

Mayor and Councillors
COUNCIL

14 MARCH 2019

Meeting Status: **Public**

Purpose of Report: For Decision

ADOPTION OF THE DOG CONTROL BYLAW 2019 AND DOG CONTROL POLICY 2019

PURPOSE OF REPORT

- 1 This report seeks Council's approval to:
 - a) Repeal the Kapiti Coast District Council Dog Control Bylaw 2008;
 - b) Adopt the Kapiti Coast District Council Dog Control Bylaw 2019 (Appendix 1);
 - c) Repeal the Kapiti Coast District Council Dog Control Policy 2009; and
 - d) Adopt the Kapiti Coast District Council Dog Control Policy 2019 (Appendix 2).

DELEGATION

- 2 Under Section B1 of the Governance Structure and Delegations for the 2016-2019 Triennium, the Strategy and Policy Committee is responsible for the development and review of strategies, plans, policies and bylaws. However, Section A2 states the responsibility for adopting a bylaw lies with Council.

BACKGROUND

- 3 Section 10 of the Dog Control Act 1996 (DCA 1996) requires all territorial authorities to adopt a policy on dogs, and Section 10(6) requires all territorial authorities to give effect to their policy by making a bylaw in accordance with the requirements set out in Section 20 of the DCA 1996.
- 4 Under the terms of the Local Government Act (LGA 2002), any bylaws established by a territorial authority must be reviewed every 10 years. Section 10AA of the DCA 1996 requires all territorial authorities to review the local dog control policy if the underlying dog control bylaw requires review.
- 5 In 1997, the Kāpiti Coast District Council adopted a dog control policy and dog control bylaw. In accordance with legislative requirements, the 1997 Bylaw and the 1997 Policy were reviewed in 2008 and 2009, respectively. Since it has been 10 years since the adoption of the 2008 Dog Control Bylaw, Council is now required to review the 2008 Bylaw and 2009 Policy.
- 6 The LGA 2002 sets out the procedural requirements for a bylaw review. Council must consider whether a bylaw continues to be the most appropriate way of addressing a perceived problem; whether the proposed form of the bylaw continues to be the most appropriate; and whether the proposed bylaw gives rise

to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). The Council is also required to consult the community via a special consultative procedure when reviewing a bylaw.

ISSUES AND OPTIONS

- 7 This section provides information on:
 - a) The purpose of the Dog Control Bylaw and the Dog Control Policy;
 - b) The review of the existing 2008 Bylaw and 2009 Policy;
 - c) The consultation process, submissions received, and additional proposed amendments; and
 - d) The determinations required in Section 155 of the LGA 2002.

Purpose of the bylaw and policy

- 8 The purpose of the Dog Control Bylaw and the Dog Control Policy is to minimise any risk and nuisance caused by dogs to the community, while providing for the care and welfare of dogs and their owners.
- 9 The Policy outlines how Council will address the requirements set out in section 10(4) of the DCA 1996. When adopting a policy on dogs, the DCA 1996 requires Council to give regard to the following matters:
 - a) The need to minimise danger, distress, and nuisance to the community generally;
 - b) The need to avoid the inherent danger in allowing uncontrolled dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
 - c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
 - d) The exercise and recreational needs of dogs and their owners.
- 10 Meanwhile, the Bylaw gives effect to the Policy. It seeks to promote better care and control of dogs on the Kāpiti Coast by supporting the objectives of the Policy and complying with legislative requirements, in particular Sections 10 and 20 of the DCA 1996 and the Impounding Act 1955.

