CONTROL

TEAM:	Environmental Monitoring
RESPONSIBILITY:	Environmental Monitoring Manager
DATE ADOPTED:	XXX 2021
REVIEW:	XXX 2026
CONSULTATION:	Special Consultative Procedure required
RELATED DOCUMENTS:	Animal Welfare Act 1999, Ashburton District Council Dog Control Bylaw 2016, Dog Control Act 1996, Local Government Act 2002.

Policy Objective

The purpose of Ashburton District Council's Dog Control Policy is to maintain a safe and healthy community, to protect children, and to provide for the needs of dogs and their owners. This policy seeks to balance the recreational needs of dogs and their owners with the need to minimise the potential for any danger, distress or nuisance that may be caused by dogs.

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Definitions

Bylaw means the Ashburton District Council Dog Control Bylaw 2016.

Council means Ashburton District Council.

Dangerous dog means a dog classified as dangerous pursuant to section 31 of the Dog Control Act 1996.

Disability Assist dog has the same meaning as section 2 of the Dog Control Act 1996 and generally means any dog certified to assist a person with a visual, hearing, mobility or other disability.

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

Dog Control Officer means a Dog Control Officer appointed under section 11 of the Dog Control Act 1996.

Dog Exercise Area means a designated area where owners can exercise their dog off-leash, provided they remain under effective control and comply with the requirements of this bylaw and the Dog Control Act 1996.

Dog Park usually means a dog exercise area that is fenced.

Leash means an adequate restraint, and may include a lead attached to a collar or a harness, that allows for the control of a dog when in a public place.

Menacing dog means a dog classified as menacing pursuant to section 33A of the Dog Control Act 1996.

Nuisance means things such as barking, rushing, attacking or otherwise causing injury, damage or harm.

Owner has the same meaning as section 2 of the Dog Control Act 1996, and generally means the person who owns a dog, the parent or guardian of someone who is under the age of 16 who owns a dog, or a person who is looking after a dog and is responsible for it.

Playground means an outdoor area or area with playground equipment, provided or maintained by the Council for public use (in particular, used by children). This definition includes skate parks and paddling pools.

Public place has the same meaning as section 2 of the Dog Control Act 1996, and generally means a place that is open to the public whether or not it is private property.

Rural area means properties within rural A, B and C zones of the Ashburton District Plan.

Under effective control means the dog is responsive to its owner's commands and is not creating any sort of nuisance to people, domestic animals or any other wildlife. Nuisance in this sense means things such as barking, rushing, attacking or otherwise causing injury, damage, harm or distress.

Urban area means any area not within rural A, B and C zones of the Ashburton District Plan.

Working dog has the same meaning as section 2 of the Dog Control Act 1996 and generally means any dog carrying out functions and duties:

- relating to farming, such as the herding of stock
- under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defence, corrections, customs, security, biosecurity, pest management or conservation
- under the direction of a private security guard in execution of their duties.

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Policy statement

1. Registration

- 1.1 All dogs in New Zealand must be registered in accordance with section 36 of the Dog Control Act 1996.
- 1.2 All dogs must be registered by 31 July each year, and must be registered for the first time at three months old.
- 1.3 Dog registration fees will incur a penalty fee if not paid by 31 July.
- 1.4 Fees for dog registration shall be set in the Ashburton District Council Long-Term Plan or Annual Plan.
- 1.5 The registration classifications are as follows:

Urban	Rural
<ul style="list-style-type: none"> • Urban dog registration (non de-sexed dog) • De-sexed dog registration • Responsible dog owner registration • Dangerous dog registration • Disability assist dog registration • Menacing dog registration 	<ul style="list-style-type: none"> • Rural dog registration (includes working dogs and rural pet dogs) • Third and subsequent rural dog registration (reduced registration fee) • Dangerous dog registration • Disability assist dog registration • Menacing dog registration

- 1.6 Disability Assist Dogs must be registered, but do not incur any registration fee.
- 1.7 Owners of working dogs need to complete a 'working dog declaration form', available from the Council reception or website.
- 1.8 Council encourages de-sexing by offering a discount on registration fees for neutered or spayed dogs. To apply for the reduced fee you must provide a certificate from a registered veterinarian as proof of de-sexing along with your dog registration application form.
- 1.9 Where the ownership of a dog changes, the registration continues, but both the old owner and the new owner must advise Council.
- 1.10 Where a registered dog is moving to a different district, the registration must transfer with the dog to the new district. Owners of dogs transferring between areas must advise both Councils of the dog's move in writing, and within six weeks of the move. The owner should take the dog registration tag to their new Council office and it will be swapped for a registration tag for the new area, at no charge.
- 1.11 Council will refund the applicable portion of a dog registration fee in the event of the death of a dog. Evidence of the death of the dog must be provided by way of a veterinary certificate. This must be done within 14 days of the death of a dog.

