

Chairperson and Committee Members  
**REGULATORY MANAGEMENT COMMITTEE**

**25 NOVEMBER 2010**

Meeting Status: Public

Purpose of Report: For Information

## **ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2009-2010**

### **PURPOSE OF REPORT**

1. To report the activities of the Kapiti Coast District Council Dog Control Section for the 2009/2010 year as required by Section 10A of the Dog Control Amendment Act 2003.

### **SIGNIFICANCE OF DECISION**

2. The recommendations in this report do not trigger the Council's significance policy.

### **BACKGROUND**

3. Section 10A of The Dog Control Act 1996 as amended in 2003 requires Territorial Local Authorities to report on their Dog Control Policies and Practices as follows:

- (1) *A territorial authority must, in respect of each financial year, report on the administration of:*
  - (a) *its dog control policy adopted under section 10; and*
  - (b) *its dog control practices.*
- (2) *The report must include, in respect of each financial year, information relating to:*
  - (a) *the number of registered dogs in the territorial authority district;*
  - (b) *the number of probationary owners and disqualified owners in the territorial authority district;*
  - (c) *the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made;*
  - (d) *the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made;*
  - (e) *the number of infringement notices issued by the territorial authority;*
  - (f) *the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints;*
  - (g) *the number of prosecutions taken by the territorial authority under this Act.*
- (3) *The territorial authority must give public notice of the report—*
  - (a) *by means of a notice published in—*

- (i) *1 or more daily newspapers circulating in the territorial authority district; or*
  - (ii) *1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and*
  - (b) *by any means that the territorial authority thinks desirable in the circumstances.*
  - (4) *The territorial authority must also, within 1 month after adopting the report, send a copy of it to the Secretary for Local Government.*
4. This report details the information required by Section 10A of the Dog Control Act 1996 as amended in 2003.

## **DOG CONTROL POLICY**

5. The Council adopted its Dog Control Policy in November 2009 (refer attachment 1). Adoption of a Dog Control Policy is a requirement of Section 10 of the Dog Control Act 1996

## **CONSIDERATIONS**

### **Issues and Options**

#### *Council's Dog Control Policy Objectives*

6. The objectives listed in this section were developed as part of the Dog Control Policy to ensure that Council consistently and effectively fulfils its responsibilities under the Act. The following objectives have been based on the provisions of the Act.

#### **Objective 1**

All dogs in the District are kept under proper and appropriate control at all times.

#### **Objective 2**

To prohibit or restrict specific breeds of which are known to be dangerous.

#### **Objective 3**

To eliminate or minimise the distress, danger and nuisance caused by dogs to the general public and their property.

#### **Objective 4**

To ensure that the owners of dogs comply with their obligations under the Act.

#### **Objective 5**

To provide for the exercise and recreational needs of dogs and their owners.

#### **Objective 6**

To recognise good and responsible dog owners and to reward them by reduced fees; to discourage poor dog ownership by applying penalty fees where appropriate.

### *Council's Dog Control Practices*

7. To meet the policy objectives Council employs the following practices:
- Council employs an Animal Control section within the Assets & Services Group. There are four full-time Animal Control officers who report to the Senior Compliance & Animal Control Officer.
  - Animal Control staff provide a 7 day 24 hour service. Complaints response and district wide patrols operate 8.00am to 5.00pm, Monday to Sunday inclusive. There is also an after hours call out service and staff are rostered to respond to urgent animal and stock control issues. Pound cleaning and dog feeding duties are also rostered amongst the officers.
  - The Animal Control Team with assistance from the Customer Service Team undertakes all statutory requirements, including dog registration, issue of infringement notices and prosecutions.
  - From time to time, Council provides education material and information promoting responsible dog ownership. Examples of awareness programmes and information include:
    - presentations to various interest groups e.g. meter readers, probation officers, Lions Club etc;
    - support for the “Dog Extravaganza” in association with the Kapiti Dog Obedience Club;
    - child safety information;
    - responsible dog ownership information;
    - school library holiday programmes;
    - health and hygiene information;
    - dog information brochures.
  - The Animal Control staff liaise very closely with both the Kapiti SPCA and Kapiti Horowhenua Animal Rescue based in Levin. This link has proved very successful, allowing opportunities to re-home unclaimed dogs that are assessed as being suitable for re-homing and sharing of information regarding animal welfare issues.
  - Other dog control information (for example, information on dog registration) is published or broadcast regularly in/on local media. It is also available on Council's website and on request from the Customer Service Centres at Rimu Road, Waikanae and Otaki. The new “Kapiti Coast Dog Guide” brochure was distributed to all dog owners and provides detailed information on the dog exercise zones.

