

Waitaki Dog Control Policy 2014



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Waitaki Dog Control Policy 2014

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1. INTRODUCTION

The Waitaki District is welcoming of dogs. The Waitaki District Council (now referred to as *Council*) recognises that dogs can provide companionship for their owners, provide recreational opportunities for their owners to take their dogs for a walk or run, and may help to enhance social wellbeing as dog owners can interact with others while exercising their dogs.

Council has a statutory obligation under the Dog Control Act 1996 (now referred to as the *Act*) (and its amendments in 2001, 2003, 2004, 2006, and 2009 and 2012) to adopt a dog control policy, and to adopt a bylaw to give effect to this policy. In adopting a policy under section 10 of the Dog Control Act, the Council must have regard to:

- the need to minimise danger, distress, and nuisance to the community generally; and
- 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
- 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
- the exercise and recreational needs of dogs and their owners.

The Act defines a number of mandatory components to be addressed through a dog control policy. Council is also given discretion around how they best deal locally with some dog issues.

The management and control of dogs contributes to the following Community outcomes as identified in Council's Long Term Plan 2012-22:

- Our communities are safe places to live, work and play
- Our communities are protected through appropriate emergency responses, regulation and enforcement.

The Waitaki Dog Control Policy 2014 is broken in to six sections (excluding the Introduction section):

Section Two identifies the key dog management issues and the principles of dog management and control employed by Council.

Section Three outlines the classification of dog owners and their dogs.

Section Four identifies the outcomes for dog management and control in the Waitaki District, and the policy which give effect to the outcomes.

Section Five outlines the fee or proposed fee structure for dog management and control.

Section Six outlines the process for applying infringement notices for dog management and control.

Section Seven outlines the monitoring framework to enable a means for determining the effectiveness of the policy, and to allow continuous improvements to Council's dog management practices across the Waitaki District.

While this Policy outlines district-wide outcomes and policies, Council has ensured that the different characteristics of each population centre are catered for.

The Waitaki Dog Control Policy 2014 is given effect through the Waitaki Dog Control Bylaw 2014.

2. DOG MANAGEMENT AND CONTROL ISSUES

Dog management and control issues relevant to the Waitaki District are summarised in sections 2.1.- 2.9 below. A statement is also included around Council's philosophy towards the management of each issue.

2.1 Registration, micro-chipping and the payment of fees

It is the responsibility of dog owners to register their dog/s. Currently, 99% of known dogs in the Waitaki district are registered. It is also the responsibility of dog owners to microchip their dogs (after 2006) – working dogs are exempt from this requirement. Council is committed to working towards a 100% target for the registration and micro-chipping of dogs across the District.

Under the Act, Council has the ability to set fees and charges to cover costs associated with dog control. Council sets fees through the Annual Plan process. Differential fees apply for different classes of dogs or owners. Fee differences are used to recognise a high level of responsible ownership and to act as an incentive for all dog owners to attain a high standard of care and control of their dogs.

Council employs a user pay structure for dog control activities.

2.2 Responsible dog ownership

Council recognises that the large majority of dog owners are responsible and, as a result, the interaction between dogs, stock, animals and the public is generally positive. Currently, 29% of dog owners in the Waitaki District have a "Selected Owner" status. This status recognises that the owners of non-working dogs are taking appropriate steps to ensure care and safety of their dogs. Despite this, Council would like to encourage a higher percentage of dog owners to obtain this status (excluding the owners of working dogs). By obtaining this status, dog owners have demonstrated that they are committed to being responsible dog owners, and will receive a reduction in their annual registration fees.

2.3 Failure of dog owners to meet their dogs physical and psychological needs

Dog owners have a responsibility under the Act to meet the physical and psychological needs of their dogs. Intervention by enforcement officers, including entry to properties, may be required where a dog's needs are not being met e.g. when a dog is suspected of being without food, water and/or shelter.

