

Whakatane District Council Dog Policy

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1 Introduction – Kupu Arataki

The Whakatāne District Council recognise that the majority of dog owners in the Whakatāne District are responsible, and that most interaction between dogs and the public is positive. It also recognises that dogs can play a positive role in society and provide enjoyment and health benefits for individuals and families.

The purpose of this policy is to outline how the Whakatāne District Council will address the requirements set out in the Dog Control Act 1996 (the Act) and should be read in conjunction with the Whakatāne District Council Dog Control Bylaw 2018. It sets out the Council's approach to supporting responsible dog ownership so that dogs can be a positive part of the life of the community and visitors to our district.

It balances regulatory controls to allow for the exercise and recreational needs of dogs and their owners with appropriate controls to minimise the potential for any danger, distress or nuisance that may be caused by dogs.

This policy is also intended to be an educational tool to help encourage and facilitate good dog behaviour and good dog ownership.

2 The Background - He Tirohanga Whakamuri

The Whakatāne District Council has an obligation under the Dog Control Act 1996 to develop a dog policy on dog control practices in our district. We also have a bylaw which gives Council the legal power to implement our dog policy and determine how dogs should be best managed in our district.

3 Objectives – Ngā Whāinga

1. The need to minimise danger, distress and nuisance to the community generally and to protect significant fauna.
2. 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.
3. 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.
4. To provide for the exercise and recreational needs of dogs and their owners.
5. The need to recognise that working dogs are an important part of the rural economy, but that farm animals should not suffer danger, distress or nuisance from roaming dogs.
6. Continue to work with partners to improve responsible dog ownership, education and compliance with the Bylaw and Act.

The considerations in the Act provide the basis for these objectives and are consistent with the Dog Control Act. However, there are specific objectives applicable to our district that should be reflected in the Policy. They include recognising that nationally significant fauna, such as kiwi and dotterel populations, live or nest close to urban areas, and are under the threat of roaming dogs.

We have a strong rural economy that relies on working dogs to manage livestock, but roaming dogs can also target stock and cause death or stress to these animals.

The Council would like to continue to explore community-based solutions to dog control in locations where historically this service has not been welcomed. More innovative solutions to improve responsible dog ownership, educate owners and increase compliance will continue to be explored.

4 Definitions – Ngā Tikanga O Ngā Kupu

Act means the Dog Control Act 1996 and any amendments.

At large means free or at liberty in a public place without any physical restraint by the owner, or when on private property, not under direct control of the owner and is not confined within the property.

Control of dog means that the owner is able to obtain an immediate and desired response from the dog.

Council refers to the Whakatāne District Council or any Committee of the Council or Officer authorised to exercise the authority of the Council.

Dangerous dog means any dog classified as dangerous by the Council under section 31 or 33ED of the Act.

Disability assist dog means a dog trained (or in training) to assist a person with a disability as defined under the Act, including any guide dog, hearing ear dog, or companion dog.

Diseased dog means a dog which is suffering from mange or any other transmittable or contagious condition.

District means the area within the Whakatāne District Council territorial authority boundaries.

Leash means an adequate flexible restraint, not exceeding two meters in length.

Menacing dog means any dog classified as menacing under section 33A or 33C or 33ED of the Act.

Neuter means to spay or castrate a dog but does not include a dog that has been vasectomised.

Nuisance refers to the dictionary definition (a person, thing, or circumstance causing trouble or annoyance; anything harmful or offensive to the community or a member of it and for which a legal remedy exists) or to a statutory nuisance as defined in section 29 of the Health Act 1956.

Owner has the meaning as defined under the Act, including every person who owns a dog, or has a dog in his or her possession, or the parent or guardian of a person under the age of 16 years who owns a dog.

Park means:

- any land vested in or administered by the Council or the Department of Conservation, under the provisions of the Reserves Act 1977, or
- any park, domain or recreational area under the control or ownership of the Council.

Private way means any way of passage whatsoever over private land within a district, the right to use, which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which exists within the district.