- A procedure is in place for special permits to be issued to owners who wish to have more than two dogs on a residential property. The application procedure for these permits ensures that the keeping of dogs does not create a nuisance for other residents.
- A strong emphasis is placed on registration of dogs. If owners have not registered their dog by the end of October, they are served with an infringement notice. The end of year results show that over 99% of known dogs in the district are registered.
- Dog registration fees are reviewed annually and are structured to encourage owners to have their dogs spayed / neutered. A discounted “Approved Owner” rate is also available for owners who can demonstrate a high standard of control.
- Council classifies as menacing those dogs belonging to the breed or type listed in Schedule 4 of the Dog Control Amendment Act 2003. Those breeds or types of dogs current listed are as follows:

**Breed of Dog:** Brazilian Fila, Dogo Argentine, Japanese Tosa

**Type of Dog:** American Pit Bull Terrier

- Council where appropriate and after due process may classify a dog as either dangerous or menacing if a substantiated serious complaint is received about the reported or observed behaviour of the dog.
- Dogs classified as menacing by breed or nature are required to be neutered/spayed within 1 month after receipt of the notice of classification.
- The Kapiti Coast District Council Bylaw 2008 provides for dogs and their owners to generally have access to public places which allows for their reasonable exercise needs whilst ensuring that danger, distress and nuisance to the rest of the community is minimised. Three basic categories of Dog Access Zone are provided for in the Bylaw:
  - **Prohibited zone:** Dogs not allowed under any circumstances;
  - **On leash zone:** Dogs allowed only when under leash control;
  - **Exercise zone:** Dogs allowed running freely, but in view and under direct voice control.

### *Statistical information*

- 2773 service requests relating to Animal Control were received during the year, of which 1651 were complaints. Customer Service staff are generally the first point of contact for all animal control issues which they formally record within the computerised service request system.

**STATISTICS**

| <b>Dogs &amp; Owners</b>   | <b>2008/2009</b>                       | <b>2009/2010</b>                              |
|--|--|---|
| Dogs registered as at 30 June 2010                                   | 6353                                   | 6472  |
| Probationary owners  | 0                                      | 0   |
| Disqualified owners  | 1                                      | 2   |
| Classified dangerous dog as at 30 June 2009                          | 7                                      | 0   |
| Classified menacing dog 33A – <i>classified by deed</i>              | 70                                     | 17*   |
| Classified menacing dog 33C – <i>classified by breed</i>             | 72                                     | 31* ( <i>refer explanatory note</i> )         |
| <b>Complaints</b>  |  |   |
| Attacks on persons, stock, poultry, domestic animals                 | 121                                    | 123   |
| Dog Threatening  | 168                                    | 142   |
| Wandering  | 741                                    | 700   |
| Barking  | 487                                    | 461   |
| Fouling  | 32                                     | 40  |
| Complaints about Stock   | 200                                    | 185   |
| <b>Total</b>   | <b>1749</b>                            | <b>1651</b>                                   |
| <b>Infringements Issued</b>  |  |   |
| Keeping an unregistered dog  | 114                                    | 33  |
| Failure to Notify Change of address                                  | 1                                      | 0   |
| Failure to keep a dog under control                                  | 20                                     | 46  |
| Failure to comply with a by law                                      | 1                                      | 2   |
| Wilful obstruction of a dog control officer                          | 1                                      | 0   |
| Failure to supply requested details                                  | 1                                      | 0   |
| Failure to comply with the effects of a classified dog               | 33                                     | 7   |
| Failure to comply with the effects of a disqualified owner           | 0                                      | 0   |
| Failure to provide the necessities                                   | 0                                      | 0   |
| Failure to implant microchip   | 13                                     | 0   |
| Falsely notifying death of a dog                                     | 0                                      | 0   |
| <b>Total</b>   | <b>184</b>                             | <b>88</b>                                     |
| <b>Prosecution</b>   |  |   |
| Section 18, wilful obstruction of Dog Control Officer                | 0                                      | 1   |
| Sec 33EC , failure to comply with effects of menacing classification | 0                                      | 2   |
| Sec 52(a), failure to control on land or premises                    | 0                                      | 1   |
| Sec 53(1), failure to control  | 0                                      | 5   |
| Sec 57(A), rushing in a public place                                 | 0                                      | 4   |
| Section 57(2) being an owner of a dog which committed an attack      | 5                                      | 5   |
| <b>Total</b>   | <b>5</b>                               | <b>18**</b> ( <i>refer explanatory note</i> ) |
| <b>Prosecution Outcomes</b>  |  |   |
| Guilty & Order for Destruction of Dog                                | 1                                      | 5   |
| Not Guilty   | 0                                      | 0   |
| Outstanding still before Court                                       | 4*** ( <i>refer explanatory note</i> ) | 0   |
| <b>Impounding</b>  |  |   |
| Impounded dogs returned to owner                                     | 392                                    | 373   |
| Impounded dogs euthanized  | 83                                     | 70  |
| Impounded dogs surrendered to SPCA or Animal Rescue                  | 34                                     | 18  |
| Impounded dogs re-homed through pound                                | 17                                     | 16  |
| <b>Total</b>   | <b>526</b>                             | <b>477</b>                                    |

**Explanatory notes**

\* The higher number of menacing classifications in 2008/2009 can be attributed in the main to a number of classifications being revoked and subsequently re-instated. This was a consequence of the warrant delegation issue.