Council has the ability through the Act to limit the number of dogs per property. The main issues with having unrestricted numbers of dogs on one property include implications for the welfare of the dogs, and more chance of dogs becoming a nuisance or menacing. Council has introduced controls on the number of dogs allowed as of right on residentially zoned properties, or rural residential properties with equal to or less than a 2,500m² site. The intention of this policy is to reinforce the responsible dog owner ethic, and to provide an additional enforcement tool/option for Council's Animal Control officers.

Council is also committed to providing education initiatives to dog owners to increase the awareness of being a responsible dog owner. This is further discussed in section 2.7.

2.4 Uncontrolled dogs - threatened or actual dog attacks

The public is entitled to feel safe and secure in, or by, the presence of dogs. Damage to property and stock by uncontrolled dogs can incur significant costs to members of the community. Dogs attacking, biting or threatening to attack or otherwise intimidating people, property, stock, and wildlife can cause

injury, damage and/or distress. Wandering and barking dogs are reasonably common in the Waitaki District. Perceived or actual dog attacks also happen.

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

Council believes that conflicts can be resolved and managed in a way that protects the general public, stock and animals, dog owners and their dogs, prevents cruelty to animals and balances the diverse interests of the community.

Council is committed to meeting its obligations under the Act to minimise threats to the community from dogs. Council provides animal control services to assist with managing any such conflicts.

2.5 Dogs defecating in public places

Dogs fouling in public places is unsightly, a nuisance and poses a health risk. Dog owners have responsibility under the Act to immediately remove dog faeces from public or private land.

Council is committed to providing better information around this issue including the provision of information packs through the annual dog registration process.

2.6 Provision of recreational opportunities for dogs and dog owners

Council recognises that dogs need the ability to exercise unrestrained and within a social setting. Previously there have been limited linkages between the commercial area of central Oamaru (where dogs have been prohibited) and dog exercise areas e.g. linkages through to the harbour area. More recently, the Oamaru harbour area has been developed to provide a number of amenities including a new playground, and greater recreational linkages in the form of formed tracks. The provision of designated off-lead dog exercise areas in other parts of Oamaru and around the District has been limited in the past.

There are now designated dog exercise areas throughout the District, and better recreational linkages provided within Oamaru. Dog owners are encouraged to act responsibly, evaluate the circumstances and then take all reasonable steps to ensure that their dogs do not cause a nuisance in these areas.

2.7 Public awareness of dogs

The provision of signage across the district to indicate restricted areas for dogs and their owners has traditionally been patchy and inconsistent. Council is committed to making this provision more consistent and easily understood.

Educational programmes identified in previous policy were largely not implemented due to limited financial resources.

Council is committed to implementing realistically achievable education initiatives.

2.8 Provision of satisfactory dog control services

There is currently a lack of animal welfare for dogs in the Waitaki District – animal control officers have to deal with a large number of dog welfare problems within the pound. This issue places pressure on the service level expectations within Council's pound facility.

Council is committed to providing quality pound facilities, and realistically achievable education initiatives around the implications of impoundment, and the re-homing of dogs from its pound facilities.

2.9 Reporting on dog control policy and practices

The Act now requires annual reporting on Council's dog control policies and practices and that the report is publicly notified in each financial year.

Council is committed to meeting its obligations under the Act. A monitoring section is included in this Policy (see section 7).

