



Have your
Say!

Dog Control Bylaw & Policy

Consultation document (statement of proposal)

We are reviewing our Dog Control Bylaw and Dog Control Policy, and are proposing some changes. We want to hear what you think about these changes.

This document includes information on our proposal and how you can give us feedback.

We are accepting feedback until 5pm Sunday 11 July 2021.

Introduction

Under the Dog Control Act 1996, Council must have a Dog Control Policy, and a Bylaw to enforce this policy.

We are reviewing our Dog Control Bylaw and Policy and want to hear your feedback on the changes we are proposing to make.

The full draft Dog Control Bylaw and Policy are included in this consultation document.

Have your
Say!



***We want
to hear
from YOU!***

**Tell us what you think of
our proposed changes at**

ashburtondc.govt.nz/haveyoursay

The details

Why is a bylaw and policy needed?

The policy and bylaw work together to regulate dog control matters in the community. The bylaw enables enforcement of the policy and regulation of dog related matters.

The Dog Control Act 1996 states that we must review both our bylaw and policy at the same time.

Our bylaw and policy are necessary to minimise the potential for dogs to cause harm, distress or nuisance to the community, animals, or wildlife, while also providing for the recreational needs of dogs and their owners. Our documents aim to find a balance between these two objectives.

What is our proposal?

We believe that many of the issues addressed by the current bylaw and policy remain current and appropriate for the district today. Because of this, we are proposing to keep our current documents but to make some changes to them.

Our bylaw and policy have been updated to ensure consistency with current practice and other Council documents, to ensure that the bylaw and policy are relevant for the district today and in the future.

The key changes we are proposing to make to the bylaw and policy are:

KEY CHANGE ONE: Additional clauses

Clauses have been added to the documents stating that:

- owners must ensure that dogs are wearing current registration tags while on any land that is not their own.
- dog owners or persons in charge of a dog must carry a plastic bag or other effective means to remove and dispose of any fouling produced by their dog when in a public place or land that is not the dog owner's own.

WHY?

These clauses have been incorporated into our bylaw and policy in order to provide consistency with the Dog Control Act 1996 and to ensure that dog owners always have effective means to dispose of any fouling when they are not on their own land.



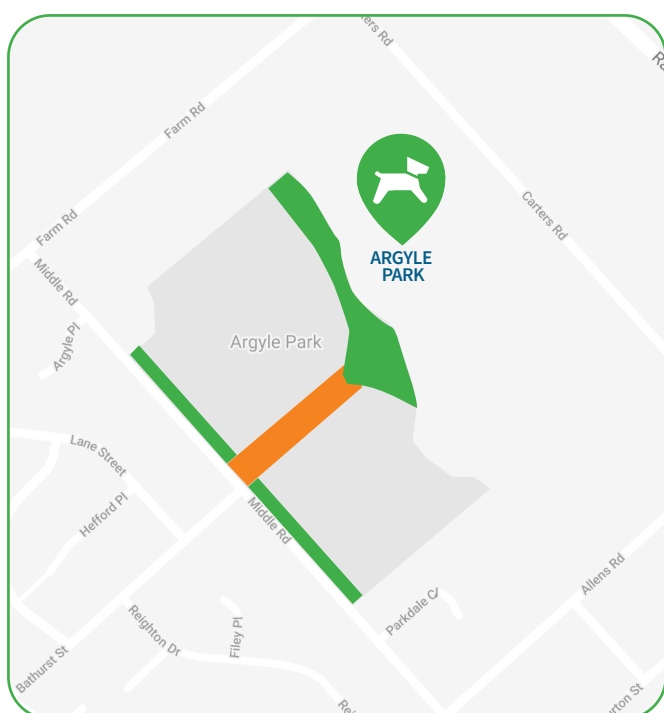
The details

KEY CHANGE TWO:

New and extended dog exercise areas

- Extension of Argyle Park exercise area (as below)
- New dog exercise area in North East Ashburton (as below).

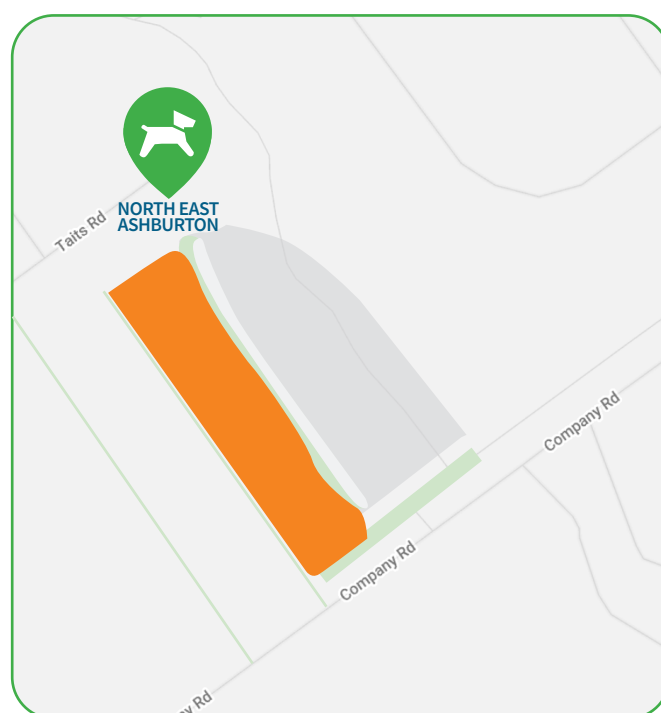
Argyle Park Exercise Areas



■ Current dog exercise areas

■ Proposed dog exercise areas

North East Ashburton Dog Exercise Area



What do you think of
our proposed changes?