\*\* 8 individual dog owners were prosecuted and in some instances this involved multiple charges being laid. Only the substantive charges were included for the 2008/2009 report.

\*\*\* The 4 outstanding prosecution matters from 2008-2009 were resolved resulting in 3 convictions and destruction orders being made for the dogs in 2 of the cases. In 1 case the owner voluntarily arranged for destruction of the dog and 1 case was withdrawn.

**FINANCIAL CONSIDERATIONS**

8. The operating costs were met within existing budgets.

**LEGAL CONSIDERATIONS**

9. The only legal consideration to be considered as part of this report is Section 10 of the Dog Control Act 1996.

**DELEGATION**

10. This Regulatory Management Committee has the delegation to consider and adopt this report under Part B.2 (7.2) of the Governance Structure which reads:

***Animal Control***

- 7.1 *Authority to exercise the functions, duties and powers of the Council under the Dog Control Act 1996 and the Kapiti Coast District Council Dog Control Bylaw 2008, and the Impounding Act 1955;*
- 7.2 *Authority to develop, review and recommend to Council a Dog Control Policy under section 10A of the Dog Control Act 1996;*
- 7.3 *Authority to consider and adopt an Annual Report on Dog Control Policy and Practices in the District under section 10 and 10AA of the Dog Control Act 1996.*

**CONSULTATION**

11. No additional consultation is required.

**POLICY IMPLICATIONS**

12. The Dog Control Policy is consistent with Outcomes 1 and 7 of the Long Term Council Community Plan:

***Outcome 1:*** *there are healthy natural systems that people can enjoy;*

*Outcome 7: the District has a strong healthy, safe and involved community.*

## **PUBLICITY CONSIDERATIONS**

13. Public notice of this report will be given by means of a notice published in 1 or more daily newspapers circulating in the district or 1 or more other newspapers with equivalent circulation to the daily newspapers circulating in the district

## **OTHER CONSIDERATIONS**

14. A copy of this report must be forwarded to the Secretary for Local Government within one month of its adoption.

## **RECOMMENDATIONS**

15. That the Committee receives report AS-10-007 (Annual Report on Dog Control Policy and Practices 2009-2010).

**Report prepared by:**

**Approved for submission by:**

**Bryan Edwards**

**SENIOR COMPLIANCE & ANIMAL  
CONTROL OFFICER**

**Sean Mallon**

**ACTING GROUP MANAGER,  
ASSETS AND SERVICES**

**Appendix: Attachment 1 Kāpiti Coast District Council Dog Control  
Policy 2009**

# KAPITI COAST DISTRICT COUNCIL DOG CONTROL POLICY 2009

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## TITLE, COMMENCEMENT AND APPLICATION

This Policy may be cited as the Kapiti Coast District Council Dog Control Policy 2009 and shall come into force on 12 November 2009

This Policy applies to any part of the Kapiti Coast District.

This Policy replaces the Kapiti Coast District Council Dog Control Policy 1997.

### DOG CONTROL POLICY VALIDATION

The Kapiti Coast District Council Dog Control Policy 2009 was approved at a meeting of the Kapiti Coast District Council on 12 November 2009 after completion of the Special Consultative Procedure.

### PURPOSE OF THIS POLICY

The purpose of this policy is to outline how the Kapiti Coast District Council ('Council') will address the requirements set out in section 10 of the Dog Control Act 1996 and the Dog Control Amendment Act 2003, together referred to in this Policy as the Act. The object of the Act is:

- (a) to make better provision for the care and control of dogs –
  - i. by requiring the registration of dogs; and
  - ii. by making special provision in relation to dangerous or menacing dogs; and
  - iii. by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person nor injure, endanger, or cause distress to any person; and
  - iv. by imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any other dog, stock, poultry, domestic animal, or protected wildlife; and
- (b) to make provision in relation to damage caused by dogs.

Council has the requirement to manage most of the provisions in the Act. This includes providing a dog control and impounding operation. Another obligation on Council is to develop a policy on dogs within their area. This policy must include the following matters:

1. to specify the nature and application of all bylaws made or to be made under the Act;
2. to classify public places where dogs shall be given access;
3. include details in the policy as the territorial authority thinks fit including, but not limited to:
  - fees or proposed fees
  - owner education programmes
  - dog obedience courses
  - classifying owners as probationary
  - disqualifying owners from owning dogs
  - the issuing of infringement notices.

When adopting a Policy on dogs the Council must have regard to the following matters:

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



- the need to avoid the inherent danger or uncontrolled dogs in public places frequented by the general public, and
- the importance of enabling the public to use streets, and public amenities without fear of attack or intimidation by dogs.

