



# **Matamata-Piako District Council**

## **Policy on Dogs 2010** (Amended 2016)



## **1.0 Introduction**

Many people enjoy the company of their dogs and are responsible owners; however this is not always the case and unwanted or uncared for pets can become a nuisance in the community. Animal control is there to help responsible owners and to ensure that unwanted or uncontrolled animals don't cause problems for others. The Dog Control Act 1996 ("the Act"), requires all Council's to have a Policy on Dogs. Matamata-Piako District Council ("Council") has identified seven objectives for dog control in the Matamata-Piako District and developed policies to help achieve them. These are detailed in section two of this Policy.

These objectives and policies, along with the implementation methods set out in section three, will guide Council in the administration of the Act, the Dog Control Bylaw 2010 ("the Bylaw"), our community outcomes and performance measures set out in the Long Term Plan. They will also identify to our community how Council will implement the Act.

## **1.1 Description and Objectives**

This Dog Control Policy sets out the Council's approach to supporting responsible dog ownership and to dealing with the effects of irresponsible dog ownership in order to ensure wider public safety.

On behalf of the communities of the Matamata-Piako District, the Council will endeavour to:

- a) Enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners.
- b) Encourage and support responsible dog ownership.
- c) Minimise potential danger, distress and nuisance to the community and native wildlife and enable, to the extent that it is practicable, the public to use streets and public amenities without fear of attack or intimidation by dogs.
- d) Recognise the significance of Kuri (dog) to our Maori community

## **1.2. Nature and Application of Bylaw**

The Council's obligations in relation to dog control are set out in the Dog Control Act 1996 (the Act) and this policy should be read in conjunction with the Act.

Under section 10(1) of the Act, the Council must adopt a policy in respect of dogs in the Matamata-Piako District.

Under section 10(6) of the Act, the Council must give effect to its policy by having a bylaw.

The Council's Policy and Bylaw must be made in accordance with the Local Government Act 2002.

## **1.3. Definitions**

Control in relation to a dog means that the owner is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.

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

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

Neuter means to spay or castrate a dog, but does not include vasectomising a dog.

Park means any land acquired or used by Council principally for community, recreational, environmental, cultural, or spiritual purposes regardless of whether or not that land is also gazetted as a Reserve in terms of the Reserves Act 1977.

Public Place has the same meaning as defined in section 2 of the Dog Control Act 1996.

Reserve has the same meaning as Park.

The Act refers to the Dog Control Act 1996.

## 2.0 Objectives and Policies

Objectives (Outcomes Sought)		Policies (Solution)	
2.1	<b>Danger, Distress and Nuisance</b> To minimise danger, distress and nuisance caused by dogs to the community.	2.1.1	Dogs in public places must be under the direct control of their owners at all times.
		2.1.2	Dogs will be prohibited from specified areas under the Bylaw based on the following criteria: a. the intensity, type and frequency of public use; b. whether the presence of dogs may create a danger to the health and safety of users of any area; c. whether the ecological values of an area have been identified and established as needing protection from animals (including dogs) in any reserve management plan; d. the expectations of reserve users.
		2.1.3	In the preparing and reviewing any reserve management plan, Council will consider the appropriateness of prohibiting dogs from any reserve, taking into account the criteria for assessment of suitable prohibited areas set out in clause 2.1.2 (above).
		2.1.4	Amendments to the list of prohibited areas may occur outside the reserve management plan process where necessary. In this event, Council will follow the procedure set out in the Bylaw.
2.2	<b>Dog Fouling</b> To minimise the nuisance created by dogs fouling in public places.	2.2.1	Dog owners must remove faeces deposited in any public place by any dog under their control.
		2.2.2	Dog owners will be encouraged to carry disposal bags, and to use and dispose of these responsibly.
2.3	<b>Dog Exercise Areas</b> To provide opportunities to fulfil the exercise and recreational needs of dogs and their owners.	2.3.1	Areas will be available where owners can exercise dogs without a restraint (e.g. leash or harness), provided that the owner remains present and keeps the dog under control.
		2.3.2	Exclusive dog exercise areas will not be provided.
2.4	<b>Education and Information</b> To promote and enhance community awareness of dog control issues and owner responsibility.	2.4.1	Education programmes (if available) will be promoted to enhance responsible dog ownership and to assist in community awareness and the prevention of dog attacks.
		2.4.2	Media publicity will be used to promote public awareness of: a. dog registration; b. Council's Policy on Dogs;