We are accepting feedback until
Sunday 11 July 2021.

Have your
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The details

North East Ashburton - Proposed Dog Exercise Area



WHY?

It has been noted that the current dog exercise area in Argyle Park is not practical with an area on either side of the park, therefore we are proposing to update this by adding a connection between the two areas.

The North East Ashburton exercise area has been proposed in response to a petition received in 2019 requesting Council make the Ashburton Business Estate an off-leash area.

We do not believe that the business estate is appropriate for dogs to be off-leash due to the amount of hazards and incidents that have occurred in that location, however the proposed area is close to the business estate and should provide owners with an alternative solution.

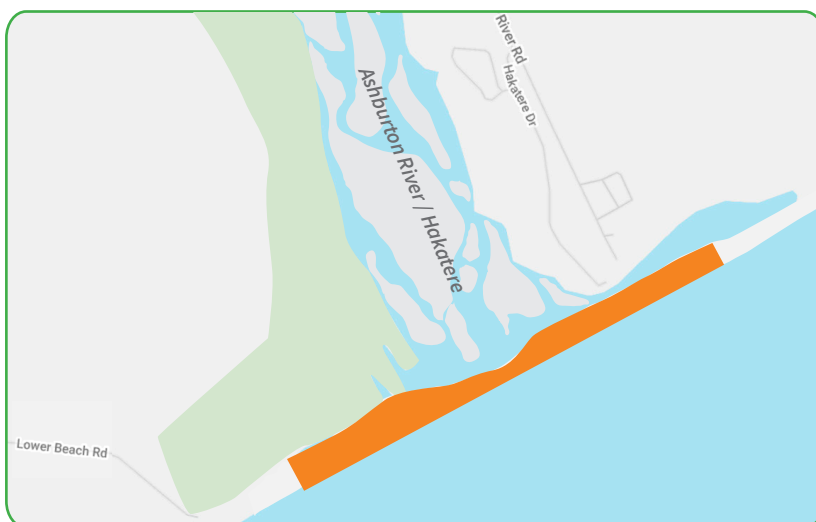
The details

KEY CHANGE THREE: Updated prohibited areas

Addition of:

- Ashton Beach
- Lake Clearwater shores
- Lake Heron shores
- Maori Lakes shores
- Explanatory note outlining that Department of Conservation has control over the above areas.

Ashton Beach



■ Proposed prohibited area

WHY?

Ashton Beach has been added as a prohibited area because this location is considered to have the highest bird species richness of any site within the Ashburton District. It also supports breeding colonies for the world's most threatened gull species, the black-billed gull. There have been incidents of dogs attacking birds in this area, and the presence of dogs also affects the feeding, resting, and breeding behaviours of the birds.

The other areas added are controlled by the Department of Conservation (DoC), and are identified as prohibited areas. We have included them into our policy and bylaw under schedule 1 in order to provide consistency with DoC and to provide better clarity for dog owners.

The details

Options Considered

No change to the bylaw & policy

Advantages

- Issues that are currently regulated continue to be regulated.

Disadvantages

- Issues leading to the 2019 petition are not alleviated
- Improvements identified during officer review are not resolved
- Inconsistency with Department of Conservation prohibited areas.

Adopt the proposed bylaw & policy

Advantages

- Issues leading to the 2019 petition may be alleviated
- Improvements identified during officer review are resolved
- Consistency with Department of Conservation prohibited areas.

Disadvantages

- There are no disadvantages to this option.

**PREFERRED
OPTION**



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**We are accepting feedback until
Sunday 11 July 2021.**

The details

Relevant determinations

Council is authorised to make this bylaw under section 20 of the Dog Control Act 1996, and section 145 of the Local Government Act 2002 which states that bylaws may be made for:

- protecting the public from nuisance;
- protecting, promoting and maintaining public health and safety; and
- minimising the potential for offensive behaviour in public places.

Under section 155 of the Local Government Act 2002, Council must determine whether or not a bylaw is the most appropriate way of addressing a perceived problem, and whether the bylaw is the most appropriate form of bylaw, and whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990

REQUIRED DETERMINATION	COUNCIL CONSIDERATION
Whether a bylaw is the most appropriate way of addressing a perceived problem	Council has determined that a bylaw is the most appropriate way of addressing the perceived problem. It is a legal requirement for Council to have a Dog Control Bylaw and Policy under the Dog Control Act 1996. When a Dog Control Bylaw is reviewed, the Dog Control Act 1996 requires that the Dog Control Policy is reviewed at the same time.
Whether the bylaw is the most appropriate form of bylaw	Council's Dog Control Bylaw is the most appropriate form of bylaw because it meets the following tests: The bylaw is: <ul style="list-style-type: none"> • authorised by statute under the Dog Control Act 1996 • not repugnant to the general laws of New Zealand • certain and clear • reasonable • not overly restrictive, onerous on any person, or impractical.
Whether the bylaw is inconsistent with or gives rise to any implications under the New Zealand Bill of Rights Act 1990	The proposed bylaw is consistent with the New Zealand Bill of Rights Act 1990, and does not impose any restrictions on any of the rights listed in the Act.