## **POLICY OBJECTIVES**

The objectives listed in this section have been developed to guide the Dog Control Policy and ensure that Council consistently and effectively fulfils its responsibilities under the Act. The following objectives have been based on the provisions of the Act.

### **Objective 1**

All dogs in the District are kept under proper and appropriate control at all times

### **Objective 2**

To prohibit or restrict specific breeds of dogs which are known to be dangerous

### **Objective 3**

To eliminate or minimise the distress, danger and nuisance caused by dogs to the general public and their property

### **Objective 4**

To ensure that the owners of dogs comply with their obligations under the Act

### **Objective 5**

To provide for the exercise and recreational needs of dogs and their owners

### **Objective 6**

To recognise good and responsible dog owners and to reward them by reduced fees; to discourage poor dog ownership by applying penalty fees where appropriate.

In order to achieve the objectives stated above the Kapiti Coast District Council proposes to adopt this updated Dog Control Policy, in accordance with section 10 of the Dog Control Act 1996.

## **POLICY CLAUSES**

### **Classification of Owners**

There are four dog owner classifications used by the Kapiti Coast District Council:

Two are specified in the Dog Control Act 1996:

- *Probationary Owners* (defined in section 21)
- *Disqualified Owners* (defined in section 25)

In addition to these two owner classifications provided in the Dog Control Act 1996, other owner classifications are designated by the Council:

- *Approved Dog Owners*

The criteria for being granted this status is based on a good record of compliance with dog legislation and the owner successfully completing the following requirements:

- the dog is micro-chipped (where required by the Dog Control Act 2003); and
- in the last two years the dog hasn't been impounded, chased or returned home or been subject to any justified complaint; and



- the owners property and dog accommodation meet Council criteria for fencing, access, dog shelter and exercise areas; and
  - the owner has been a recorded dog owner in the Kapiti Coast District for the last twelve months; and
  - an approved owner processing fee and all registration fees have been paid; or
  - an approved owner from another District; or
  - a current registered member of the New Zealand Kennel Club.
- *Other Owners*  
This includes all other owners not complying with, or whose property does not meet, the criteria for Approved Dog Owner Status, nor do they meet the category of Probationary or Disqualified Owners.

## Registration

The maintenance of a registration system is both a statutory requirement and an essential component of the efficient running of a dog control service. In the maintenance of a dog register Council shall do the following:

- Provide information to owners and potential owners about important rules for dogs and their obligation to register their dog.
- Monitor registration and take action against owners who fail to register their dog/s. This includes:
  - issuing or a warning or infringement notice;
  - impounding of unregistered dogs; and
  - the requirement that all dogs be registered before they are released from the pound.

## Registration Fees

The provision of a dog control service includes the maintenance of dog registration databases, the monitoring of regulations and bylaws, response to complaints, enforcement actions, and education programmes. It is important that the costs involved with the dog control service are identified and recovered through the appropriate means. Council will, where possible, recover costs associated with dog control from those who benefit from the service where they can be identified.

There are constraints on Council recovering costs and the user of a service cannot always be directly identified. The monitoring of regulations and bylaws or the impounding of a dog whose owner cannot be identified are two examples where the immediate user of the service cannot be identified. Enforcement actions (Council prosecuting an owner in Court) are an expensive process and the ability to recover these costs is constrained by law.

Where the cost cannot be fully identified with a particular group the cost must still be allocated. The public does benefit from a dog control service (e.g. reduction in nuisance factors, safety issues addressed, no roaming dogs) and therefore they should contribute to the cost. However dog owners should be responsible for most of the Council's costs associated with the provision of a dog control service.

The Council will recover most of the costs associated with dog control through Registration, Control and Enforcement fees.



Fees are set and advertised on at least one occasion each registration year (01 July to 30 June). Council is committed to keeping annual dog registration fees as low as possible and will review its dog control service at least every three years.

**Registration and fees are prescribed as follows:**

- All dogs are required to be registered in accordance with the Dog Control Act 1996.
- Dog registration fees will be set for neutered or spayed dogs, in accordance with section 37(2)(a) of the Dog Control Act 1996, this fee is to be:
  - a) less than the standard registration fee for Other Dog Owners but greater than the Approved Dog Owner fee; and
  - b) a sufficiently large concession on the standard registration fee to give a strong incentive to neuter or spay dogs
- There is a reduced registration fee under section 37(2)(b) for working dogs (as defined in section 2 of the Dog Control Act 1996) and under section 37(2)(e) for dog owners who have been granted Approved Dog Owner Status by the Council.
- There are no registration fees for Disability Assist Dogs as defined under section 2 in the Dog Control Act 1996.
- Council may impose a penalty for late registration fee payment.
- There is an increased registration fee for dogs classed as dangerous in accordance with section 31 of the Dog Control Act 1996.