2. Dog Control Bylaw

- 2.1 Under the Dog Control Act 1996 Councils are required to develop a Dog Control Policy, and must develop a bylaw to enforce the matters covered by the policy.
- 2.2 The nature of the bylaw:
 - promotes the responsible management of dogs in public places
 - provides for the recreational needs of dogs and their owners
 - minimises the potential for danger, distress or nuisance.
- 2.3 The bylaw applies to all dogs in the Ashburton District.
- 2.4 The bylaw covers the following matters:
 - control of dogs in public places

- prohibiting dogs from specified public places or categories of public places
- requiring dogs to be on a leash in all public places
- exempting certain types of dogs in certain situations
- designating specified areas as dog exercise areas
- placing limitations on the number of dogs that may be kept on properties
- requiring dog faeces on public land to be removed immediately
- offences and penalties.

2.5 The intention of the bylaw is to regulate dog-related matters to enable the enforcement of the Ashburton District Council Dog Control Policy 2021.

3. Obligations of dog owners

- 3.1 All dog owners are required to understand the dog owner requirements and obligations set out in the Dog Control Act 1996.
- 3.2 All dog owners are required to ensure that their dog is wearing a current registration tag while on any land that is not their own.
- 3.3 All dog owners or those in charge of dogs must ensure their dog is on a leash at all times when in public places (except dog exercise areas specified in Schedule 1).
- 3.4 The person in charge of a dog must carry a leash at all times when in public places, even when the dog is off-leash in a Dog Park or Dog Exercise Area.
- 3.5 The person in charge of a dog is required to keep their dog 'under effective control' at all times when using the Dog Park or Dog Exercise Areas.
- 3.6 The person in charge of a dog must carry plastic bags or other effective means to remove and dispose of any dog faeces their dog produces while in a public place, or land that is not the dog owner's land.
- 3.7 The person in charge of a dog must remove any faeces that their dog produces and dispose of it in a hygienic manner. The requirement to remove dog faeces applies to all public places, and to any land that is not the dog owner's land.
- 3.8 The person in charge of a dog in a public place must be physically capable of controlling the dog with a leash.

4. Responsible Dog Owner (RDO) status

- 4.1 RDO status is a special dog owner status that recognises good, responsible dog owners and entitles them to a reduced annual dog registration fee.
- 4.2 This status is only available for dogs and owners residing within the urban zoning of the Ashburton District.
- 4.3 The RDO must:
 - have been the registered owner of a dog for at least two years
 - have resided in Ashburton District for at least two years, or have been a RDO (or equivalent) in another territorial authority prior to living in Ashburton District
 - have paid dog registration fees on or before 30 June for the last two years
 - have all dogs micro-chipped in accordance with the Dog Control Act 1996 and provide the microchip number to Council
 - have a licence to keep three or more dogs on their property (if applicable)
 - inform Council of any dog registration or residential address changes, including information on the death, sale, or transfer of any dogs, and including the birth of any pups
 - authorise an inspection of the exterior of the property to ascertain compliance with the RDO criteria.

4.4 The dog owner must have a property at which the dog resides that:

- is suitably fenced and gated to contain the dog
- provides adequate housing for the dog including sufficient warmth, shade, shelter, food and access to water at all times
- allows dog-free access to a door of the dwelling for authorised callers.

4.5 The dog owner must not, in the last two years, have:

- been issued a warning notice or infringement notice for any dog-related offences
- had a dog that has been found at large, been uncontrolled, or been chased, returned or impounded by Council Animal Control staff/Contractor
- been prosecuted for any dog-related offence.

4.6 Applications must be received and approved prior to 30 April in any year to enable the successful applicant to gain RDO status.

5. Licence to own three or more dogs kept on any given property

5.1 Owners of three or more dogs must obtain a licence to keep three or more dogs on any property that is under one hectare (10,000m²) in size.

5.2 The Dog Control Officer has the discretion to grant a licence, refuse a licence or have conditions imposed on a licence i.e. the maximum number of dogs permitted.

5.3 A licence to own three or more dogs is not required for dogs registered as working dogs.

6. Micro-chipping

6.1 All dogs in New Zealand first registered after 1 July 2006 must be implanted with a micro-chip under section 36A of the Dog Control Act 1996.

6.2 Working (farm) dogs are exempt from micro-chipping requirements under the Dog Control (Microchip Transponder) Regulations 2005. All other categories of working dogs are required to be micro-chipped.