Public place has the meaning as defined in section 2 of the Act.

Road means the land between property boundaries, including footpaths, roadways, and grass verges, and as defined under s315 Local Government 1974.

Roaming dog means any dog that is found in any public place or on any land or premises other than

that occupied by the owner and is unaccompanied by their owner.

Service dog means any dog kept for specific tasks by government agencies for law enforcement, security, biosecurity, or Civil Defense purposes.

Working dog means any dog that works for the Government, the Police, is a disability assist dog, or is part of a commercial activity. A full list can be found in section 2 of the Act.

5 Policy – Te Kaupapa Here

5.1 Access to public places

Under the Act, councils can designate public places where dogs are prohibited or allowed on or off-leash. The Council has identified and designated appropriate exercise areas to manage any potential conflict between dogs and people. Provision has been made for areas where dogs can be exercised on a leash, or at large, off the leash. The owner or the person exercising a dog must carry a leash at all times and keep the dog under continued control while the dog is in the public place. These controls may be in place at all times or at specific times of the day or year, for example between 9:00 am to 5:00 pm.

The owner of any diseased dog or a bitch in season should not take or allow the dog to enter or remain in any public place, except when being taken to or from a veterinary clinic. Bitches in season should all be kept confined but adequately exercised.

The Act requires local authorities to identify any areas in the district where there are dog restrictions on Department of Conservation land, including any national parks. Areas under the Department of Conservation's control which are classified as national, scenic, nature or scientific reserves or wilderness areas are Dog Prohibited areas. Access may be granted by permit.

The Act also requires local authorities to identify any land within the District that is included in Te Urewera, as defined in section 7 of the Te Urewera Act 2014. See <https://www.ngaituhoe.iwi.nz/hunting-areas/>

All areas identified as Kiwi Zones are strictly Dog Prohibited areas. In Whakatāne, we are fortunate to have kiwi living near residential areas and for those who live near a scenic reserve, there are kiwi practically living in backyards. However, because kiwi live in such close proximity to urban areas, they are in constant danger from threat. Dogs can pose a serious threat to kiwi when walked through scenic reserves in kiwi zones. Prohibited areas where dogs are not allowed at all times, such as Kohi Point, Mokoroa Gorge and the bird walk areas, are all Kiwi Zoned areas.

5.2 Restricted or Prohibited Areas

Areas where dogs are restricted or prohibited (except when in a vehicle) are:

- a) In or any part of any street or public place unless the dog is kept under control
- b) In or any part of any street or public place within the Business Centre or Commercial zoned land (shopping centres)
- c) All public playgrounds

- d) All sports fields when formalised sporting fixtures are taking place or when the described areas are being leased for any approved activity
- e) Whakatāne Observatory
- f) Whakatāne Aquatic and Fitness Centre
- g) Waimana War Memorial Hall
- h) Eve Rimmer Netball Court Cemeteries: Domain Road Cemetery, Hillcrest Cemetery, Rangiriri Cemetery.
- i) Tennis Courts: Ōtarawairere Tennis Court, Rex Morpeth Park Tennis Court, Wharekura Reserve tennis court (Ōhope)
- j) Reserves: Awatapu Lagoon (Riding for the Disabled), Kōhī Point Scenic Reserve, Mokorua Bush Scenic Reserve, Paru Site, Peace Park Reserve, Piripai Spit – Opihi Urupa, Wairere Falls, Skateboard Park, Fishermans Drive reserve, Ohope Scenic reserve, Ōhope Spit reserve (Department of Conservation land), Tauwhare Pā Scenic Reserve. (Ōhope), Amokura Road Reserve (Tāneatua), Howell Road Plantation (Tāneatua), Jack Knowles Reserve (Tāneatua), Morrison Road Reserve (Tāneatua), Tāneatua Domain (Tāneatua), Mitchell Park Pony Club (Tāneatua), Lake Aniwhenua reserve (North of Jetty Road) (Galatea), Kaokaoroa Scenic Reserve (Matatā), Matatā Recreation Reserve, Playground Reserve (Matatā), Rimu Road Reserve (Murupara)
- k) Service center Reserve (Murupara)