## **Education – Awareness Programmes**

From time to time the Council will provide education material and information promoting responsible dog ownership and responsible interaction with dogs.

Examples of awareness programmes and information include:

- child safety information;
- responsible dog ownership information;
- school education programmes;
- health and hygiene information; and
- dog information brochures
- NZKC Canine Good Citizen Programme

## **Dog Obedience Courses**

The Council will encourage and promote dog obedience courses to dog owners.

## **Dog Welfare**

Kapiti Coast District Council recognises the benefits of good and proper dog care. Owners have an obligation to ensure that their dog:

- is adequately housed
- receives proper and sufficient food and water
- is regularly and adequately exercised



It is an absolute requirement that dog owners provide adequate shelter, accommodation, food and water and veterinary care for their dog(s). Apart from the obvious humane aspects, a well cared-for dog will be a better companion animal or working dog, will respond better to training, and will be less likely to cause problems or nuisances. Caring for a companion animal is also a very useful aid to the general education of children. All of these aspects are in the best interests of the dogs, their owners and the community at large.

Council therefore will continue to ensure that the sections of the Dog Control Act 1996 devoted to dog welfare are enforced.

## The Issuing of Infringement Notices

The Council will issue warnings, at the officers discretion, and/or infringement notices, for infringement offences as set out in Schedule 1 of the Dog Control Act 1996.

| Section of the Act | Infringement Offence Summary   | Maximum fee set under the Act |
|--------------------|--|-------------------------------|
| 18                 | Wilful obstruction of a dog control officer(s) of dog ranger(s)  | \$750                         |
| 19(2)              | Failure or refusal to supply information or wilfully stating false particulars                                   | \$750                         |
| 19A(2)             | Failure to supply information or wilfully providing false particulars about the dog                              | \$750                         |
| 20(5)              | Failure to comply with any bylaw authorised by section 20 of the Act   | \$300                         |
| 23A(2)             | Failure to undertake dog education programme or dog obedience course (or both)                                   | \$300                         |
| 24                 | Failure to comply with obligations of a probationary owner   | \$750                         |
| 28(5)              | Failure to comply with effects of disqualification   | \$750                         |
| 32(2)              | Failure to comply with effects of classification of dog as a dangerous dog                                       | \$300                         |
| 32(4)              | Fraudulent sale or transfer of dangerous dog(s)  | \$500                         |
| 33EC(1)            | Failure to comply with the effects of classification as menacing dog   | \$300                         |
| 33F(3)             | Failure to advise person of muzzle and leashing requirements   | \$100                         |
| 36(A)6             | Failure to implant a microchip transponder in dog  | \$300                         |
| 41                 | False statement relating to registration application   | \$750                         |
| 41A                | Falsely notifying death of dog   | \$750                         |
| 42                 | Failing to register dog(s)   | \$300                         |
| 46(4)              | Fraudulent attempt to procure replacement label(s) or disc(s)  | \$500                         |
| 48(3)              | Failure to advise change of ownership  | \$100                         |
| 49(4)              | Failure to advise change of address  | \$100                         |
| 51(1)              | Removal or swapping of label(s) or disc(s)   | \$500                         |
| 52A                | Failure to keep dog(s) controlled or confined  | \$200                         |
| 53(1)              | Failure to keep dog(s) under proper control  | \$200                         |
| 54(2)              | Failure to provide proper care and attention, to supply proper and sufficient food, water, shelter, and exercise | \$300                         |
| 54A                | Failure to carry leash in public   | \$100                         |
| 55(7)              | Failure to comply with barking dog abatement notice  | \$200                         |
| 62(4)              | Allowing dog(s) known to be dangerous to be at large un-muzzled or unleashed                                     | \$300                         |



| Section of the Act | Infringement Offence Summary                          | Maximum fee set under the Act |
|--------------------|---|-------------------------------|
| 62(5)              | Failure to advise of muzzle and leashing requirements | \$100                         |
| 72(2)              | Releasing dog from custody                            | \$750                         |

## Dog Shelter

The Council 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 shelter until all fees and charges have been paid or appropriate arrangements for payment made and all other requirements in accordance with the Dog Control Act 1996 are met.
- b) Where a dog is released from the Council's dog shelter 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.
- c) Council will make every effort to re-home unclaimed dogs that pass a temperament test.

Fees are reviewed and set annually by Council resolution, and are scaled depending on whether the dog is registered and if it has been impounded before. Owners will also incur a standard daily dog sustenance fee for each day the dog is held in custody.

## Neutering of Dogs

Any dog classified as menacing by the Kapiti Coast District Council or any other Council in accordance with section 33A or 33C of the Dog Control Act 1996 must be neutered. These requirements are set out in sections 33E and 33EB of the Dog Control Act 1996.

The owner of a dog classified as menacing must, if required by the Council, produce a veterinary certificate showing the dog has been neutered or that it is unfit to neuter before a certain date.