6.3 Dog owners are required to supply their dog(s) micro-chip information to Council so that it can be recorded in the National Dog Database.

7. Prohibited and leashed areas

7.1 There are some categories of public places in the district where dogs are prohibited. These are:

- all boat ramps and slipways
- all cemeteries throughout the district
- all playing surfaces of public sports grounds
- within one metre of any playground or playground equipment
- in any public Council owned building
- Lake Camp reserve area
- Lake Clearwater hut area and shores
- Lake Heron shores
- Maori Lakes shores

7.2 Dogs must be on a leash in all public places not included in Schedule 1. These areas include:

- all roads (which includes footpaths and margins)
- all memorial areas
- all sportsgrounds.

7.3 Disability Assist Dogs are exempt from prohibited and leashed areas.

7.4 Working dogs are exempt from prohibited and leashed areas (where a working dog is carrying

out its duties).

8. Dog Parks and Dog Exercise Areas

- 8.1 Council aims to provide appropriately for the exercise and recreational needs of dogs. Council has designated a number of areas within the district where dogs may be exercised without being on a lead.
- 8.2 Dog Exercise Areas are listed in Schedule 1 of this policy.
- 8.3 As with all public places, dog owners are expected to have their dogs under effective control when in the Dog Park or a Dog Exercise Area.
- 8.4 Owners must carry a leash and dispose of any fouling.
- 8.5 Care should be taken when socialising dogs at the Dog Park or Dog Exercise Areas, particularly if the dog is known to be aggressive, and/or if there are children present.
- 8.6 Council will provide bins for the disposing of dog faeces at the Dog Park and Dog Exercise Areas. Where possible, Council will also provide bags for the disposal of faeces.

9. Other dog matters

9.1 Barking dogs

- 9.1.1 When Council receives a complaint about a barking dog, it will investigate and, if found to be a genuine problem, work with the dog owner to understand the extent of the problem. Animal Control staff will encourage solutions and behaviour change so that the dog is no longer causing a nuisance.
- 9.1.2 Council may issue a 'Barking Dog Notice' at any time if it has been determined that a dog is causing nuisance due to barking. A 'Barking Dog Notice' is an abatement notice which requires the owner to take such action to stop the nuisance from occurring/recurring.
- 9.1.3 The following procedure will be followed when genuine complaints are received about barking dogs:

First complaint	Letter issued to dog owner informing them of a complaint and the nuisance occurring.
Second complaint	Animal Control staff member attends site of complaint to assess the problem. Second letter may be issued.
Third complaint	Animal Control staff member attends the site and may discuss the extent of the nuisance with the neighbours. Abatement Notice issued.
Subsequent Complaint	Animal Control staff member attends site. Dog may be seized and dog seizure notice issued. Prosecution may occur.

- 9.1.4 Council recognises that it is better to work with an owner and their dog to encourage behaviour change and reduce barking, rather than to penalise a dog owner. Animal Control staff will try to offer advice, however, it may be appropriate to look at other options, including penalties, if a barking nuisance is serious, ongoing, or the owner is uncooperative.

9.2 De-sexing dogs

- 9.2.1 Council supports owners having their dogs de-sexed, unless the dog is intended for

breeding.

9.3 Menacing dogs

- 9.3.1 Council can classify a dog as menacing if it constitutes a threat to the safety of people, stock, poultry, domestic animals or protected wildlife, based on the dog's behaviour or characteristics typically associated with the dog's breed or type, as set out in section 33A of the Dog Control Act 1996.
- 9.3.2 Council must classify dogs as menacing if they belong wholly or in part to the breeds of dogs listed in Schedule 4 of the Dog Control Act. These are: Brazilian Fila, Dogo Argentino, Japanese Tosa, Perro de Presa Canario and American Pit Bull Terrier.
- 9.3.3 Any dog classified as menacing by Council must:
 - be de-sexed within one month of the classification unless there is a veterinary reason for not de-sexing it
 - produce a de-sexing certificate if requested by Council
 - comply with muzzling requirements.

9.4 Dangerous dogs

- 9.4.1 Council must classify a dog as dangerous based on the owner being convicted of certain offences, or based on sworn evidence that the dog is aggressive and constitutes a threat to the safety of people, stock, poultry, domestic animals or protected wildlife, as set out in section 31 of the Dog Control Act 1996.
- 9.4.2 Dangerous dogs:
 - must be kept within a securely fenced section of the owner's property
 - must be muzzled and controlled on a leash in all public places (the dog can be exercised off leash in Dog Exercise Areas and the Dog Park but must remain muzzled)
 - must be de-sexed
 - incur a registration fee that is 50% higher than a standard registration fee
 - must not be sold or given away without the written consent of Council
 - maintain their status as a dangerous dog no matter where they live in New Zealand.