Draft Dog Control Bylaw

Draft Dog Control Bylaw

1. Title

The title of this bylaw is the Ashburton District Council Dog Control Bylaw 2016.

2. Purpose

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 three or more dogs and nuisances caused by dogs;
- minimise the potential for dogs to cause harm, distress or nuisance to the community, animals, or wildlife;
- regulate dog-related matters to enable the enforcement of the Ashburton District Council Dog Control Policy 2021; and
- support the intent of the Dog Control Act 1996.

3. Related documents

- Animal Welfare Act 1999
- Ashburton District Council Dog Control Policy 2021
- Ashburton District Council Explanatory Bylaw 2016
- Dog Control Act 1996
- Local Government Act 2002.

4. Application

This bylaw applies to all dog owners or those responsible for dogs in Ashburton District. This bylaw should be read in conjunction with the Ashburton District Council Dog Control Policy 2021, the Dog Control Act 1996, the Animal

Welfare Act 1999 and the Local Government Act 2002.

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.

5. Definitions

In this bylaw, unless the context otherwise requires:

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 dogs 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.

Draft Dog Control Bylaw

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, the use of 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, and

- under the direction of a private security guard in execution of their duties.

6. Control of dogs in all public places and at all times

- 6.1. Dogs must be kept on a leash in all public places and at all times (except areas specified as Dog Exercise Areas in Part B, Schedule 1).
- 6.2. Every owner of a dog must exercise control over it and must prevent it from wandering or remaining at large or free in any public place or private way.
- 6.3. Owners must ensure that dogs are wearing current registration tags while on any land that is not their own.
- 6.4. Every dog owner or person in charge of a dog must carry plastic bags or other effective means to remove and dispose of any fouling (dog faeces) produced by their dog when in a public place, or land that is not the dog owner's land.
- 6.5. Every dog owner or person in charge of a dog must remove and appropriately dispose of any fouling (dog faeces) produced by their dog in public places or on land that is not their own land.

7. Areas where dogs are prohibited

- 7.1. Dogs are prohibited from the areas specified in Part A, Schedule 1.

Draft Dog Control Bylaw

8. Dogs near playgrounds

- 8.1. No person, being the owner or person in charge of any dog, must allow that dog to enter or remain upon any part of a public place which is within 1 metre of any playground or playground equipment, whether such equipment is temporary, or is permanently erected.

9. Exceptions to prohibited dog control areas

- 9.1. Nothing in this bylaw restricting access to any public place applies to Disability Assist Dogs.
- 9.2. Nothing in this bylaw restricting access to any public place applies to a working dog that is under the effective control of its owner or handler while that dog is being worked or while it is being taken to and from its work.
- 9.3. Nothing in this bylaw restricting access to any public place applies to any dog that is being worked as a hunting dog by a person undertaking legal hunting activities.

10. Dog Exercise Areas

- 10.1. Dogs may be exercised free of physical restraint in those locations specified in Part B, Schedule 1 as being designated dog exercise areas.
- 10.2. The owner must have the dog under effective control at all times and remain within the dog exercise area while the dog is off lead. Dogs must not be left unattended.

11. Licence for three or more dogs kept on any given property

- 11.1. Any dog owner that wishes to register any dog at a property smaller than one hectare (<10,000m²) where there will, as a result, be three or more dogs registered, must:
- 11.1.1 apply to Council for the relevant licence on the appropriate form
 - 11.1.2 pay the relevant licence inspection or re-inspection fee; and
 - 11.1.3 allow an inspection or re-inspection of their property as to the suitability of the number and type of dogs applied for that are kept there.
- 11.2. A licence relates firstly to the specified property where the dog will be kept on an ongoing basis, to the owner of that dog and the dog registered. A licence is not transferrable to another property, to a new owner at the same property or to different dogs at the same property.
- 11.3. A licence will not expire, but will need to be reapplied for if the dogs registered at that property change.
- 11.4. A licence may be granted, have conditions imposed, or be refused, at the discretion of the attending Dog Control Officer. In considering whether consent should be granted, the attending Dog Control Officer shall have regard to:
- 11.1.4 whether the property size is suitable for the breed and number of dogs;
 - 11.1.5 whether there is adequate fencing;
 - 11.1.6 whether there is dog-free access to the property;

Draft Dog Control Bylaw

- 11.1.7 whether the location of kennels is appropriate, and that the kennels are suitable and provide adequate shelter for the breed and number of dogs;
 - 11.1.8 the previous history of the dog owner in relation to complaints or nuisance; and
 - 11.1.9 whether the owner is complying with and familiar with their obligations under the Dog Control Act 1996 and the Ashburton District Council Dog Control Bylaw 2016 and Dog Control Policy 2021.
- 11.5. The licence fee and re-inspection fee will be set annually through the Annual Plan or Long-Term Plan process.
- 11.6. Any licence issued under a previous Ashburton District Council Dog Control Bylaw is deemed to be a licence issued under this bylaw.
- 11.7. Any breach of a licence or of any conditions imposed on a licence is considered a breach of this bylaw. The Council may revoke the licence as a result of a breach, whether or not it prosecutes the breach.

