



TIMARU DISTRICT DOG CONTROL POLICY ~~2013~~ 2017

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PART 1

INTRODUCTION

Timaru District Council (TDC) recognises that the majority of dog owners in the District are responsible and that most interaction between dogs and the public is positive.

The overall aim of this policy is to therefore enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, ~~whilst~~ while minimising danger, distress and nuisance to the community generally.

1.0 Title

1.1 The title of this Policy is the Timaru District Dog Control Policy ~~2013~~ 2017.

2.0 Purpose

2.1 The purpose of this Policy is to outline how TDC will fulfil its responsibilities under the Dog Control Act 1996 (the Act) and to provide the framework of responsibilities and obligations of dog owners.

2.2 In adopting a policy under Section 10 of the Act, TDC must also have regard to:

- a) the need to minimise danger, distress, and nuisance to the community generally; and
- b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
- c) the importance of enabling, to the extent that is practicable, the public (including families), to use streets and public amenities without fear of attack or intimidation by dogs; and
- d) the exercise and recreational needs of dogs and their owners.

3.0 Commencement

3.1 This Policy will commence on a date to be determined following completion of the Special Consultative Procedure required by the Local Government Act 2002.

4.0 Repeal

4.1 This Policy repeals all previous Timaru District Dog Control Policies.

5.0 Effect of Policy

- 5.1 The Policy is given effect by the Act and is to be implemented through the adopted Timaru District Dog Control Bylaw 2013.

6.0 Consultation

- 6.1 In adopting this policy TDC has followed the special consultative procedure as set out in the Local Government Act 2002.

7.0 Review of TDC Consolidated Bylaw

- 7.1 TDC has amended its existing Consolidated Bylaw which includes Chapter 6 - Control of Dogs. The revised Consolidated Bylaw has been adopted following completion of the consultative process.

- 7.2 While amending the Bylaw TDC had regard to the following:

- (a) ensuring the health and safety of the general public and dogs throughout the community; and
- (b) ensuring hygienic and healthy practices of dog care and control are maintained throughout public places.

- 7.3 TDC is also obliged to list in this Policy those purposes taken from Section 20 of the Act which TDC intends to make or amend in its Bylaw, when taking a) and b) above into account, which are as follows:

- i) Providing for any requirements of the Act and subsequent amendments.
- ii) Prohibiting dogs, whether under control or not, from specified public places:
- iii) Requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas or parts of the District:
- iv) Regulating and controlling dogs in any other public place:
- v) Designating specified areas as dog exercise areas:
- vi) Limiting the number of dogs that may be kept on any land or premises:
- vii) Requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces:
- viii) Requiring any bitch to be confined but adequately exercised while in season:
- ix) Providing for the impounding of dogs, whether or not they are wearing a collar having the proper label or disc attached, that are found at large in breach of any bylaw made by TDC under the Act or any other Act:
- x) Any other purpose that from time to time is, in the opinion of TDC, necessary or desirable to further the control of dogs.

8.0 Definitions

Except those described below all terms have the same definition as specified in Section 2 of the Dog Control Act 1996 and in any subsequent amendments to that Act.

Act means the Dog Control Act 1996

Bylaw means the Timaru District Consolidated Bylaw ~~2013~~ 2017.

District means the area designated as the Timaru District for which the Timaru District Plan applies.

District Plan means the District Plan of the Council which is in force as the operative District Plan for Timaru for the purposes of the Resource Management Act 1991.

Dog Exercise Area means a public place and all its walkways and tracks therein identified in this Policy as an area where dogs may be exercised at large without being controlled on a leash.

Dog on Leash means that the dog must be continually controlled on a leash by the owner or person in charge of the dog.

Dog on Leash Area means the areas identified in this Policy where dogs must be controlled on a leash.

Leash means a lead which is capable of restraining a dog.

Policy means the Timaru District Dog Control Policy

Prohibited Public Place means a public place identified in this Policy as a place where dogs are prohibited, except as provided for in this Policy or the Act.

Rushing Dog has the same meaning as that provided by the Act.

Under effective control means, when referring to a dog, the dog is not causing a nuisance or danger and that the person in charge of the dog has the dog under continuous surveillance and is able to obtain the desired response from the dog by use of a leash and, when not on a leash, by use of voice commands, hand signals, whistles or other effective means.

Working dog ~~and working farm dog~~ have the same definition as provided by the Act.

PART 2

ISSUES TO ADDRESS

The following are issues specified in the Act which the Policy is required to address together with additional issues relevant to the Timaru District.