10. Education and training

- 10.1 Council recognises that increased public awareness around dogs, particularly for children, is one of the best ways to reduce dog attacks in the long term.
- 10.2 Council will regularly review educational material to ensure it remains relevant.
- 10.3 Council recognises that responsible dog ownership and good behaviour from both dog owners and their dogs is another important part of reducing dog attacks, as well as reducing any danger, distress or nuisance that may be caused by dogs.
- 10.4 Council encourages new dog owners to attend puppy or dog training courses to learn how to train the dog to understand simple commands.

11. Welfare of dogs

- 11.1 Council recognises the benefits of good and proper dog care. Owners have an obligation under the Dog Control Act 1996 to ensure that their dog is:
 - adequately housed
 - receives proper and sufficient food and water
 - regularly and adequately exercised.

12. Ways of managing troublesome dog owners and dogs

- 12.1 Under the Dog Control Act 1996, Council can classify an owner as probationary and must classify an owner as disqualified under certain circumstances.
- 12.2 Council recognises that there are a range of approaches that can be used when dealing with troublesome dogs and/or owners that focus on promoting responsible ownership rather than penalising.
- 12.3 **Dog owner status can be restricted due to infringements and offences**
- 12.3.1 When a dog owner has committed a series of dog-related infringement offences (has been ordered to pay a fine) or has been convicted of dog-related (non-infringement) offences, Council may classify that owner as a probationary owner, and in some cases must classify the owner as a disqualified owner.
- 12.3.2 These dog owner classifications restrict a person's right to own a dog and can last for several years.
- 12.3.3 Dog owner status applies across the whole country, even if the offender moves outside of Ashburton District.
- 12.4 **Probationary dog owners**
- 12.4.1 If a dog owner commits three or more infringement offences within two years they may be classified as a probationary owner (for more information see sections 21-24 of the Dog Control Act).
- 12.4.2 Probationary dog owner status generally applies for up to 2 years, but may end sooner.
- 12.4.3 The owner cannot become the owner of any new dogs (but may keep any registered dogs they have).
- 12.4.4 Probationary owners may be required to undertake dog owner education or a dog obedience course, or both.
- 12.5 **Disqualified dog owners**
- 12.5.1 A disqualified dog owner cannot be the registered owner of a dog for a specified period and must dispose of every dog that they own (for more information see sections 26-28 of the Dog Control Act).
- 12.5.2 Disqualified dog owner status can last up to 5 years.

13. Seizing dogs, impounding dogs and adopting dogs

- 13.1 The Dog Control Act gives warranted Dog Control Officers the legal power to seize dogs that:
- have attacked
 - have rushed (dogs in public places that have rushed or startled a person or animal and caused injury, endangerment damage or death)
 - are unregistered
 - do not have adequate food, water or shelter
 - wander and are not under control
 - have owners who have not met the obligations for keeping a dangerous or menacing dog.
- 13.2 Impounding fees will be reviewed on at least an annual basis and stated in the

Ashburton District Council Annual Plan or Long-Term Plan.

- 13.3 Where owners of impounded animals cannot be traced an impounded dog will be held for 7 days. If the dog is unclaimed, Council will then dispose of the dog as it sees fit, which may be: rehoming through a reputable agency or rehomed to an individual who is deemed to be a suitable owner.
- 13.4 No impounded dog will be released to any organisation for research purposes.
- 13.5 If, after a maximum of 28 days, the dog cannot be rehomed it will be humanely destroyed.
- 13.6 **Releasing a dog from the pound**
 - 13.6.1 The owner must pay all fees (including any outstanding registration fees) prior to release. In some circumstances an automatic payment authority can be organised with Council.
 - 13.6.2 The dog owner must provide proof that they are the rightful owner of the dog or have been authorised by the owner to act in that capacity.
 - 13.6.3 Release shall only be by pre-arranged appointment.
 - 13.6.4 Impounded dogs will only be released if they are fitted with a functioning microchip and are registered.
- 13.7 **Adoption and rehoming of unclaimed dogs**
 - 13.7.1 Where a dog is released from Council's dog pound to a new owner, the new owner is not required to pay a standard release fee, but is required to pay the cost of registration.

14. The issuing of infringement notices

- 14.1 Council will issue warnings, at a Dog Control Officer's discretion, and/or infringement notices (instant fines), for infringement offences as set out in Schedule 1 of the Dog Control Act 1996 and Schedule 2 of Council's Dog Control Bylaw.
- 14.2 Dog Control Officers will consider each situation on an individual basis and have discretion as to what approach they choose to take.