3. CLASSIFICATION OF DOG OWNERS AND THEIR DOGS

3.1 Selected owner status

3.1.1 Dog owners who meet the following criteria may apply to Council to have “**Selected owner**” status:

- (a) No dog owned by them in the last two years has:
 - i. Been impounded, chased or returned home by a Council Animal control officer, or
 - ii. Been the subject of any bona-fide complaint.
- (b) The dog owner has not received infringement notices from Council in the last two years.
- (c) The owner has been a registered dog owner who has resided within the Waitaki District for at least one year. An exemption to this may be made for dogs transferring from another district where written evidence has been provided from the relevant local authority that this status or similar was held previously.
- (d) The dog/s is not classified as Dangerous.
- (e) The dog/s is not classified as Menacing by breed.
- (f) The owner’s property is suitably fenced and gated to ensure it is dog-proof.
- (g) The owner’s section size is appropriate for the number and size of the dog/s.
- (h) All dog(s) owned or kept by the owner have been registered, kept and controlled in accordance with the Act and the current Council Dog Control Bylaw.
- (i) All dog registration fees have been paid for the past two years by due date.
- (j) The dog/s is micro-chipped (excluding working dogs).
- (k) Any information regarding the purchase of, death, sale or transfer of dogs to and from the applicant’s property, including movement of any pups born on the premises, shall continue to be notified in writing to the Council within one month.
- (l) Any change of residential address shall be notified in writing to the Council within one month.
- (m) Any faecal matter (droppings) deposited by the applicant’s dog(s) in any public place or on any land other than that occupied by the applicant will be removed appropriately and deposited in a suitable receptacle.
- (n) The applicant understands that any breach of the Selected owner status conditions will lead to the immediate cancellation of their privileges under this Policy. The owner may appeal such a decision to Council within 7 days.

3.1.2 All applications for permit will require a site assessment by a Council Animal control officer.

3.1.3 Council Animal control staff reserves the right to make a property inspection when re-assessing any application for permit.

3.2 Working dogs

Working Dogs are defined in the Act (see Schedule 1 of this Policy for interpretation). In the Waitaki district, working dogs must be kept solely or principally for the purposes in the 'working dog' definition, which does not include farm pets (which is also defined).

4. DOG MANAGEMENT & CONTROL OUTCOMES AND GENERAL POLICIES

4.1 Outcomes

Outcomes have been identified to address the management issues identified in section 3 of this Policy. The purpose of outcomes is to identify the desired end-results of effective dog management and control across the District.

Table 1 identifies the key outcomes for dog management and control in the Waitaki District:

<ul style="list-style-type: none">• There is responsible ownership of dogs across the District including compliance with dog owner obligations under the Dog Control Act.• Opportunities are provided for dogs and their owners to exercise and recreate in public places.• Conflicts between the general public, dogs, stock and animals and dog owners are minimised.• Potential or actual danger, distress, intimidation and nuisance caused by dogs in the community are minimised.• Council meets its statutory obligations for dog control and management under the Act.

Table 1: KEY OUTCOMES FOR DOG MANAGEMENT AND CONTROL IN THE WAITAKI DISTRICT

4.2 General policy

Policies ensure that dogs are managed and controlled in a consistent manner across the District.

4.2.1 Dog access provisions in public places

4.2.1.1 Lead-only areas

(a) Dogs are required to be **on-lead** and kept under **continuous control** at all times in all Council reserves (including cemeteries) not listed as Designated off-lead dog exercise areas or Prohibited dog areas in sections 4.2.1.2-4.2.1.3).

(b) Dogs are required to be kept **on-lead** and under **continuous control at all times** in the following public places namely:

- i. All public streets
- ii. All grazed Council reserve areas.

(c) Providing that a dog/s is kept under **continuous control**, the following area is provided for as a **lead-only area between the hours of sunrise and sunset**:

- i. Oamaru Harbour coastal area (between and inclusive of Holmes Wharf and the commercial Oamaru Penguin Colony).

(d) Every dog shall be kept **on-lead and** under **continuous control** when it is likely to injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife (excluding

working dogs that are under the control of their owner, and/or being taken by their owner to or from the place where the dog is to be or has been employed as a working dog).

4.2.1.2 Designated off-lead dog exercise areas

(a) Providing that a dog/s is kept under **effective control**, the following areas are provided for as **designated off-lead dog exercise areas at all times**:

- i. Berkeley Place Park, Oamaru
- ii. Fenwick Park South, Oamaru
- iii. Awamoa Park East, Oamaru
- iv. Cape Wanbrow,* Oamaru (see restrictions for grazed areas),
- v. Glen Eden Reserve,* (Oamaru) (see restrictions for grazed areas and access during lambing season)
- vi. Glen Warren Reserve* (see restrictions for grazed areas and access during lambing season)
- vii. Sefton Place Reserve, Otematata
- viii. Kurow Railway Reserve, Kurow
- ix. Omarama Recreation Reserve (eastern end).