Pre-consultation

- 11 This Bylaw and Policy review has taken place in three phases:
 - a) Phase 1 included pre-consultation data collection and analysis, leading to the development of a draft 2018 Bylaw and draft 2018 Policy.
 - b) Phase 2 was the public consultation period, guided by the LGA 2002 requirements for a special consultative procedure.
 - c) Phase 3 involved an analysis of written and oral submissions, leading to some amendments to the draft 2018 Bylaw and Policy that had gone out for consultation. The proposed Bylaw and Policy are now referred to as the draft

2019 Bylaw and the draft 2019 Policy, which are now being presented to Council for adoption.

- 12 During Phase 1, from October 2017 to March 2018, the review team:
 - a) Analysed all service requests, emails, and other correspondence that Council received in relation to dog control from 1 July 2016 until 31 March 2018;
 - b) Conducted an on-line survey of residents, ratepayers, and stakeholders;
 - c) Consulted with stakeholders, including: New Zealand Police, Department of Conservation, Greater Wellington Regional Council, New Zealand Transport Agency, animal welfare organisations, and Council's Iwi Relationships Manager; and
 - d) Undertook a legal review to ensure the 2008 Bylaw and 2009 Policy met the requirements of the DCA 1996 and did not include any ambiguities or inconsistencies.
- 13 This pre-consultation review found there were a number of ways that the existing 2008 Bylaw and 2009 Policy could be enhanced. These considerations were front of mind as the consultation drafts were developed. This included:
 - a) Adding and rewriting definitions, clauses, and sections to address inconsistencies between the Bylaw and Policy, aid enforcement, and facilitate greater public understanding;
 - b) Refining provisions for dogs in open spaces, while also ensuring that areas of intense use and/or sensitive sites are protected;
 - c) Improving provisions for dog welfare; and
 - d) Clarifying specific sections, such as the different categories of dog ownership and requirements in relation to dangerous and menacing dogs.

Consultation

- 14 The Strategy and Policy Committee approved the release of the *Statement of Proposal to Adopt the Draft Kapiti Coast District Council 2018 Dog Control Bylaw and the Draft Kapiti Coast District Council 2018 Dog Control Policy* for public consultation on 14 June 2018 (refer to RS-18-517, which includes further information about the changes that were proposed to the existing 2008 Bylaw and 2009 Policy in order to develop the 2018 drafts).
- 15 With Council's approval for the *Statement of Proposal*, a special consultative procedure was undertaken (Phase 2), with the public submission period from 7 August 2018 to 14 September 2018. One hundred and one (101) submissions were received.¹ Hearings were held on 25 October 2018, with 16 submitters speaking to their submissions (refer to RS-18-624).

¹ Some submissions did not include any feedback on the proposed Bylaw or Policy, and only included feedback on (i) the proposed sites for off-leash exercise areas and/or (ii) fees and charges. All feedback on possible sites for off-leash exercise areas has been forwarded to the Parks and Open Spaces team, who will incorporate the comments and suggestions into their planning processes. More consultation will ensue before any new off-leash dog exercise areas are developed. Meanwhile, all feedback on fees and charges will be considered in the Annual Plan review of fees and charges.