Schedule 1

Part A – Areas where dogs are prohibited

1. All boat ramps and slipways
2. All cemeteries
3. All playing surfaces of public sports grounds
4. Within one metre of any playground or playground equipment
5. In any public Council owned building
6. Ashton Beach (see map 6)
7. Lake Camp reserve area (see map 7)
8. Lake Clearwater hut area (see map 7)
9. Lake Clearwater shores
10. Lake Heron shores
11. Maori Lakes shores

Explanatory note

Department of Conservation owns and has control over the shores of Lake Clearwater, Lake Heron and the Maori Lakes. For further information about dog access on public conservation land managed by the Department of Conservation, please contact the Department of Conservation directly.

Part B – Dog exercise areas

Please refer to the following maps for details of dog exercise areas:

Map 1 – Ashburton Dog Exercise Areas

- Ashburton District Council Dog Park
- Pioneer Park
- Digby Park
- Patching Street Reserve
- Small Bone Drive Reserve
- Devon Park.

Map 2 – Argyle Park Dog Exercise Areas

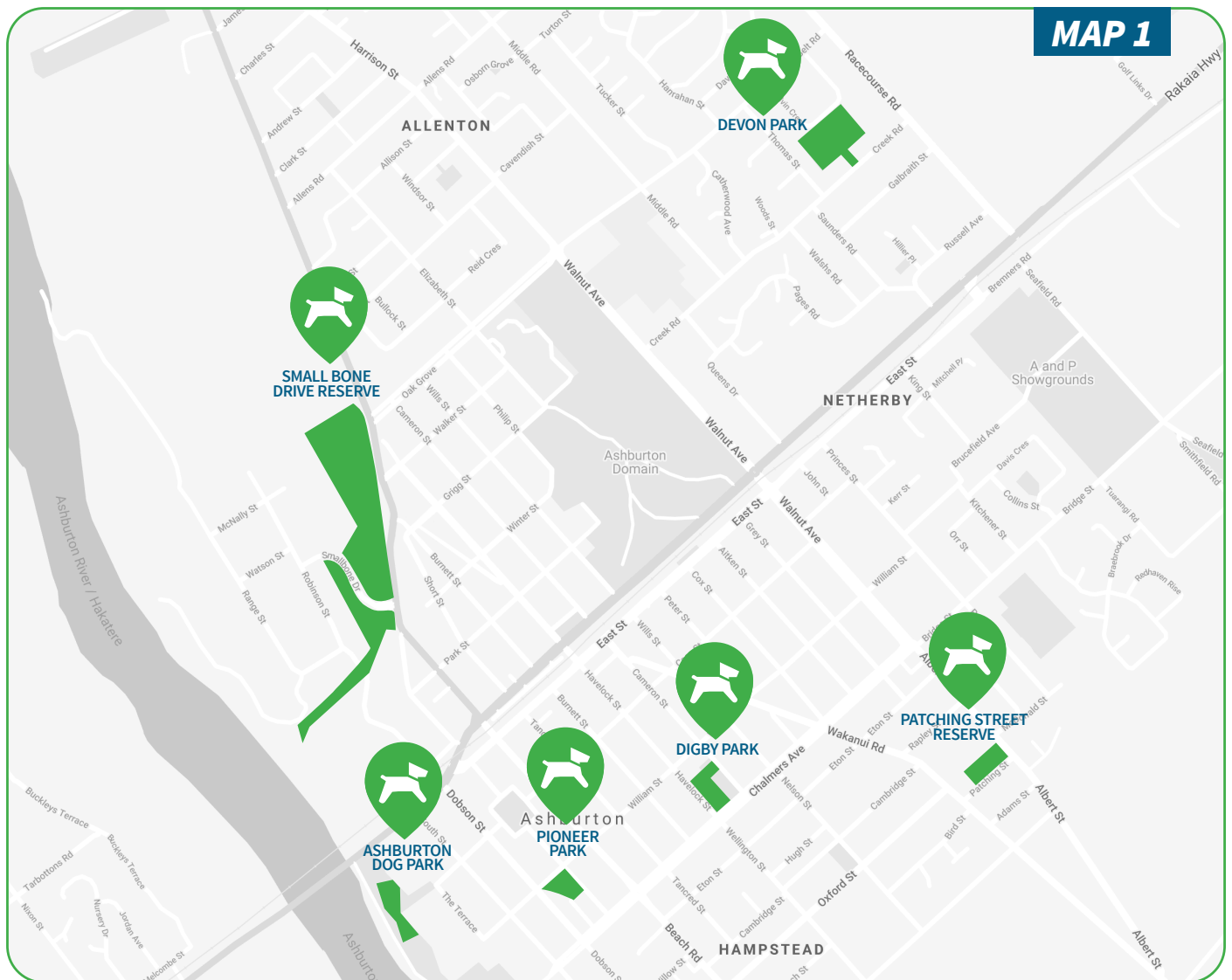
Map 3 – North East Ashburton Dog Exercise Area

Map 4 – Tinwald Dog Exercise Areas

- The Green
- George Glassey Park.