(b) It is the responsibility of all dog owners to carry a lead for their dogs at all times while in public places.

4.2.1.3 Prohibited dog areas

(a) The following are Prohibited dog areas:

- i. Commercial areas of central Oamaru: Thames Street, Severn Street (between the intersection with Usk Street and Isis Street), Harbour Street; and between Farnham Street and Clare Street at the North-end shopping area of Oamaru
- ii. Oamaru coastal area between Harbourside Gardens and Holmes Wharf
- iii. Oamaru coastal area between the commercial Oamaru Penguin Colony and Bushy Beach
- iv. Moeraki coastal area between Okahau Point and Katiki Point
- v. Shag Point Scenic Reserve
- vi. Kakanui Esplanade Reserve coastal area
- vii. All sportsgrounds – namely: Centennial Park, Weston Park, King George Park, Awamoa Park West, Mill Domain, Kurow Domain
- viii. Within 10 metres of children’s play equipment on Council managed reserves
- ix. Within 10 metres of any identified protected wildlife colony throughout the District
- x. **Between the hours of sunset and sunrise**, Oamaru Harbour coastal area between Holmes Wharf and the commercial Oamaru Penguin Colony.
- xi. In all relevant public reserves during the lambing season.

(b) A dog **on a lead** and under **continuous control** may pass through a Prohibited dog area when it is used as a thoroughfare and/or no other reasonable access exists to an area where a dog may be exercised.

(c) The following dogs are exempt from the prohibitions identified in clauses (a) and (b):

- i. Bona-fide Guide dogs
- ii. Certified Hearing Ear dogs
- iii. Companion dogs (certified by the Top Dog Companion Trust)
- iv. Any dogs belonging to a “specified agency” pursuant to section 2 of the Act e.g. Police dogs
- v. Dogs being used by Security guards
- vi. Dogs securely confined in or on a vehicle.

4.2.1.4 Temporary designations

(a) In addition to the identified Lead-only and Designated off-lead dog exercise areas in sections 4.2.1.1 and 4.2.1.2 of this Policy, Council may from time to time by resolution declare any public place not already a Prohibited dog area to be a Prohibited dog area for a specified time period.

(b) Council will give public notice of its intention to declare any area to be a temporary Prohibited dog area or to suspend a Prohibited dog area.

(c) Appropriate signage will be posted in the area identifying changes to Prohibited dog areas, and prior notice published in a local newspaper or through a relevant social media channel.

4.2.2 Dog owner responsibilities

4.2.2.1 Multiple dog ownership

(a) Selected owners only may apply for a permit to accommodate **more than three dogs** (excluding NZKC registered breeders or any approved property used for the business of dog boarding kennels) over the age of three months on an urban Residential zoned property (as defined in the Waitaki District Plan), or a rural-residential property with equal to or less than a 2,500m² site.

(b) A permit will be required to accommodate **more than three working dogs** over the age of three months on an urban Residential zoned property (as defined in the Waitaki District Plan), or a rural-residential property equal to or less than a 2,500m² site.

(c) All existing dog owners with **more than three dogs** who currently hold Selected owner status, and who reside on an urban Residential zoned property (as defined in the Waitaki District Plan), or a rural-residential property with equal to or less than a 2,500m² site will be granted an existing rights status (and will not need to apply for a permit) until such time as there is a need to register new dogs to the property, and/or when one or more of the Selected Owner status criteria in section 3.1 of this Policy have not been met.

4.2.2.2 Requirement to neuter Dangerous and Menacing dogs

(a) Every dog classified by Council as **Dangerous** under Section 31 of the Act, or any dog so classified as Dangerous which is transferring to the Waitaki District is required to be neutered.