12. Dogs on vehicles

- 12.1. Every dog owner or person in charge of a dog that is on the open tray of a vehicle (such as a ute or truck) in a public place must ensure the dog is secured by a leash that is sufficiently short in length to prevent the dog from reaching beyond the tray.

13. Microchipping upon release from pound

- 13.1. No dog shall be released from any pound either operated by the Council or on behalf of the Council unless:
- 13.1.1 it has a microchip implanted in that dog and the details of that dog and its ownership have been recorded by the Council
 - 13.1.2 proof of ownership and identity of the dog is established and payment made of:
 - a poundage fee as set by Ashburton District Council;
 - any boarding and sustenance fee;
 - in the case of any unregistered dog of registerable age, the current annual fee payable under this bylaw; and
 - any charge in connection with advertising of such dog.

14. Welfare of dogs

- 14.1. Every owner of a dog is required to comply with the obligations as set out in section 54 of the Dog Control Act 1996 and sections 9, 10 and 11 of the Animal Welfare Act 1999.
- 14.2. Every owner of a dog shall ensure their dog is:
- adequately housed;
 - receives proper and sufficient food and water; and
 - regularly and adequately exercised.

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15. Classification of owners

15.1. For the purposes of this bylaw and for the registration of dogs in terms of fees set by Ashburton District Council, the following classifications of owners apply throughout the Ashburton District (the definition of urban and rural as stated in this bylaw apply):

- 15.1.1 Urban owners – means owners of dogs resident within an urban area of the district. An urban area is an area not within rural A, B, and C of the Ashburton District Plan
- 15.1.2 Rural owners – means owners of dogs resident within rural A, B, and C of the Ashburton District Plan
- 15.1.3 Responsible dog owners – means owners of dogs resident within an urban area (as defined by this bylaw) who have demonstrated they have met the terms and conditions of the ‘Responsible Dog Owner’ category defined in the Ashburton District Council Dog Control Policy 2021.

16. Neutering of dangerous and menacing dogs

16.1. In accordance with the sections 32(1) (c) and 33E(1)(b) of the Dog Control Act 1996 all dogs classified as dangerous or menacing must be neutered.

17. Dogs becoming a nuisance or injurious to health

- 17.1. 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(s), or the keeping thereof, from becoming a nuisance or injurious to the health of the public.
- 17.2. If, in the opinion of Council, the dog(s) or the keeping thereof on such premises has become or is likely to become a nuisance or injurious to health, Council or any person duly authorised in that behalf by 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:
 - reduce the number of dogs kept on the premises;
 - construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain such dog(s);
 - require such dog(s) to be tied up or otherwise confined during specified periods;
 - take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health; and
 - clean and keep clean the dog kennel and associated area.
- 17.3. 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 and may also be guilty of an offence under the Dog Control Act 1996.

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- 17.4. Where a dog owner refuses or fails to work with Council to manage the behaviour of a dog that is causing a nuisance or is potentially injurious to health, the Council can classify a dog as a menacing dog under section 33A of the Dog Control Act 1996.
- 17.5. Similarly there are certain circumstances where Council has no option but to classify a dog as a dangerous dog in accordance with section 31 of the Dog Control Act 1996.
- 17.6. Dogs that have been classified as a dangerous dog or a menacing dog attract additional restrictions or obligations not ordinarily required of a dog owner. Those requirements and/or restrictions are set out in the Dog Control Act 1996 or as otherwise explained in the decision/notice informing the owner of the dog's new classification.

18. Conviction and fines

- 18.1. Every person who fails to comply with this bylaw commits an infringement offence under Schedule 1 of the Dog Control Act 1996 and may be served with an infringement notice and be liable to pay an infringement fee. These offences are listed in schedule 2 of this bylaw.
- 18.2. Dependent upon the nature of the failure, any breach of this bylaw could also result in charges being laid under the Animal Welfare Act 1999 and the resulting penalties will apply.
- 18.3. Every person who fails to comply with this bylaw commits an offence under section 20(5) of the Dog Control Act 1996 and is liable on conviction to the penalty prescribed by section 242(4) of the Local Government Act 2002.