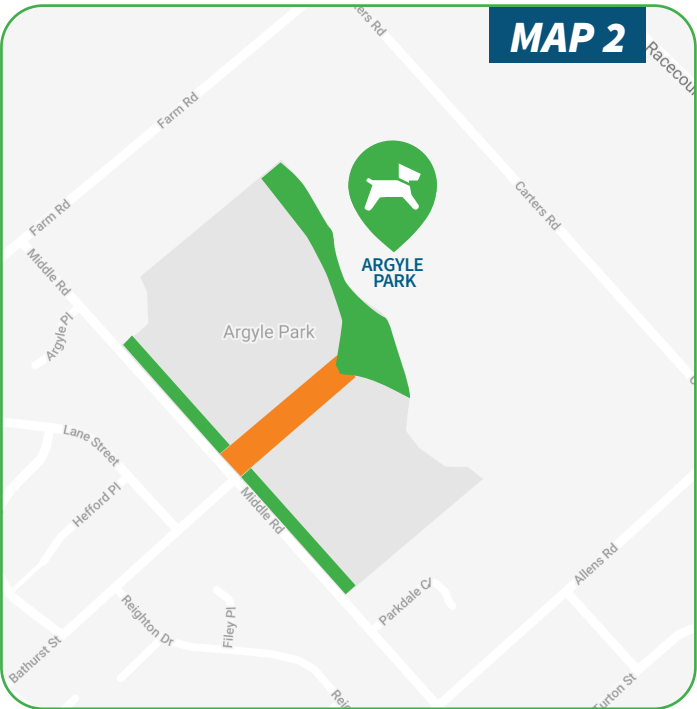
Map 5 – Methven Dog Park

Ashburton Dog Exercise Areas



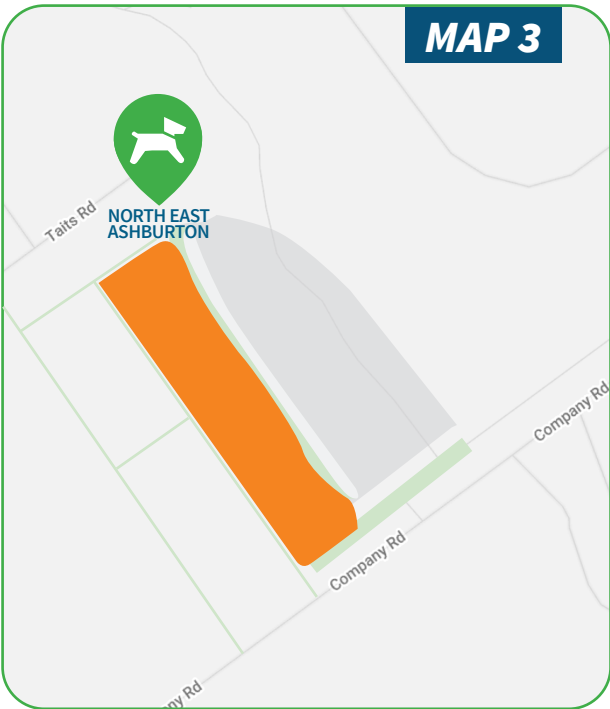
Dog Exercise Areas

Argyle Park Exercise Areas



- Current dog exercise areas
- Proposed dog exercise areas