(b) All dogs over the age of three months and **classified as Menacing must be neutered** within one month's notification as per the provisions of section 33E of the Act.

(c) Where a dog classified as Dangerous, or Menacing by breed and 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 two weeks 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.

(d) An extension to the timeframe required for neutering a dog may be considered by Council upon receipt of written notice from a Vet in the following circumstances:

- i. a bitch is in season and /or;
- ii. a condition has been identified rendering it unsafe to operate on the dog.

4.2.3 Dog management and control

4.2.3.1 Abatement of nuisance

If in the opinion of any Animal Control officer, 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 Animal Control officer may, by notice in writing, require the Owner or Occupier of the premises, within the time specified in such notice, not being less than two weeks, to do all or any of the following:

- i. Reduce the number of dogs kept on the premises
- ii. Alter, reconstruct or otherwise improve the accommodation for dogs
- iii. Require such dogs to be tied up or otherwise confined
- iv. Take other such precautions as may be considered necessary.

4.2.3.2 Barking dogs

(a) Where any reasonable complaint relating to persistent loud barking or howling of any dog is received, an Animal Control officer may enter a property where the dog is kept (with exception of a dwelling house), to inspect the animal's living condition and/or give written notice to the dog owner which will require them to take reasonable action to limit the disturbance.

(b) If written notice has been given to the dog owner and a further complaint of continued barking or howling by the dog is received, the dog may be impounded until the situation can be remedied.

(c) Any written notice may be appealed through an objection to Council as per section 55, clauses (2) – (6) of the Act.

(d) Failing to comply with a notice or further notice is an offence under section 55 (7) of the Act.

4.2.3.3 Uncontrolled dogs

Any dog may be seized if it is considered to be not under control and/or likely to cause annoyance, distress or damage to any person or property. A dog is considered to be 'not under control' if it is at large on land or premises without the consent of the occupier or person in charge of that property.

4.2.3.4 Dogs biting persons

(a) In all cases where the victim of a dog bite was going about their lawful business, Council may instigate legal action against the dog owner or person in charge of the dog at the time of the offence.

(b) A written statement of complaint is required from the complainant. **Note:** Upon conviction of an offence under section 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.

4.2.3.5 Dogs attacking or rushing

(a) The same approach will apply as identified in section 4.2.3.4 for investigating incidents of dogs attacking or rushing.

(b) The dog may be declared a Menacing or 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 section 57 or 57A of the Act.

4.2.3.6 Release and re-homing of impounded dogs

- (a) It is an offence to attempt to unlawfully release a dog from a Council pound, or to be in possession of a dog that has been unlawfully released from such a pound.
- (b) 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, and all other requirements in accordance with the Act are met.
- (c) 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.
- (d) 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 will not apply to a working dog.
- (e) Council will not re-home any dog classified as Dangerous or Menacing or any dog considered by Council Animal Control staff to impose a risk to public safety
- (f) No impounded dog will be released to an organisation for research purposes.

4.2.3.7 Enforcement protocol

- (a) Council Animal Control officers will 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:
 - i. injury or distress to a person or animal
 - ii. a health issue e.g. non removal of dog faeces.
- (b) 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.
- (c) 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 two weeks of the date of the infringement offence notice. The waiver shall not apply;
 - i. where any owner has failed to register a dog for the current year and the immediate past year, and
 - ii. where a person has been issued with an infringement notice for non registration in the previous year.

4.2.3.8 Prosecution

- (a) Where an offence is considered to be serious and sufficient evidence exists, Council will consider prosecuting an offender in a Court of Law. This includes, but is not restricted to, situations where a dog has:
 - i. caused significant damage or injury to any person or animal
 - ii. caused significant damage to property
 - iii. caused severe distress
 - iv. caused danger, distress, or nuisance to any person or the community
 - v. breach of the bylaw on a number of occasions.

(b) In all cases, delegated authority is given to Council's Regulatory Services Manager as to whether, in any specific case, it is appropriate to proceed with legal action.