9.0 Exercise

TDC recognises that dogs require exercise and at the same time acknowledges that there can be a conflict between dog owners and non-dog owners. It is therefore necessary to identify areas where dogs can be exercised on a leash, areas where they may be unleashed and also areas where they are prohibited.

Areas such as playgrounds and schools are unsuitable places for dogs and the public can therefore reasonably expect dogs to be prohibited in these areas.

10.0 Registration

Every person who has in their possession a dog over three months old is required to register their dog annually, and to advise TDC promptly of any change of address or ownership of the dog.

If owners do not meet the obligations to register their dogs or notify TDC of changes to address or ownership, enforcement procedures may be initiated.

Unregistered dogs may be seized and impounded by an Animal Control Officer.

11.0 Defecating in Public Places

There is a continuing problem with dogs fouling private and public places. Not only is it unsightly and a nuisance, it is also a health risk.

Dog owners have a responsibility to immediately remove dog faeces from public or private land.

12.0 Uncontrolled Dogs

Uncontrolled or wandering dogs can frighten, intimidate, annoy or otherwise cause harm to people and can also cause damage to farm stock, poultry, domestic pets and wildlife.

Dog owners have a responsibility to ensure their dogs do not wander.

13.0 Keeping Owners Informed

TDC recognises dog owners and non-owners alike need to be sufficiently aware of the rights and obligations of dogs and their owners. Appropriate signage is therefore required to advise owners of areas where dogs are prohibited or required to be on a lead and where they can be exercised off lead, and to reinforce the rules regarding removal of faeces.

For this reason, TDC shall provide signage which adequately informs the public of areas where dogs are subject to particular restrictions.

Council also aims to support good responsible dog ownership by providing resources and education to dog owners and the general public.

PART 3

METHOD OF OPERATION

The following describes the manner in which TDC aims to address dog control issues.

14.0 Mandatory Obligations Under The Act

The Dog Control Act 1996 sets out provisions that TDC is obliged to comply with and enforce ie TDC has no discretion to set these aside.

In terms of this policy, the mandatory obligations of the Act are summarised below but not limited to:

14.1 It is unlawful to import any of the following breeds/types of dog:

- American Pit Bull Terrier
- Dogo Argentino
- Brazilian Fila
- Japanese Tosa
- Perro de Presa Canario

If TDC has reasonable grounds to believe that a dog belongs wholly or predominantly to one of the ~~four~~ five breeds/types listed above it must classify the dog as 'menacing'.

Section 33E of the Act lists the full effects of the classification as 'menacing'.

14.2 Leash

Those taking dogs out in public are required to use or carry a leash at all times and to use a leash in designated dog on leash areas.

Dogs that have been classified as Dangerous Dogs or Menacing Dogs under the Act must be leashed and muzzled when in public and the owners of any such dangerous and menacing dogs must advise anyone to whom they lend the dog of those requirements when in public.

14.3 Unlawful Release of Dog from Pound

It is an offence to attempt to unlawfully release a dog from a TDC controlled pound or to be in possession of a dog that has been unlawfully released from such a pound.

14.4 Control

Dog owners must ensure at all times that, when their dog is on their property, it is either

- (a) under the direct control of an appropriate person, or

(b) confined in such a manner that it cannot freely leave the property.

14.5 Annual Report

TDC is required to report annually on their dog control policies and practices. The report is to contain certain specific information such as the number of dogs registered, the number of dogs declared dangerous, and the number of disqualified owners.

14.6 Micro-chipping

All dogs first registered on or after 1 July 2006, except 'working ~~farm~~ dogs' (as defined in Section 2b(ii) of the Dog Control Act 1996) and all dogs classified as dangerous or menacing since 1 December 2003 are required to be micro-chipped.

NB: No other type of 'Working Dog' is exempt from micro-chipping under the Act

Dogs released from Pounds after 1 July 2006 are also required to be micro-chipped, if impounded for the second time.

15.0 Fees

Fee Structure

Fees are reviewed annually by TDC and the structure is designed as a 'user pays' system. This takes into account the actual cost of the services used by dog owners and can cover up to 100% of the costs of Dog Control activities.

Fees cover all the management and enforcement of the Act and Bylaw, and cover such issues as welfare and dog control. The fees do not cover the costs of any prosecution. TDC may seek a solicitors fee from any person convicted of an offence under the Act or Bylaw.

Registration Fees

All dogs are required to be registered in accordance with the Act and Dog registration fees will be set annually by TDC resolution.