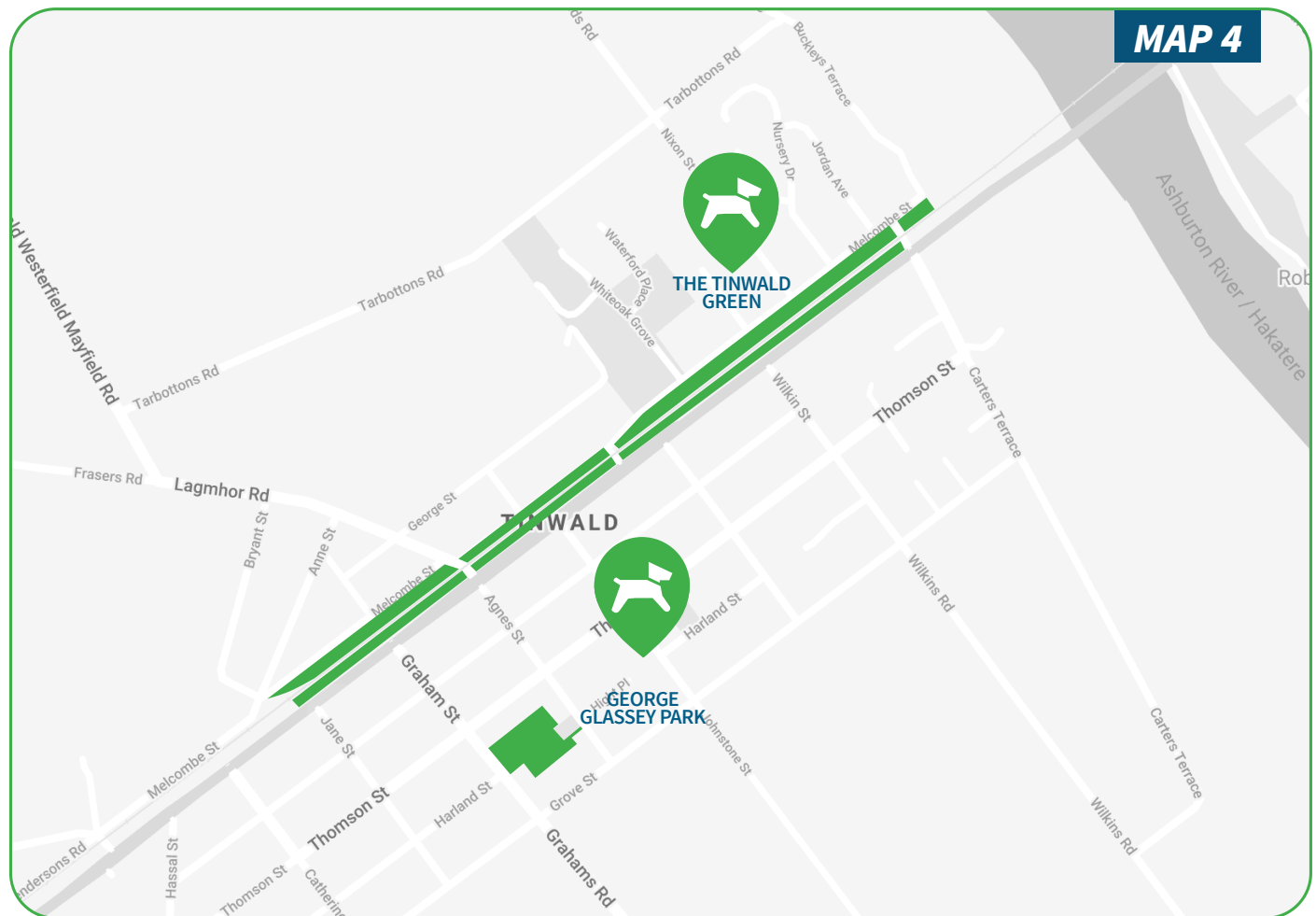
North East Ashburton Dog Exercise Area



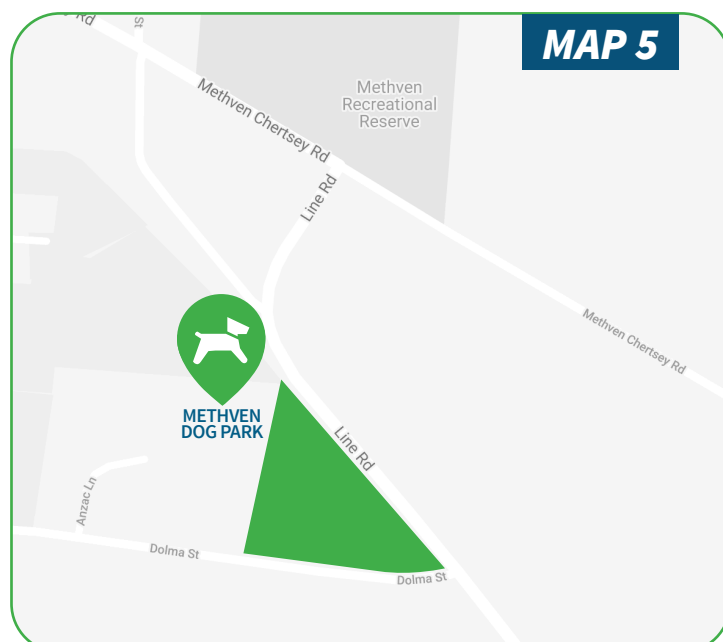
- Proposed dog exercise areas

Dog Exercise Areas

Tinwald Dog Exercise Areas