Draft Dog Control Bylaw

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

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

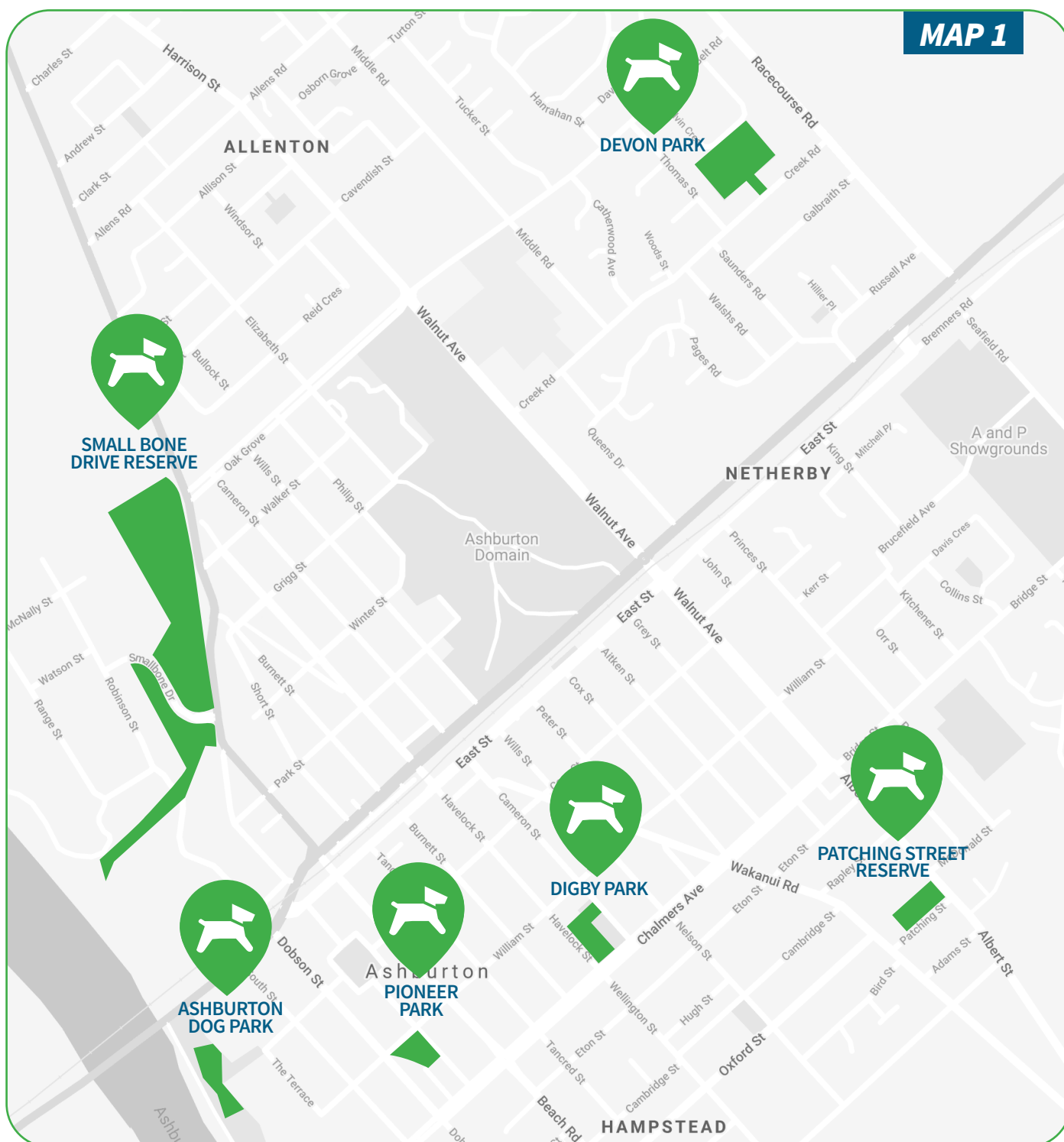
Explanatory note

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.

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Dog Exercise Areas

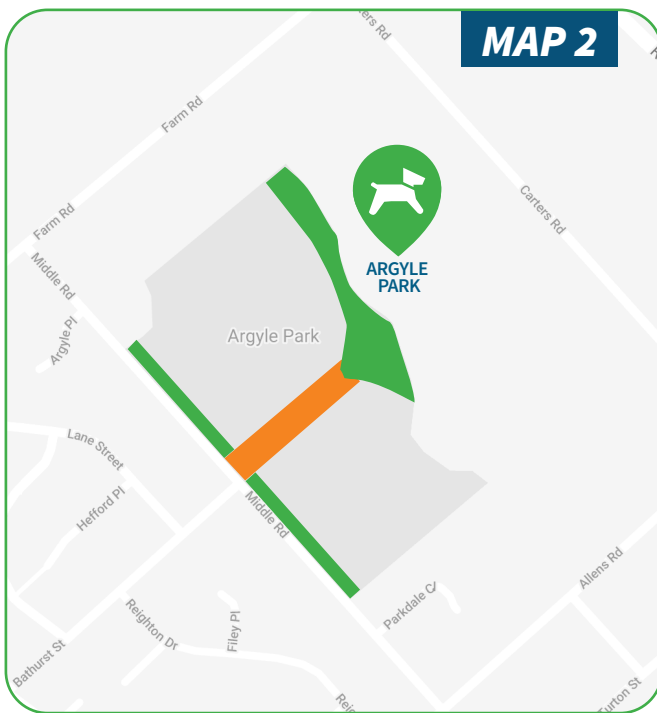
Ashburton Dog Exercise Areas



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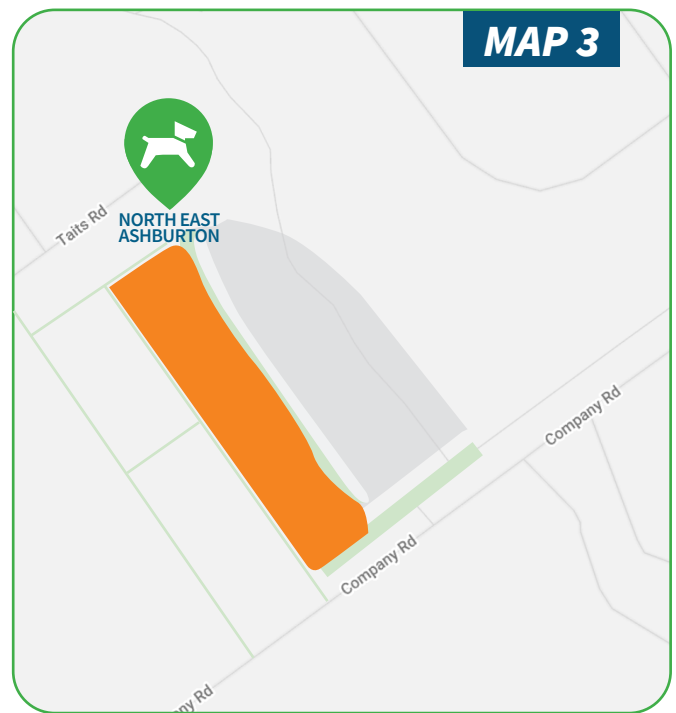
Dog Exercise Areas