(c) Infringement notices will generally be the first course of action taken in such cases, but Council reserves the right to commence a Court prosecution where the circumstances of the offence are sufficiently serious.

4.2.4 Dog awareness and education

(a) Council may from time to time undertake education and promotional programmes which promote responsible dog ownership and other issues related to management and control of dogs.

(b) Council will recognise and promote privately operated dog education and/or training courses and act as a referral agent to dog owners for these courses.

(c) Council will regularly review educational material to ensure it remains relevant.

4.2.4.1 Signage

Council will provide consistent signage across the District to ensure that dog owners and the general public clearly understand Council's expectations for dog management and control.

4.2.4.2 Information packs

Council will provide a number of information packs for dog owners including but not limited to the following:

- (a) Dog owner obligations
- (b) Dog welfare
- (c) Travelling with dogs
- (d) Selected owner status – what does this mean for you?
- (e) Where can you take your dog? – restricted public areas, dog exercise areas
- (f) Dog exercise area etiquette
- (g) The implications of impoundment – including re-homing
- (h) How to deal with barking dogs
- (i) Adoption of dogs

5. FEES OR PROPOSED FEES

5.1 Registration fees

(a) The owner of any dog will be charged a registration fee payable to the Council by 31 July each year.

(b) A late fee will apply if payment is made after August 1 in any year.

5.2 Differential fees

(a) Differential fees will apply for different classes of dogs or owners. Differential fees will be used to recognise a high level of responsible ownership and to act as an incentive for all dog owners to attain a high standard of care and control of their dogs e.g. Selected owner status.

(b) The following ratio will apply for fees relating to dog management and control:

Non working dogs	100%
Neutered non working dogs	80%
Selected owner	40%
Working dog	30%
Farm pet	30%
Dangerous dogs	Base fee plus 50%
Probationary dog owner	Base fee plus 50%

5.3 Impounding fees

A fee for impounding of dogs and associated costs will be set by the Council. Impounding fees may be set at different rates for registered versus non registered dogs, and may be graduated according to the number of impounding offences against the same dog.

5.4 Part year fees and transferring from another District

Registration fees for dogs that are three months of age shall be calculated on a pro rata basis. For the first time registration of a dog on its three-month birthday, only the balance of the year will be due. If a dog owner relocates to the Waitaki District, the owner can exchange the registration tag from the previous district for a Waitaki District tag, free of charge.

5.5 Other fees

Fees will be charged for the destruction of dogs and for the issue of replacement registration tags. Other fees related to the costs of dog control may also be payable as determined by Council resolution.

6. INFRINGEMENT NOTICES

6.1 Animal control officers may issue an infringement notice, a fine, or both in accordance with the Act.

6.2 Unpaid fines issued under subsection 6.1 may be recovered through the Courts as provided for in the Summary Proceedings Act 1957.

6.3 Infringement notices and associated fines will only be waived in exceptional circumstances as determined by the Council.

7. MONITORING

Council is required under the Act to report annually on dog management and control practices. Council is required to review its Dog Control Policy at least every 10 years, and/or when there is a review of the Dog Control Bylaw. Ongoing monitoring of policy and practices help Council to:

- adapt to changing circumstances;
 - ensure policy remains relevant for the community, managers and decision makers (Council);
 - provide accountability to the community;
 - provide a means for determining how well the policy is working in practice; and
 - allow for continuous improvement of Council's dog management practices across the District.
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7.1 Council will report annually on its dog management and control practices. A copy of all relevant reporting will be publicly notified by Council annually, and a copy submitted to the Secretary for Local Government .

7.2 Council will review its dog control policy at least every 10 years, and/or when a review of the corresponding Waitaki Dog Control Bylaw has been initiated. Matters which may trigger a review of policy within these timeframes may include:

- (a) The identification of new management issues or problems that are not addressed in this policy but for which additional policy is required;
- (b) Changes in national policy including new or amended laws, regulations or other actions which may render the policy inoperable or illegal;
- (c) Other policy changes made by Waitaki District Council that affect dog control management and practices.