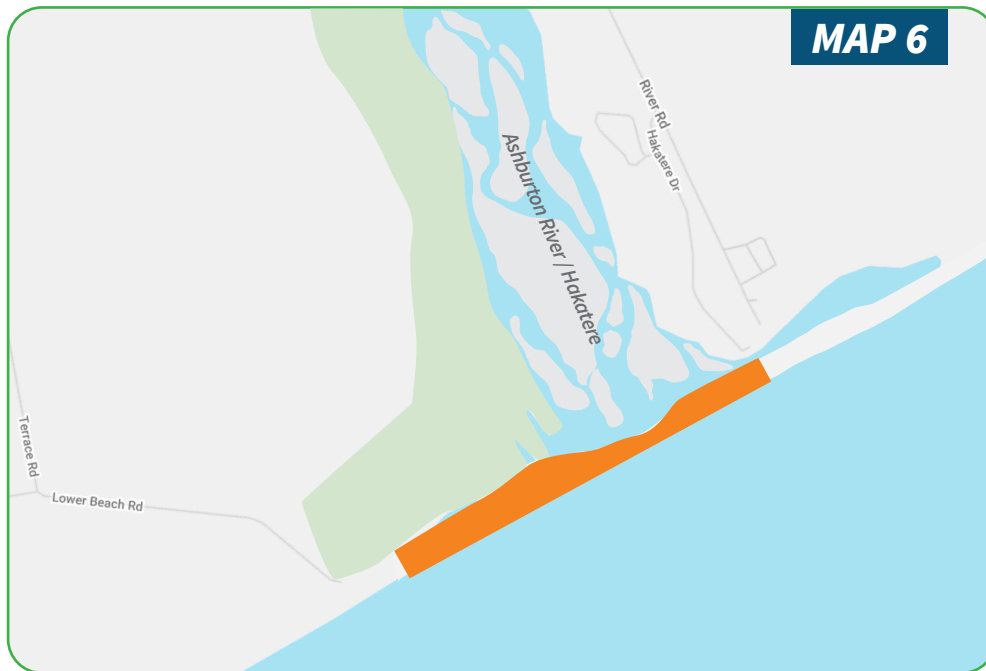


Methven Dog Park



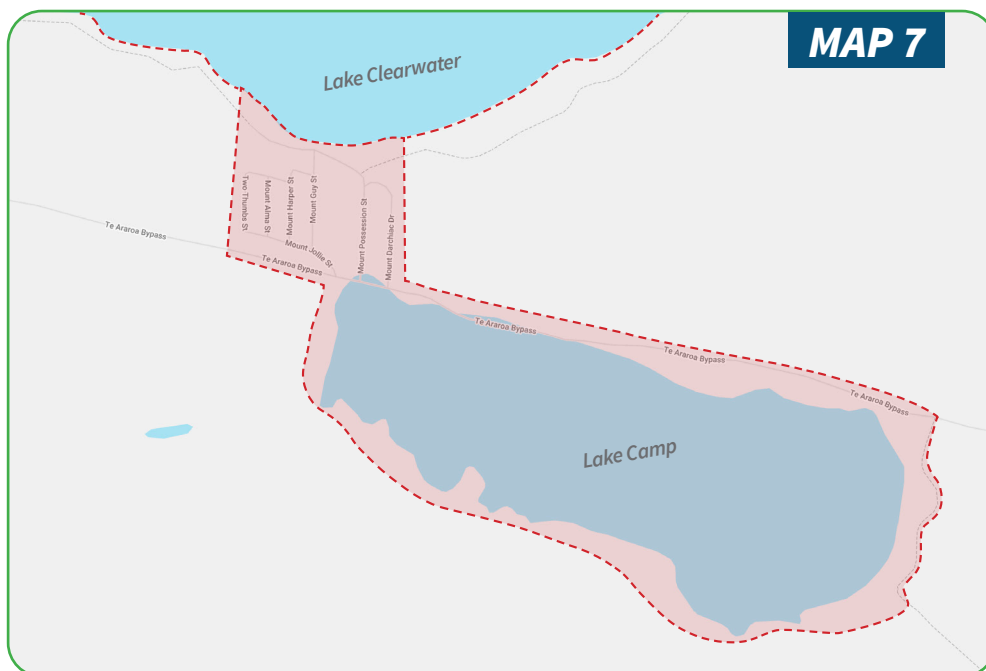
Prohibited Dog Areas

Ashton Beach



■ Proposed prohibited area

Lake Camp & Lake Clearwater Hut Settlement



■ Prohibited area

--- Prohibited area