Argyle Park Exercise Areas



- Current dog exercise areas
- Proposed dog exercise areas

North East Ashburton Dog Exercise Area

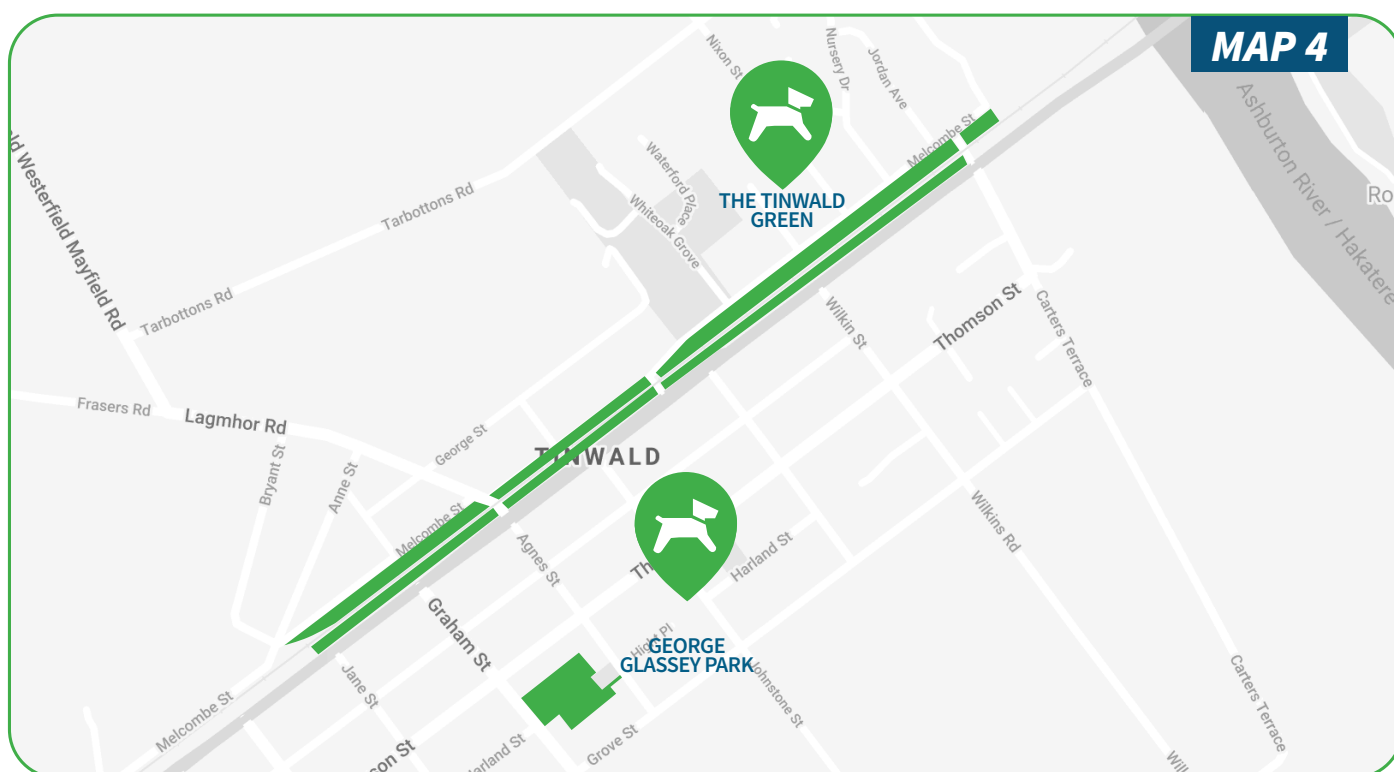


- Proposed dog exercise areas

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Dog Exercise Areas

Tinwald Dog Exercise Areas



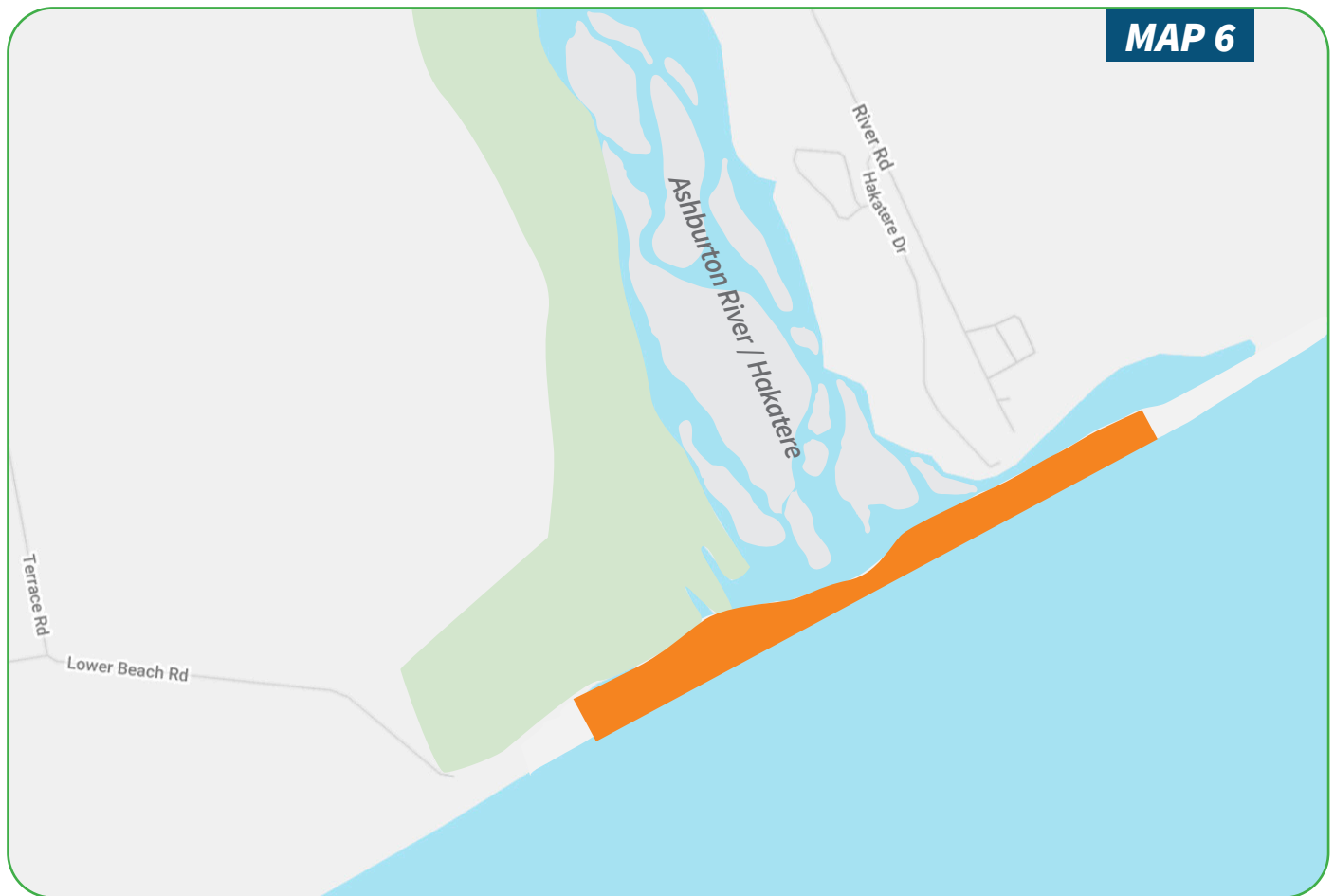
Methven Dog Park



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Prohibited Dog Areas

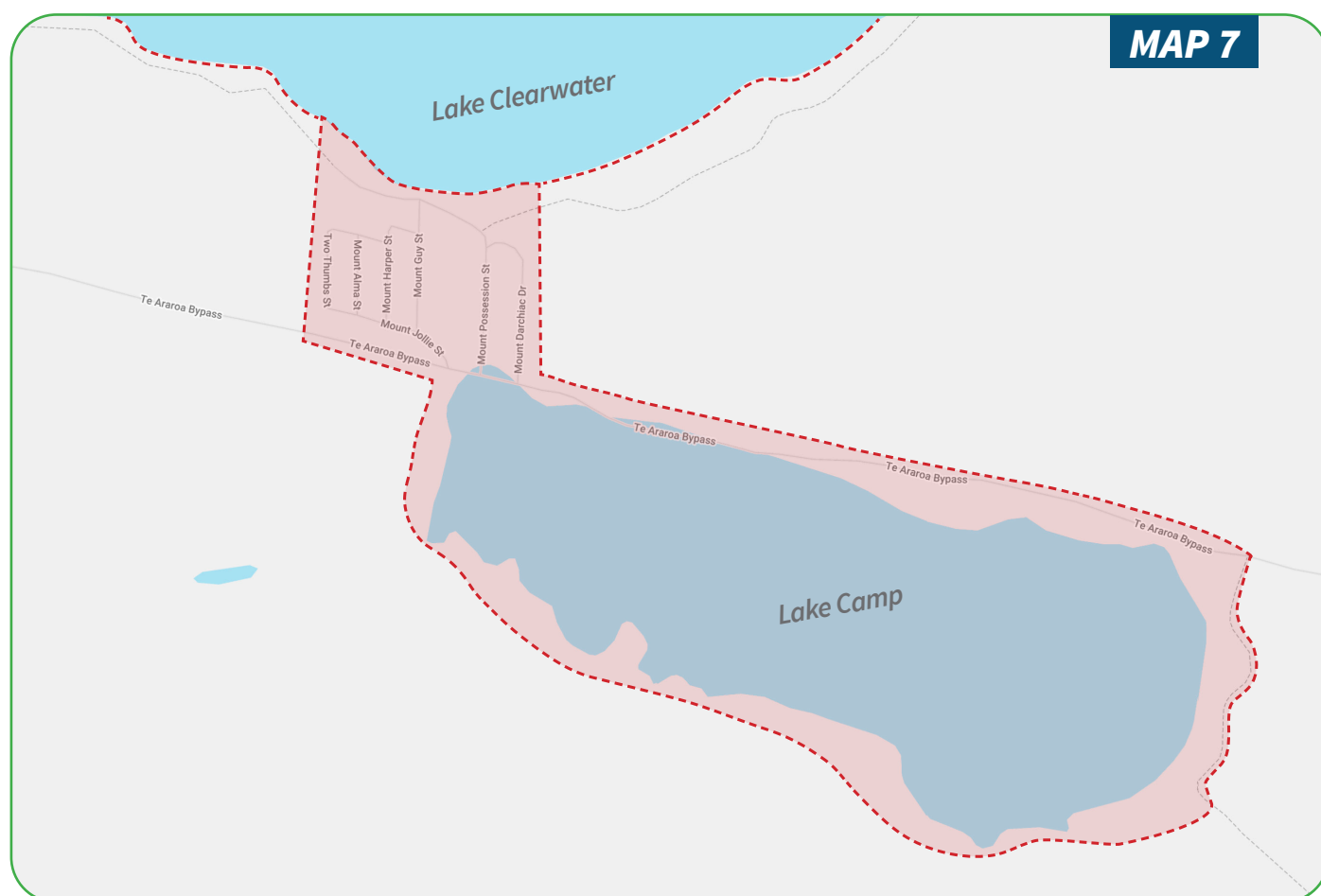
Ashton Beach



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Prohibited Dog Areas

Lake Camp & Lake Clearwater Hut Settlement



- Prohibited area
- Prohibited area

Draft Dog Control Bylaw

Schedule 2

Infringement offences and fees (as per Dog Control Act 1996).

Section	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



Draft Dog Control Policy

Draft Dog Control Policy

Policy statement

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.

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, the use of 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.

Draft Dog Control Policy

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.

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:

- 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

RURAL:

- 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 Dog registration fees for working dogs are less than the standard dog registration fee.
- 1.10 Where the ownership of a dog changes, the registration continues, but both the old owner and the new owner must advise Council.
- 1.11 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

Draft Dog Control Policy

charge.

- 1.12 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

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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

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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