5.2.1 Dog Exercise Areas

- a) Parks: Awatapu Park, Mitchell Park, Red Conway Park, Rex Morpeth Park, River Edge Park, Rugby Park, Warren Park. Kanuka Park, Bill Orr Park, Riverslea Park, Richmond Park, Wingate Park, Bluett Park, Rob Shaw Park.
- b) Reserves: Athletic Domain, Awatapu lagoon, Eivers Road Reserve, Eleanor Place Reserve, Hinemoa Glade, King Street Reserve, Mataatua Reserve, Ōtarawairere Tennis Court Reserve, Peace Street Drainage Reserve, Pohutu Reserve, Strand Canal, Valley Road Escarpment, Valley Road Plantation, Waiewe Drainage Reserve, College Road Reserve, Edgecumbe Domain, Konini Place Reserve, Main Street Reserve, Puriri Crescent Reserve, Fire Station Reserve, Miro Drive Reserve, Ngatimamawa Road Reserve, River Edge Reserve, Taniwha Park/Roy Hardy Reserve, Maraetotara Reserve, Otao South Reserve, Waiotahi/Waimana Reserve, Bob Byrne Reserve, Wharekura Reserve, Howell Road Reserve, McKenzie Street Reserve, Mitchell Park Reserve. Waimana Domain.
- c) Beaches: Piripai, Coastland's Beach Front, Matatā Beach front. Ocean Road Beach front, Pohutukawa Avenue Beach Front, Westend beach Front
- d) Sport fields: Eve Rimmer Sports field, Te Mahoe Tennis Court.

6 Registration and Fees – Ngā rēhitanga me ngā utu

The maintenance of a dog registration system is both a statutory requirement and an essential component of the efficient running of a dog control service.

All dogs must be registered by the age of three months and all new dogs purchased or acquired must be registered immediately. Dog registration renewal is required by 1 July every year. Registered dogs

must wear a registration label or disc at all times. Every dog, except for working dogs, being registered for the first time must be implanted with a functioning micro-chip transponder.

Dog registration fees are set by the Council prior to June each year. The fees cover a proportion of the costs for the management and enforcement of the Act and bylaw, and cover issues such as welfare, dog control, education and ensuring dogs do not cause a nuisance in the community. The degree to which Fees and Charges meet the total cost of this activity will be defined in the Revenue and Financing Policy that is set by the Council every three years alongside the development of the Long-term Plan.

Discounted registration fees are applicable for:

- a) early registration, prior to a nominated day in August each year.
- b) working dogs (on application)
- c) service dog (no registration fee)
- d) disability assist dogs (no registration fee)
- e) desexed dogs.

6.1 Change of dog ownership

Where the ownership of any dog is changed, the registration of the dog shall continue, but the previous owner and the new owner must give written notice of the change of ownership to the Council within 14 days. The Council will record the changes in the register and issue a new label or disc for the dog, without fee.

6.2 Transfer of dog registration

Any change of address must be given to the Council in writing within 14 days.

When a registered dog is moving to any other district for a period of 1 month or more, the owner must give notice in writing of the transfer to both councils within 6 weeks, stating the address at which the dog will ordinarily be kept. The councils will record the changes in their registers and the new local council will issue a new label or disc for the dog, without fee.

6.3 Refund of registration in the event of the death of a dog

If a registered dog dies, the owner should notify the Council that the dog has died. The Council send out a refund form for the owner to complete, sign and return to be processed. It is important that this is done as soon as possible, as refunds are calculated on the number of full months left in the registration, from the date the Council receives the refund form.

7 Dog Registrations Classifications - Te Kōmakatanga rēhita kuri

7.1 Classification of owners

7.1.1 Probationary owner classification

This classification may be imposed on dog owners if they have been:

- a) convicted of an offence under the Dog Control Act 1996; or
- b) convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999; or

- c) convicted of an offence against section 26ZZP of the Conservation Act 1987 or section 56(1) of the National Parks Act 1980; or
- d) convicted of three or more infringement offences within a 24-month period.