			c. Council's Bylaw; d. the use of infringement notices; and e. educational programmes about dogs.
		2.4.3	Dog owners will be encouraged to attend an approved dog training course if available
<b>2.5</b>	<b>Responsible Owner Rebate</b> To encourage responsible dog ownership.	2.5.1	Dog owners will be encouraged to apply for a Council Responsible Owner Rebate.
<b>2.6</b>	<b>Funding</b> To fund the cost of dog control activities from fees and charges levied on dog owners in accordance with Council's funding policy.	2.6.1	Fees will be set annually by Council resolution. .
		2.6.2	Levels of service will be set out in the Long Term Plan.
		2.6.3	All income from fines and infringement fees will be allocated to funding dog control activities.
<b>2.7</b>	<b>Kuri</b>	2.7.1	Council acknowledges the significance of Kuri (dog) to our Maori community. While the requirements of the Policy and Council's Bylaw will apply to Kuri (dog) Council acknowledges their importance.

### 3.0 Implementation Methods

The policies above will be implemented using the following methods:

#### 3.1 Enforcement

3.1.1 The Act and the Bylaw will generally be enforced by Council Animal Control Officers.

3.1.2 Infringement notices will be issued under the Act at the discretion of Council for the following offences:

- a. wilful obstruction of a dog control officer or ranger;
- b. failure or refusal to supply information or wilfully providing false particulars;
- c. failure to supply information or wilfully providing false particulars about dog;
- d. failure to comply with any bylaw authorised by the Act;
- e. failure to comply with effects of disqualification as a dog owner;
- f. failure to comply with effects of classification of dog as dangerous dog;
- g. fraudulent sale or transfer of dangerous dog;
- h. failure to comply with effects of classification of dog as menacing dog;
- i. failure to implant a microchip transponder in dogs classified as dangerous or menacing, or those registered for the first time after 1 July 2006;
- j. making a false statement relating to dog registration;
- k. failure to register a dog;
- l. fraudulent procurement or attempt to procure a replacement dog registration label or disc;
- m. failure to advise Council of change of dog ownership;
- n. failure to advise Council of a change of address;
- o. removal, swapping or counterfeiting of registration labels or discs;
- p. failure to keep a dog controlled or confined;
- q. failure to provide proper care and attention, to supply proper and sufficient food, water shelter and to provide adequate exercise;
- r. failure to carry a leash in public; or
- s. allowing a dog that is known to be dangerous to be at large unmuzzled or unleashed.

3.1.3 Unless there are unusual circumstances in any particular case, infringement notices will not be waived.

### **3.2 Dog Classification**

- 3.2.1 The Act allows Council to ‘classify’ dogs that are considered as either dangerous or menacing. These classifications will be applied in accordance with the guidelines set out in the Schedule, except where classification is mandatory under the Act.
- 3.2.2 Classification of any dog as dangerous or menacing imposes additional obligations on that dog’s owner. Council’s Animal Control Officers will provide further information on this as requested by dog owners.
- 3.2.3 Council may require classified dogs to be neutered.

### **3.3 Dog Owner Classification**

- 3.3.1 The Act allows Council to ‘classify’ owners as probationary owners, or disqualify people from owning a dog where offences have been committed against the Act or other dog-related Acts. These classifications will be applied at the discretion of Council, except where classification is mandatory under the Act.
- 3.3.2 Disqualified Owners
  - a. Owners will be disqualified from owning a dog if they have been convicted of an offence against the Act or another dog-related Act, or if they have committed three or more infringement offences within a continuous period of 24 months.
  - b. Council may decide not to disqualify an owner if it is satisfied that the circumstances of the offence mean disqualification is not justified, in which case it will classify the person as a probationary owner.
  - c. Unless there are unusual circumstances in any particular case, the classification will apply for a period of 5 years.
- 3.3.3 Classification as Probationary Owner:
  - a. A person may be classified as a probationary owner if they are convicted of an offence against the Act or another dog-related Act, or if they have committed three or more infringement offences within 24 months.
  - b. Council will classify a person as a probationary owner if it is satisfied that the circumstances of the offence do not warrant disqualification as an owner.
  - c. Unless there are unusual circumstances in any particular case, the classification will apply for a period of 24 months.