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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.

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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, or there would be a financial loss to the owner related to breeding or showing the dog)
- 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

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- 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

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- 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.

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Schedule 1

This is the same as schedule 1 included in the draft bylaw on pages 16-22 of this document.

A close-up photograph of a brown and white dog, possibly a Shetland Sheepdog, with long, floppy ears. The dog is looking directly at the camera with its mouth slightly open, showing its tongue. It is positioned behind a dark wooden fence. The background is a soft-focus green landscape with trees and a blue sky.

Have your
Say!

**We are accepting feedback until
Sunday 11 July 2021.**

Timeline

11 June –
11 July
2021

Community consultation

29 July
2021

Submission hearings and deliberations

Council will consider and deliberate on submissions. Submitters can present their submission to Council in person at a hearing.

18 August
2021

Bylaw and policy finalisation

Council will make the necessary changes to the draft bylaw and policy as a result of deliberations. This stage may also include further legal review of the proposed bylaw.

1 September
2021

Bylaw and policy adopted by Council

The new bylaw and policy are expected to be adopted by Council at this meeting.

*Have your
Say!*

Submissions close at
5.00pm on Sunday 11
July 2021.

Your views on the proposed Dog Control Bylaw and Policy are important to us, and we encourage you to make a submission. Written submissions can be made to the Council up **until 5pm on 11 July 2021**.