This classification of Probationary Owner will continue for a period of 24 months unless there were extenuating circumstances involved in any one particular case. A probationary owner is subject to the following restrictions:

- a) shall not be capable of registering any dog except for the dog/s for which he/she was the registered owner at the time of the classification
- b) shall, within 14 days, dispose of every unregistered dog in his/her care, in a manner which does not constitute an offence against any Act
- c) will be required to pay a surcharge of 50 percent on all dog control fees payable during the period of classification
- d) where the classification occurs after the dog control fees for any year have been paid, a pro-rata fee of the remaining registration months shall be payable within four weeks. If the surcharge is not paid within four weeks, the dog shall cease to be registered
- e) the Council may require a probationary owner to undertake a dog owner education programme, or a dog obedience course approved by the Council.

7.1.2 Disqualification classification

The Council may implement the provisions of the Amendment Act relating to the disqualification of owners which may be for a period of up to five years. Section 25 of the Dog Control Amendment Act 2003 provides for this where:

- a) the person commits three or more infringement offences within a continuous period of 24 months; or
- b) the person is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999; or
- c) the person is convicted of an offence against any section 26ZZP of the Conservation Act 1987; or
- d) the person is convicted of an offence against section 56(1) of the National Parks Act 1980.

7.1.3 Disqualified owners

A person disqualified from owning a dog:

- a) shall, within 14 days, dispose of every dog owned by that person in a manner that does not constitute an offence
- b) shall not be in possession of a dog for the period of the classification
- c) shall not dispose of the dog to any person who resides at the same address.

7.2 Classification of dogs

7.2.1 Dogs attacking and subsequent classification as dangerous dog

The Council may seek a court order for the destruction of a dog which has attacked a person in an unprovoked situation. However, if the court finds exceptional circumstances as to why a dog should

not be destroyed, the dog may be classified as dangerous. In any case, the Council has the authority to classify dogs as dangerous in respect of aggressive behaviour.

Criteria for classifying a dog as dangerous include:

- a) attack on a person
- b) attack on stock, poultry, domestic animals or protected wildlife
- c) rushing or startling a person in a manner that causes:
 - (i) any person to be killed, injured or endangered; or
 - (ii) any property to be damaged or endangered
- d) rushing at any vehicle in a manner that causes or is likely to cause an accident.

And further:

- a) on the basis of the sworn evidence attesting to aggressive behaviour by a dog on one or more occasions, there are reasonable grounds to believe a dog constitutes a threat to the safety of a person, stock, poultry, domestic animal or protected wildlife; or
- b) the owner admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife.

If the dog is classified as dangerous, the owner must:

- a) ensure the dog has been neutered within one month
- b) ensure the dog is fenced within the owner's section securely so that anyone entering the property does not have to go through the enclosure where the dog is, to get to the front or back door of the building
- c) not allow the dog to be at large in any public place unless muzzled, except when in a vehicle or cage. It must also be controlled on a leash, unless it is in a designated dog exercise area
- d) advise any other person in possession of the dog of the leash and muzzle requirements
- e) pay a higher registration fee
- f) not dispose of the dog to any other person, unless consent is given by the Council
- g) have the dog micro-chipped
- h) ensure that the dog wears an approved reflector collar at all times when in a public place or private way or on private property except when confined.

If an owner fails to comply with any of the above, the Council may seek a destruction order from the court with the owner also facing a fine, or the issue of an infringement fine.

If an owner fails to comply with the court order to have the dog destroyed and does not produce a veterinarian's certificate stating that the dog has been destroyed, the owner will face a further fine.

These ownership responsibilities transfer to any subsequent owner of the classified dog. The Council's written permission to change the ownership of the dog must be obtained and such approval will depend on the capacity of a new owner to assume the classification responsibilities.