7.3 The following methods will be considered when reviewing and measuring the effectiveness of this policy:

- (a) The degree to which the outcomes of this policy have been met;
- (b) An assessment of annual reports on dog control and management;
- (c) Feedback from user satisfaction surveys (undertaken at least 5 yearly);
- (d) Analysis of annual statistics on dog control management and practices undertaken by Council;
- (e) Feedback from complaints received; and/or
- (f) Feedback from daily operational experience (contractors and staff).

Schedule 1: Interpretation

Act means the Dog Control Act 1996.

Animal Control officer has the same meaning as 'Dog Control Officer' as appointed under section 11 of the Act and includes a warranted officer exercising powers under section 17 of the Act.

Continuous control means that the dog is kept under control by means of a lead which is secured or held by a person capable of restraining the dog so that the dog cannot break loose.

Council means the Waitaki District Council.

Disability assist dog means a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:

- (a) Hearing Dogs for Deaf People New Zealand
- (b) Mobility Assistance Dogs Trust
- (c) New Zealand Epilepsy Assist Dogs Trust
- (d) Royal New Zealand Foundation of the Blind
- (e) Top Dog Companion Trust
- (f) an organisation specified in an Order in Council made under section 78D of the Act.

District means the area administered by the Waitaki District Council.

Designated off-lead dog exercise area means any area set out in section 4.2.1.2 of this Policy as an off-lead exercise area for dogs and their owners.

Effective control means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a lead, voice commands, hand signals, whistles or other effective means.

Farm pet dog means a dog kept on a rural property of 4 hectares in size or greater for the purpose of a pet, and not for solely or principally for the purposes of a working dog (see working dog definition).

Infringement notice means an offence specified in Schedule 1 of the Act.

Lead means an adequate restraint capable of restraining a dog.

Menacing dog means a dog which poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog or any characteristics typically associated with the dog's breed or type; or which is specified as menacing by breed in Schedule 4 of the Act.

Nuisance means excessive barking or any activity or behaviour that result in inconvenience or annoyance to member of the community.

Neutered dog means a dog that has been spayed or castrated and does not include a dog that has been vasectomised.

Owner means every person who:

- (a) Owns a dog; or

- (b) Has possession of the dog, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- (c) Is the parent or guardian of a person under the age of 16 years who;
 - (i) is the owner of the dog pursuant to paragraph (a) or (b) of this definition, and
 - (ii) Is a member of the parent or guardian's household living with and dependent on the parent or guardian;—

But does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any regulation made under any of those Acts.

Public place

- (a) Means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- (b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward
- (c) A public place does not include a private vehicle.

Prohibited dog area means a public place within the District where a dog is prohibited either generally or at specified times.

Reserve means any land set aside for public purpose under the management or control of Council that is subject to the Reserves Act 1977.

Responsible person refer to clause (b) under the definition of "Owner."

Rushing dog means any dog in a public place that

- (a) rushes at, or startles, any person or animal in a manner that causes—
 - i. any person to be killed, injured, or endangered; or
 - ii. any property to be damaged or endangered; or
- (b) rushes at any vehicle in a manner that causes, or is likely to cause, an accident.

Stock means

- (a) any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule, or water buffalo that is not in a wild state
- (b) any deer, goat, tahr, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes.

Suitable receptacle means a plastic bag, a paper bag or any acceptable container.

Urban area means an area which is either within or adjacent to the built-up area of a town, village or settlement.

Working dog

- (a) any disability assist dog; and/or
- (b) Any dog—

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

- i. Kept solely or principally for the purposes of herding or driving stock; or

- ii. Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
- iii. Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
- iv. Kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
- v. Kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
- vi. Certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
- vii. Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or
- viii. Declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

In the Waitaki district, working dogs must be kept solely or principally for the purposes set out above, and this definition does not include a farm pet dog.