We want to hear from YOU!


Tell us what you think of our proposed changes at ashburtondc.govt.nz/haveyoursay


The easiest way to provide your feedback is to complete the form online at ashburtondc.govt.nz

Alternatively, you can provide feedback by filling in the attached submission form and getting it back to us using one of the following methods:

 **FREEPOST TO**
Ashburton District Council
Freepost 230444
PO Box 94
Ashburton 7740

 **ONLINE AT**
ashburtondc.govt.nz/haveyoursay

 **IN PERSON**
Dropping it off at:
Ashburton District Council reception –
5 Baring Square West

 **EMAIL TO**
submissions@adc.govt.nz

**Please note all submissions are public documents and will be made available on Council's website.*

Submissions presented in the form of a petition or accompanied by multiple signatures will be treated as a single submission.

Your details

First name: _____ Last name: _____

Organisation (if appropriate): _____

Street number: _____ Street name: _____

Suburb / Town / RD: _____ Postcode: _____

Phone: _____ Email: _____

Do you wish to speak in support of your submission at the hearing?

(If no boxes are ticked, it will be considered that you do not wish to be heard)

☐ **Yes:** The hearing is expected to be held in the Council Chamber on Thursday 29 July 2021. Please note that hearings are live-streamed to our online channels.

☐ **No:** I do not wish to speak in support of my submission and ask that the following written submission be fully considered.

Signature:

Date:



You can submit on any or all of the questions below. You don't have to complete every question.

1. Do you support the Dog Control Policy as presented?

☐ Yes ☐ No

2. Let us know why:

3. Do you support the Dog Control Bylaw as presented?

☐ Yes ☐ No

4. Let us know why:

5. Do you have any further comments?

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