This policy applies to all dogs classified as menacing, except where, on written veterinary advice, conducting this procedure will present a significant health risk to the dog. The Council shall receive a certificate stating when this procedure could be conducted. In all cases the classification documents served on the owner of a menacing dog will advise them whether it is necessary for the dog to be neutered. Owners must comply within 1 month of the classification.

## Dangerous and Menacing Dogs

Problems exist with a small section of the dog population, which pose a significant threat to the community through aggressive behaviour. These are the dogs that attack or threaten people or animals causing injury, damage or distress. It is important that where dogs are identified (through their behaviour) as dangerous or menacing that the appropriate actions are taken to control them.

Council shall classify dangerous dogs, in accordance with the provisions of the Dog Control Act 1996. The owner of a dangerous dog shall:



- be given notice of the dog's classification in writing;
- be allowed to object to the classification and be heard;
- comply with the requirements of the Act to keep the dog fenced in, muzzled/caged when in public and have the dog neutered;
- pay a surcharge of 150% on dog control fees;
- not dispose of the dog to any person without Council prior written approval;
- advise any person in possession of the dangerous/menacing dog of the requirement to muzzle, cage and leash the dog when in public; and
- ensure the dog is micro-chipped

Section 33A of the Dog Control Amendment 2003 allows Council to classify dogs as menacing. Section 33C requires the Council must classify the breeds or types listed in Schedule 4 of the Act as menacing. Council shall classify menacing dogs in accordance with the provisions of the Dog Control Amendment Act 2003. The owner of a menacing dog shall:

- be give written notice of the dog's classification in the form prescribed;
- be allowed to object to the classification and be heard;
- comply with the requirements of the Act to keep the dog muzzled/caged when in public and may be required to have the dog neutered;
- advise the person in possession of the menacing dog of the requirement to muzzle/cage the dog when in public; and
- ensure that the dog is micro-chipped

The Council must also classify dogs belonging to the breed or type listed in Schedule 4 of the Dog Control Amendment Act 2003 as menacing. Those breeds or types of dog currently listed are as follows:

- Breed of Dog: Brazilian Fila, Dogo Argentine, Japanese Tosa
- Type of Dog: American Pit Bull Terrier

## Permits

In order to ensure improved dog control, dog welfare and security against dangerous dogs, Council will introduce a permit system. These will impose conditions upon owners wishing to continue to keep Dangerous or Restricted dogs. For example, the Special Licence may require higher standards of fencing and more secure gates on properties where such dogs reside, or that the dogs be fitted with dog identification microchips or wear muzzles when being exercised. Special Licenses would also be required for:

- ownership of more than two dogs
- operation of a boarding kennel
- medical exemptions of dogs.

There will be a fee imposed for processing and issuing a permit.

## Micro-chipping Dogs

Where a dog is classified as dangerous or menacing, or from 01 July 2006 it is registered for the first time or is impounded, the owners must provide permanent identification of the dog by arranging for the dog to be properly implanted with an approved microchip.



In management of the introduction and implementation of micro-chipping dogs, Council will employ the following:

- require that owners of dangerous or menacing dogs implant a microchip in the dog;
- require that a dog first registered after 01 July 2006 is implanted with a microchip;
- require that an unregistered dog impounded from 01 July 2006 is implanted with a micro-chip before release;
- require that a dog impounded for the second time from 01 July 2006 is implanted with a microchip before release;
- issuing of a warning or infringement notice;
- seizure for non-compliance; and
- prosecution

### **Enforcement of Dog Control**

The following clauses have been adopted by the Council and incorporated into the Kapiti Coast District Council Dog Control Bylaw 2008 to ensure:

- the health and safety of citizens and dogs throughout the community; and
  - hygienic and healthy practices of dog care and control are maintained throughout public places
- (a) Dogs on public roads, which include footpaths and private ways, are to be under leash control by a person capable of controlling the dog. Leashes should not be excessively long (i.e. less than 2 metres) and should be properly attached to a correctly fitting collar or harness (section 20(1)(b) and (c) of the Act).
  - (b) Dogs on public places, unless categorised as a no-dog or dog off-leash zone should be kept on-leash at all times (section 20(1)(c) of the Act).
  - (c) The Council may, by Special Consultative Procedure, declare any public place a no-dog, dog on-leash or dog off-leash area (sections 20(1)(a), 20(1)(b) and 20(1)(d))
  - (d) A Council permit needs to be issued to authorize anyone to keep two or more dogs on any property zoned commercial, industrial, residential or any rural residential areas less than one acre in size. There are a number of exemptions, such as: dogs kept for working purposes, dogs that assist people with disabilities, dog breeders operating with a Kapiti Coast District Council Resource Consent and veterinary premises for example.
  - (e) Dogs on open trays of vehicles or left within enclosed vehicles must be well restrained and not left in circumstances that could lead to their danger or discomfort (section 20(1)(l) of the Act).
  - (f) Bitches in season are to be appropriately confined so that they are unable to wander at large on any private or public place (section 20(1)(l) and section 20 (1)(i) of the Act).
  - (g) Native, indigenous or protected wildlife can be sensitive to threats by predators (including dogs) which can damage or cause distress to both





wildlife populations and habitat. When it is identified that dogs will have a significant negative effect on wildlife or their habitats access for dogs may be restricted (section 20(1)(l) of the Act).