### **3.4 Prohibited Areas**

- 3.4.1 The Bylaw identifies areas in the district where dogs are prohibited.
- 3.4.2 Signs will be erected to identify prohibited areas where appropriate.

### **3.5 Leash Control Areas**

The Bylaw identifies areas in the district where dogs must be on a leash or otherwise restrained.

### **3.6 Dog Fouling**

The Bylaw requires people to remove any faeces deposited in a public place by any dog under their control.

### **3.7 Dog Exercise and Recreation**

The Bylaw identifies areas that dogs can be exercised off a leash provided they are under the direct control of their owner.

### **3.8 Education Programmes**

- 3.8.1 Council may offer education programmes if available, free of charge as follows:
- a. education presentations are available and offered to all schools. These presentations are based on dog control, animal welfare, prevention of dog attacks and hygiene;
  - b. Council will consider financial or resource support for approved animal control education programmes;
  - c. information pamphlets will be distributed to help owners identify and rectify dog control problems;
  - d. the news media will be used to promote public awareness of dog registration, Council's Policy on Dogs and Bylaw and the use of infringement notices;
  - e. Council may allow areas of public land to be used for approved dog obedience and agility training classes and events where appropriate.

### **3.9 Funding**

- 3.9.1 Dog registration fees will be set annually to reflect the actual costs associated with the control of dogs and in accordance with Council's financial strategy and Revenue and Financing Policy.
- 3.9.2 Fines and infringement fees for dog control offences will be credited to the dog control account.
- 3.9.3 A voluntary Responsible Owner's Rebate scheme has been implemented. This entitles owners who qualify to lower dog registration fees to encourage responsible dog ownership.
- 3.9.4 Owners are automatically eligible for reduced dog registration fees if:
- a. they have not been the subject of justified complaints and have not been prosecuted for dog control offences within the previous registration year;
  - b. they have not had dogs impounded within the previous registration year.
  - c. they have not kept an unregistered dog within the previous registration year.
- 3.9.5 Dog registration fees paid by owners of dangerous dogs will be 50% above the normal rate.

### **3.10 Land administered by the Department of Conservation**

- 3.10.1 The Department of Conservation has policies about dogs on public conservation land. Refer to the Department of Conservation for further details.

## Schedule Dog Classification Guidelines

Scale	Attack circumstances	Injury	Victim Impact	Action Taken
1	Victim rushed at, no physical contact made. Dog aggressive and menacing.	No injury to victim.	Low	Verbal/written warning
			High	Written warning
2	Victim rushed at, physical contact made. Dog aggressive and menacing.	Minor or no bite marks to victim, bruising, minor laceration.	Low	Written warning Reparation for torn clothes
			High	Written warning Reparation for torn clothes Menacing dog classification
3	Victim rushed at, physical contact made. Dog aggressive and/or menacing.	Minor injury to victim with bite marks and swelling to bite area.	Low	Menacing dog classification
4	Victim rushed at, physical contact made. Dog aggressive and dangerous.	Injury to victim, bite marks, laceration and swelling.	Low	Dangerous dog classification
			High	Dangerous dog classification Possible prosecution
5	Victim attacked, physical contact made. Dog very aggressive and dangerous.	Limited external injury to victim that required medical care.	High	Dangerous dog classification Possible prosecution
6	Victim attacked, physical contact made. Dog very aggressive and dangerous.	Limited external injury to victim that required doctors medical surgery, serious lacerations requiring medical repair.	High	Dangerous dog classification Prosecution
7	Victim attacked, physical contact made. Dog very aggressive and dangerous.	Severe external injury to victim that required hospitalisation.	High	Prosecution
8	Victim attacked, physical contact made. Dog very aggressive and dangerous.	Severe external injury to victim that required hospitalisation and major surgery to affected limbs.	High	Prosecution under section 57(2) Possible prosecution under section 58
9	Victim attacked, physical contact made. Dog very aggressive and dangerous.	Severe external injury to victim that required hospitalisation and major surgery to affected limbs and possible reconstruction or microsurgery.	High	Prosecution under section 57(2) and prosecution under section 58

Note: The above table shows examples of the types of attack possible. Not all factors may or need be present or observed for a classification to be achieved. An Attack Rating Report may be used to assist animal control staff with determining the above classifications and the action required to be taken.