TDC has a tiered fee structure allowing fees to be set at various levels for those categories of dogs that the Council may from time to time choose to recognise.

A schedule of fees for Dog registration shall be available ~~from TDC's Customer Service Unit~~ on the Timaru District Council website.

Registration fees shall be issued to known dog owners before the end of each registration year (30 June).

TDC wishes to encourage the neutering of dogs as part of promoting responsible ownership and reducing the incidents of straying and unwanted dogs and has therefore set a lower rate of registration for neutered dogs.

A neutered dog shall be verified by a veterinary certificate or by a sworn declaration.

Where the full amount of a registration demand is unpaid by 31 August of any year, 50% of the registration demand will be added to the outstanding balance of the fee.

Where a Dog Owner with a "Responsible Dog Owner" status fails to pay the registration demand by 31 July of any year, the registration fee will revert to the standard fee for the classification of dog and the owner will lose Selected Owner status for that year.

The "Responsible Dog Owner" status can be achieved by meeting and maintaining standards defined by TDC.

"Responsible Dog Owner" standards are available from TDC

TDC reserves the right to invoice a dog owner for the cost of registering any dog which is not validly registered by 31 August each year. Unpaid invoices may be subject to debt collection.

16.0 Dogs Wandering At Large

A Dog Control Officer or Dog Ranger may seize and impound any dog wandering freely at large in a public place in contravention of this policy and in accordance with the powers contained in the Act.

17.0 TDC Dog Pound - Release of Dogs

The TDC policy in relation to impounding and release of dogs is:

- (a) Where a dog is claimed by its owner the dog will not be released from the Pound until all fees and charges have been paid or appropriate arrangements for payment are made and all other requirements in accordance with the Act are met.
- (b) The dog owner must satisfy an officer that he or she is the rightful owner of the dog or has been duly authorised by the owner to act in that capacity.
- (c) Where a dog is released from the 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 and an adoption fee. The new owner must also agree to arrange and pay for the dog to be vaccinated and neutered.

The requirement for neutering in this clause (c) shall not apply to a working dog.

(d) No impounded dog shall be released to an organisation for research purposes.

(e) Release shall only be by pre-arranged appointment.

18.0 Enforcement Protocol

In recognising that the majority of dog owners in Timaru are responsible the Policy will allow TDC to use discretion and issue written warnings in the first instance where a breach of the Act and/or Bylaw has occurred, providing that the incident does not involve:

- injury or distress to a person or animal
- a health issue ie non removal of dog faeces.

Where records disclose a written warning for the same offence has previously been issued to a dog owner, the offence may be dealt with by way of an infringement notice.

In cases where an infringement notice is served for “keeping an unregistered dog” the dog owner shall have the infringement penalty fee waived if the dog concerned is registered within 14 days of the date of the infringement offence notice.

The above waiver shall not apply;

- (a) where any owner has failed to register a dog for the current year and the immediate past year, and
- (b) where a person has been issued with an infringement notice for non registration in the previous year.

19.0 Prosecution

Where an offence is considered to be serious and sufficient evidence exists, the TDC will consider prosecuting an offender in a Court of Law. This includes, but not restricted to, situations where a dog has:

- caused significant damage or injury to any person or animal
- caused significant damage to property
- caused severe distress
- caused danger, distress, or nuisance to any person or the community on a number of occasions.

In all cases, delegated authority is given to TDC's ~~Regulatory Services~~ Environmental Services Group Manager as to whether, in any specific case, it is appropriate to proceed with legal action.

Infringement notices shall generally be the first course of action taken in such cases, but TDC reserves the right to commence a Court prosecution by information where the circumstances of the offence are sufficiently serious.

20.0 Probationary Dog Owners

Where an owner is convicted of an offence under the Act or has received three infringement notices within 24 months, TDC will classify that owner as a probationary owner for the period of 24 months.

The probationary classification has the following effects:

- the owner is not allowed to own any dogs other than were owned at the time the classification was made
- the owner must dispose of any unregistered dogs.

A probationary owner has the right to object to the classification. The Act sets out a number of matters whereby the two year probationary period can be reduced. In considering an objection the TDC will have regard to:

- the circumstances and nature of the offence(s)
- the competence of the person in terms of responsible dog ownership
- any steps taken by the person to prevent further offences
- the matters advanced in support of the objection and any other relevant matters.

The TDC will encourage all owners classed as probationary to undertake approved education and obedience courses.