- (h) An owner of a dog which defecates in a public place or on any land other than that occupied by that person is required to remove the deposited faeces from that land or place immediately (section 20(1)(h)). (Note: the Dog Control Act 1996 also defines the owner as the person in charge.)
- (i) Dogs are prohibited from being closer than 10 metres from any children's playground equipment whether temporarily or permanently erected in any public place (section 20(1)(l) of the Act).
- (j) Dog are prohibited inside the marked boundary of all sports fields at all times (section 20(1)(l) of the Act).
- (k) The Council will erect appropriate warning signs and install disposal bins at various locations to assist dog owners in complying with the bylaws (section 20(1)(l) of the Act).

### Categories of Dog Control areas

The Kapiti Coast District Council recognises the need for adequate areas for dog exercise. To achieve this, the Council will continue to work toward ensuring that:

- dogs and their owners are provided with access to public places which fairly represent the proportion of dog owners in the community;
- that dog exercise areas will be considered in the Open Places Strategy for the District;
- dogs and their owners have access to public places which allows for their reasonable recreational and exercise needs whilst ensuring that danger, distress and nuisance to the rest of the community is minimised; and
- where possible, dog owners have on-leash 'right of passage' with their dogs through otherwise no-dog areas (i.e. specified on-leash zone access corridors will be allowed for access between off-leash and on-leash zones separated by no-dogs zones).

Three basic categories of Dog Access Zone are provided for in the Policy:

|   |  |
|---|--|
| <b>No-Dog Zone</b><br>(Prohibited Zone) | Dogs not allowed under any circumstances   |
| <b>On-leash Zone</b> (Controlled Zone)  | Dogs allowed only when under a leash or lead control                               |
| <b>Off-leash Zone</b> (Exercise Zone)   | Dogs allowed to run freely, but under direct voice and visual control at all times |

There are times of the year when it may be inappropriate to allow access of dogs to certain zones. For example, in mid summer, during school holidays or



when an organised event<sup>1</sup> is being held, it is reasonable to expect the most popular central beach or park and reserve areas to either be on-leash or no-dog zones.

Reducing dog access during peak times will allow the unimpeded enjoyment of busy public places by family groups, and help to minimise problems caused by dogs fouling public recreation areas.

No-dog zoning may therefore be applied only during the busiest holiday periods, reverting to on-leash zoning for the rest of the year. Similarly, it may be appropriate for no-dog zoning to be applied for specific events, such as cultural or sports events, in specified areas.

### **Walking a dog in an Off-Leash Public Place**

If walking a dog in an area that is designated off-leash the dog-walker may elect to exercise his/her dog off its leash to run free. It is the dog walker's choice, and his/her responsibility to maintain direct control over their dog at all times. Direct control means that the dog walker must keep the dog within his/her direct vision and voice range at all times so that the dog will immediately return upon hearing a voice or whistle command.

When exercising a dog off-leash, it is good practice when encountering other people, dogs or animals, to call the dog back and put it on its leash until a safe distance has been re-established.

### **Dog Areas defined under the Conservation Act 1987 or National Parks Act 1980**

Dog access is also affected by the Conservation Act 1987 and the National Parks Act 1980. Permits are required before dogs can be allowed access into specified areas of land affected by these two additional Acts. The Wellington Conservancy of the Department of Conservation is responsible for this function and the attached maps in this Policy will identify the areas where these additional limitations apply.

### **Access Corridors**

Designated Access Corridors will also be established. These corridors will have on-leash status and will allow dogs and their owners to pass across no-dog zones to reach off-leash or on-leash zones.

### **Exemptions**

Exemption applications for certain dogs who cannot comply with the Kapiti Coast District Council Dog Bylaw will be considered by the Kapiti Coast District Council

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<sup>1</sup> For the purposes of this Policy and the Kapiti Coast District Council Dog Control Bylaw 2008, an organised event means a planned sporting or cultural event held by a club, school, or other organised body.



Dog Owners Objections Subcommittee<sup>2</sup> (the Panel). The Panel has the delegated authority to hear objections to any dog classified as dangerous or menacing or any owner classified as probationary or disqualified under the provisions of the Dog Control Act 1996.

The Panel also has the authority to consider exemptions under the Bylaw, such as certain situations where dogs with a proven medical condition cannot comply with the Bylaw's rules. In such circumstance the Panel also has the ability to place alternative conditions (where necessary) on dog owners to ensure public safety is not compromised.