Complaints of dog attacks causing serious injury will be referred to the Police as a criminal matter.

7.2.2 Dangerous dogs to be clearly identifiable

Dogs classified as dangerous will be required to wear a bright reflector collar approved by the Council. The provision of such a collar will be at the expense of the dog owner.

7.2.3 Dogs classified as menacing

If the Council considers that a dog may pose a threat or has displayed aggressive and threatening actions towards any person, stock, poultry, domestic animal, or protected wildlife that dog may then be classified as menacing. Local authorities are required to classify all dogs that are considered predominantly of American Pit Bull Terrier type, or Brazilian Fila, Dogo Argentino or Japanese Tosa breeds as menacing.

If the dog is classified as menacing, the owner:

- a) may be required to neuter the dog, although neutering may not be required if a dog is classified as menacing on the grounds of the breed alone
- b) must ensure that the dog is always muzzled when in a public place
- c) advise any other person in possession of the dog of the muzzle requirements
- d) must have the dog micro-chipped

7.2.4 Working and service dog registration

The definition for working dog is set out in the Dog Control Act and generally means any dog carrying out functions and duties:

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

To qualify for working dog status, the owner must apply to the Council by completing an *Application for Working Dog* status form. If successful, the status will be changed and will apply for the next financial year.

8 Education - Mātauranga

8.1 Advertising and promotions

The Council promotes responsible dog ownership through education in these ways:

- a) advertising.
- b) school programmes.
- c) Bite Prevention Seminars. These seminars are available free of charge to organisations whose staff enter properties regularly and may encounter a challenging dog.

- d) One to One Programmes, Council staff work with owners individually where problems or complains have been received regarding their dog/s. The aim of the programme is to achieve compliance and to provide education on owners' responsibilities.
- e) educational pamphlets.

8.2 Dog obedience courses

Dog obedience training is a very positive way of owners spending time with their dogs, which is of benefit to them and the community. There are a number of clubs and dog behaviourists in the district that can help owners with dog obedience classes or individual attention for dogs with behaviour issues.

Avian awareness and aversion training helps to avoid birds being killed and disturbed. The Whakatāne District Council encourages owners who use or live near kiwi zones or near dotterel nesting areas to use this service.

8.3 Property visits

Properties in the Whakatāne District are checked for unregistered dogs. Property visits are an important way of providing contact between the Council and the community relating to educating dog owners and over specific dog control issues. It provides an opportunity to discuss relevant educational issues and for the Council to check on the dog's welfare, kennelling and registration status.

8.4 Infringement notices and fines

The Council aims to encourage people to comply with regulatory requirements through education and working with people. However, the Act allows local authorities to issue infringement notices for infringement offences as set out in Schedule 1 of the Dog Control Act.

9 Partnership - Mahi tahi

The Council has been in partnership with Ngāti Manawa since 2017 to better manage animal control in Murupara. It has been very successful in reducing roaming dogs, creating a safer township and raising compliance levels.

The Council is keen to explore other initiatives in other parts of the districts, particularly with iwi or hapū, that could provide similar benefits and increase safety for residents.

10 Enforcement – Whakauruhitanga

The Council will issue infringement notices as follows:

- a) wilful obstruction of a dog control officer or dog ranger
- b) failure to supply information or wilfully providing false particulars about a dog
- c) failure or refusal to supply information or wilfully stating false particulars
- d) failure to comply with any bylaw authorised by section 20 of the Act
- e) unregistered dogs
- f) dogs rushing at or biting people and pets, and damaging property

All written explanations regarding infringement notices can be referred to the Dog Control Review Panel. The Review Panel is an internal review panel of senior staff from different areas of the business. The Panels Terms of Reference is to ensure the policy and Bylaw have been enforced fairly and that any mitigating circumstances have been considered.

11 Accountability – Ngā Haepapa

Manager Community Regulation

General Manager Development and Environment Services.

12 Review – Te Arotake

This policy will be reviewed every five years or to coincide with any review of the Dog Control Bylaw to ensure consistency.

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