21.0 Abatement of Nuisance

If in the opinion of any Dog Control Officer or Dog Ranger, the keeping of any dog or dogs on a premises is, or is likely to become, a nuisance or injurious or hazardous to health, property or safety, the Dog Control Officer or Dog Ranger may, by notice in writing, require the Owner or Occupier of the premises, within the time specified in such notice, not being less than 14 days, to do all or any of the following:

- 1) To reduce the number of dogs kept on the premises;
- 2) To alter, reconstruct or otherwise improve the accommodation for dogs;
- 3) To require such dogs to be tied up or otherwise confined;
- 4) To take other such precautions as may be considered necessary.

22.0 Barking Dogs

Where a dog is considered to be causing a nuisance through persistent and loud barking or howling a Dog Control Officer will instigate “Barking Dog Assessment Procedures” which may result in the issue of an Abatement Notice requiring the owner to make such reasonable provisions to stop the nuisance.

Where such notice is not complied with this may result in the Dog Control Officer removing the dog from the land or premise.

23.0 Dogs Biting Persons

In all cases where the victim of a dog bite was going about their lawful business, the TDC 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 is required from the complainant.

Note: Upon conviction of an offence under s.57 of the Act a Court is required to make an order for destruction of a dog unless it is satisfied that the circumstances of the offence were exceptional and do not warrant destruction.

24.0 Dogs Attacking or Rushing

Unless there are extenuating circumstances, the same approach as in Clause 23.0 shall apply for investigating incidents of dogs attacking or rushing. The dog may be declared a dangerous dog unless the dog had offended in a similar manner previously in which case a destruction order may be requested from the Court pursuant to s.57A of the Act.

25.0 Neutering Requirements for Dangerous and Menacing Dogs

Every dog classified by the Council as dangerous under Section 31 of the Act, or any dog so classified as dangerous which is transferring to the Timaru District is required to be neutered.

Every dog classified by the Council as menacing under sections 33A or 33C of the Act, or any dog so classified as menacing which is transferring to the Timaru District, may be required to be neutered.

26.0 Notice of Neutering Requirement

Where a dog classified as dangerous or menacing is required to be neutered, the Owner shall be notified in writing of the requirement. The notice shall specify the date by which the dog shall be neutered, being not less than 14 days from the issue of the notice. The notice shall be served on the Owner in accordance with the Act and shall contain details on rights of appeal.

27.0 Conservation Act 1987 - National Parks Act 1980

The Conservation Act 1987 and the National Parks Act 1980 detail requirements in respect of dogs. There are no National Parks within the Timaru District, but the following list details land known by TDC to be included in a controlled dog area or open dog area under section 26ZS of the Conservation Act 1987:

Raules Gully Scenic Reserve
Orari Gorge Scenic Reserve
Peel Forest Park Scenic Reserve
Waihi Gorge Scenic Reserve
Talbot Forest Scenic Reserve
Hae Hae Te Moana Scenic Reserve
German Creek Wildlife Management Reserve
Washdyke Lagoon Wildlife Refuge.

28.0 Dog Control Officers and Dog Control Rangers

~~It is recognised that this Policy is significantly different to the previous Policy it revokes and~~ TDC recognises the need for dog owners and the general public to be educated ~~on these changes~~.

Dog Control Officers and Dog Rangers will therefore continue to patrol the District regularly and will offer advice and assistance to dog owners concerning the obligations imposed on them by the Act and how the objectives of the Policy and associated Chapter of the Bylaw will help dog owners to meet those obligations.

PART 4

AREAS OF DOG CONTROL

29.0 PUBLIC PLACES WHERE DOGS ARE PROHIBITED

TDC has identified the following areas where all dogs are prohibited, with the exception of working dogs:

DISTRICT WIDE

- All children's Schools, Kindergartens, Play Centres and all children's playgrounds
- The playing or training surface of any sports ground or sports field owned or controlled by TDC
- Within 10 metres of any child's play equipment or play area or paddling pool in any park or reserve, or of any aviary in any park or reserve
- Any swimming pool or other bathing place owned or controlled by TDC, including all areas within the fenced boundary of the swimming pool.
- Public Libraries
- Premises used for or in connection with the manufacture, preparation, packing or storage or sale of food (includes external eating areas).