## Kapiti Coast District Dog Restriction Zones

Council defined No-Dog, On-Leash and Off-Leash zones are highlighted on the attached dog restriction maps (see Appendix 1). For further details on dog restriction zones please refer to Schedules 1, 2 3 and 4 of the Kapiti Coast District Dog Bylaw 2008, available on Council's website:

[www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

| PARAPARUMU CODE | Location   |
|-----------------|--|
| 9               | Queen Elizabeth Park Coastal Reserve (walking tracks are off-leash)  |
| 10              | Queen Elizabeth Park Farmland  |
| 12              | Beachfront from the Takitimu Road Beach Access, Raumati Beach, to the Wharemauku Stream, Raumati Beach               |
| 13              | Beachfront from the Wharemauku Stream, Raumati Beach, to the Rua Road Beach Access, Paraparaumu Beach                |
| 14              | Beachfront from the Rua Road Beach Access, Paraparaumu Beach, to the Kapiti Boating Club, Paraparaumu Beach          |
| 15              | Beachfront from the Kapiti Boating Club to the Ngapotiki Street Beach Access, Paraparaumu Beach                      |
| 16              | Beachfront from the Ngapotiki Street Beach Access, Paraparaumu Beach, to the Waikanae River Mouth Scientific Reserve |
| 17              | Waikanae River Mouth Scientific Reserve  |
| 18              | Open Space Zone East of State Highway One opposite Raumati South   |
| 19              | Utility Reserve off Riwai Street   |
| 20              | Mathews Park (inside the marked boundary of the sportsfield is a no-dog area at all times)                           |
| 21              | Community Buildings, between 186 and 200 Matai Road  |
| 22              | Raumati Marine Gardens   |
| 23              | Weka Park (inside the marked boundary of the sportsfield is a no-dog area at all times)                              |
| 24              | Paraparaumu Domain (inside the marked boundary of the sportsfield is a no-dog area at all times)                     |
| 25              | Nikau Reserve, State Highway One   |
| 26              | Recreation Reserve between Parakai Street and Larch Grove  |
| 27              | Maclean Park   |
| 28              | Kena Kena Park (inside the marked boundary of the sportsfield is a no-dog area at all times)                         |
| 29              | Te Atiawa Park (inside the marked boundary of the sportsfield is a no-dog area at all times)                         |
| 30              | Mazengarb Reserve (inside the marked boundary of the sportsfield is a no-dog area at all times)                      |
| 31              | Recreation Reserve between Kapiti and Mazengarb Road   |
| 32              | Jeep Road Reserve  |
| 33              | Awatapu Cemetery, Valley Road  |
| 34              | Kaitawa Reserve, Kaitawa Crescent  |
| 35              | Reserve at end of Waimanu Crescent and Hookway Grove   |
| 36              | Community Buildings 7 Ruahine Street   |
| 37              | Reserve behind 23 to 43 Ruahine Street   |
| 38              | Reserve between Manawa Avenue and Rimu Road  |
| 39              | Between 26 and 32 Matatua Road   |
| 40              | KCDC Rimu Road   |
| 41              | Wharemauku Stream walkway  |
| 42              | Paraparaumu Beach Cemetery   |
| 43              | Reserve on Bluegum Road  |
| 44              | Makarini Street Reserve  |
| 45              | Recreation Reserve at Intersection of Chilton Drive and Mazengarb Road   |
| 46              | Recreation Reserve on Makarini Street  |
| 47              | Recreation Reserve on Atarau Grove   |
| 48              | Old Landfill Site - 160 Otaihanga Road   |
| 49              | Recreation Reserve on Greendale Drive along Muaupoko Stream  |
| 50              | Recreation Reserve on Otaihanga Road   |
| 51              | Behind 83 to 89 Mazengarb Road   |
| 52              | Dog Training Park next to old Otaihanga Landfill   |
| 53              | Drainage Reserve between the Mazengarb Reserve and The Drive   |
| 54              | Eatwell/Gray Avenue Reserve (reverts to an on-leash area when an organised sporting or cultural event is being held) |
| 55              | Reserve next to Kena Kena School   |
| 56              | Drainage Reserve between Guildford Drive and Gray Avenue   |
| 57              | Recreation Reserve in Olive Terrace  |
| 58              | Western Edge of Weka Park (off-leash between 9am and 3pm from Monday to Friday, on-leash at all other times)         |
| 59              | Otaihanga Domain   |
| 60              | Waikanae River Walkway (south side)  |
| 61              | Otaihanga Dog Access Corridor  |
| 63              | Tennis Court Road Reserve  |
| 64              | Wesley Knight Park, Paraparaumu Beach (an off-leash area from 01 July 2010). On-leash until then.                    |

<sup>2</sup> The name of this Committee applies to the 2007-2010 triennium and may change in the future.