TEMUKA

- Temuka Domain - the portion of Temuka Domain between the western boundary of the Temuka Golf Course and the eastern boundary of Fergusson Drive
- Temuka Motor Camp

GERALDINE

- Geraldine Domain - excluding walking track
- Geraldine Motor Camp
- Raukapuka Reserve playing fields

PLEASANT POINT

- Camping Grounds - Labour Weekend until Easter (inclusive)

TIMARU

- Aorangi Park
- Caroline Bay
- Caroline Bay Beach Tidal Area - 1 October to 31 March inclusive each year
- Stafford Street - from Sefton Street to North Street
- The Royal Arcade
- Otipua Wetlands
- Claremont Bush Reserve

NB: Access to the Beach Tidal Area is via Virtue Avenue to northern carpark and from the loop road to Marine Parade to the Marine Parade carpark.

30.0 DOG EXERCISE AREAS

Dog Exercise Area means a public place identified in this Policy as an area, including all walkways and tracks within the exercise area, where dogs may be exercised without being controlled on a leash, providing the dog is still under continuous and effective control, ie obedient and responsive to its Owner's commands without hesitation, or alternatively the dog must be on a leash.

The following areas have been identified as Dog Exercise Areas:

TIMARU

- Ashbury Park
- Marchwiell Park
- Redruth Park
- Timaru Dog Park (within the fenced area away from the children's play area)
- Scenic Reserve (Centennial Park)
- West End Park
- South Beach
- Waimataitai Beach
- Otipua Beach
- Caroline Bay Beach Tidal Area only - 1 April to 30 September inclusive each year
- Salt Water Creek Walkway

TEMUKA

- River areas (the river bed, ie shingle, streams and berm areas)
- Domain Avenue on the tree walkway between Rayner Street and Murray Street
- Temuka Domain (the area between the southern boundary of the Temuka Holiday Park and continuing along the stormwater channel which follows the southern boundary of the Temuka Golf Course and east of the Torepe Fields carpark, sports field and training area).

GERALDINE

- Reserve opposite Fire Station
- River area (the river bed, ie shingle, stream and berm areas)
- Todd Park

PLEASANT POINT

- River areas (the river bed, ie shingle, stream and berm areas)
- Pleasant Point Domain (Fire Brigade Practice Area)

Notes:

- a) Where the walkway in an Exercise Area borders or passes through a prohibited area, eg play area and there is no alternative route, owners/handlers are allowed to continue along the walkway, providing their dog is controlled by a leash and the owner does not stop in the area.
- b) Picnic areas within Dog Exercise Areas are designated as Dog on Leash Areas.

31.0 DOG ON LEASH AREAS

The owner of a dog (other than working dogs) shall not allow the dog on any public place (not being a prohibited public place or a dog exercise area) unless the dog is kept under control on a leash.

The following are public places in which dogs are to be kept on a leash:

- a) All streets, roads, footpaths and berms within the District except those within prohibited areas or Dog Exercise Areas.
- b) All parks, reserves and walkways within the District except those within prohibited areas or Dog Exercise Areas.
- c) The non-playing or non-training surface and associated spectator areas of any sports ground or sports field owned or controlled by TDC.
- d) All cemeteries.
- (e) All airports and associated buildings.
- (f) Temuka CBD area in King Street from Wood Street to Fraser Street and including the Town Square.
- (g) Geraldine CBD area.
- (h) Pleasant Point CBD area.
- (i) **Picnic areas:** Owners of dogs are permitted to have their dogs with them in picnic areas provided their dog is kept under effective control on a leash and the normal requirements for the immediate removal of dog faeces are observed.

32.0 TEMPORARY PROHIBITED PUBLIC PLACES

Notwithstanding any provisions allowing for dog on leash areas or dog exercise areas, the TDC may from time to time by resolution declare any public place that is not already a prohibited place to be a prohibited public place for a specified time.

The TDC shall give public notice of its intention to declare any area to be a temporary prohibited public place. Appropriate signs shall be posted in the area and prior notice shall be published in a newspaper circulating the District.

5.0 Delegations, References and Revision History

5.1 Delegations - Identify here any delegations related to the policy for it to be operative or required as a result of the policy

5.2 Related Documents - Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)

5.3 Revision History – Summary of the development and review of the policy

5.1 Delegations

Delegation	Delegations Register Reference
Include summary of delegation	Include Delegations Register reference

5.2 References

Title	Document Reference

5.3 Revision History

Revision #	Policy Owner	Date Approved	Approval by	Date of next review	Document Reference
1	<u>Environmental Compliance Manager</u> Environmental Services Manager	2013 2017	Resource Planning and Regulation Committee <u>Council</u>	2018 In conjunction with Bylaw review of Chapter 6	# 1098935 1098974 (this document)