- 16 The submission form asked submitters six questions to gauge levels of support for the proposed changes to the bylaw and policy. (See Appendix 3 for a summary of submissions, and refer to RS-18-624 for the actual submissions.)
- 17 Sixty-five (65) submitters responded to the question, "Do you support all of the proposed changes and clarifications of dogs in public places, including dogs on sports fields?" Of those 65, 54% supported all of the proposed changes while 46% did not. Of those who did not support the proposed changes, 17 provided further comment:
 - a) four expressed concerns about dogs in public places, with one wanting no dogs in or around sports fields ever, including the periphery; and three wanting further protection for wildlife; and
 - b) 13 wanted greater freedoms for dogs in public spaces, with six wanting dogs allowed on sports fields when they are not in use; two wanting dogs to be allowed on playgrounds; three wanting more public places for dogs; and two wanting Council to be slightly more lenient in regards to dog faeces left in public places, with the understanding that most dog owners are very conscientious.
- 18 Seventy-six (76) submitters responded to the question, "Do you agree with the reclassification of Mahara Place (from a no-dog area to a dog on-leash area)?" Of those, 86% supported the change, while 14% did not. Of those who did not, only four provided further comment. The first person was concerned that dogs in Mahara Place could lead to a decline in business; the second was concerned about dog urine in public places; the third person did not want to be near dogs; and the fourth person saw no need for the change.
- 19 Seventy (70) submitters responded to the question, "Do you agree with the identification of specific areas categorised as sensitive sites?", while 63 responded to the question, "Do you agree with the 11 proposed sensitive sites?"
 - a) Of the 70 submitters who responded to the question about the sensitive site category in general, 79% agreed with the concept, while 21% did not. Of those who provided further comment, six argued that there was insufficient evidence, two argued that the concept was not necessary, and one argued that the concept should not apply all year round. One of the submissions that did not agree with the identification of specific areas being categorised as sensitive sites was a submission with 117 signatures that focused specifically on the Ōtaki Estuary and River.
 - b) Of the 63 submitters who responded to the question about the 11 proposed sensitive sites, 76% agreed with the proposed sites, while 24% did not. Of those who provided further comment, five argued there was no evidence to support such a change (including the petition with 117 signatures focused on the Ōtaki River and Estuary); two argued that the sensitive site concept was not likely to be effective; one supported the concept of sensitive sites in theory, but felt the boundaries were too large for some proposed sites (i.e. Pharazyn Reserve and Te Kowhai Estuary); and one argued that the concept would introduce changes that would limit the use of existing sites, particularly in relation to game bird hunting in the Ōtaki Estuary and River mouth. The Department of Conservation (DOC) agreed in principle with the proposed sensitive sites, although they could not support the proposed rules within the Waikanae Scientific Reserve because they are the controlling authority for

that area and they created rules in their Waikanae Scientific Reserve Bylaw 1994 that were inconsistent with what we were proposing in our draft Bylaw.

- 20 Sixty-nine (69) submitters responded to the question, “Do you agree with the proposed changes to dog welfare, which includes minimum standards of care, diseased dogs, and limitation on the number of dogs?” Of those, 78% agreed with the proposed changes, while 22% did not. Of those who provided further comment, six argued that the limit on the number of dogs per property was too restrictive; two argued that Council’s interest in animal welfare was intrusive; and four argued that the proposed amendments needed to do more to protect dog welfare.
- 21 Sixty-five (65) submitters responded to the question, “Do you agree with the proposed changes for classification of approved dog ownership?” Of those, 86% agreed with the proposed changes, while 14% did not. Of those who provided further comment, three argued that the requirements for being an approved owner were too stringent; one argued that the requirements for being an approved owner should include evidence of preparation for civil defence emergencies; one suggested that reference checks could be a way to establish approved ownership; one argued that such changes were simply not needed; and one argued that the entire licencing system might benefit from a review.

Proposed amendments for the draft 2019 Bylaw and Policy

- 22 Phase 3 of this Bylaw and Policy review has sought to incorporate submitter feedback into the final draft 2019 Bylaw and Policy.
- 23 A review of submissions found that the most important issues that required further consideration and/or clarification related to:
 - a) the definition and rules for sports grounds;
 - b) jurisdiction in instances of land owned by the Department of Conservation and Greater Wellington Regional Council (e.g. the Waikanae Estuary Scientific Reserve (as discussed in 19b above) and Queen Elizabeth Park);
 - c) the proposed rules for the Ōtaki Estuary and River Mouth;
 - d) the proposed boundary for the sensitive site at the Pharazyn Reserve;
 - e) minimum standards of care in instance of civil defence emergencies and in relation to the practice of puppy farming; and
 - f) the limitations on the number of dogs, specifically in regards to the instances and types of properties for which this rule applies.
- 24 Briefings were held with the Elected Members on 8 November 2018 and 24 January 2019 to review submitter feedback, and a number of discussions occurred with Legal Counsel, Greater Wellington Regional Council, and the Department of Conservation to discuss jurisdictional issues.
- 25 In response to these considerations, a number of minor changes have been proposed to develop the draft 2019 Bylaw and the draft 2019 Policy. These are identified as minor because they do not change the intent of the rules that were consulted on during the special consultative procedure, but are simply to clarify the intent and application of the rules. These are:

- a) Amendments to the Interpretation sections to further clarify the definitions of sports grounds; sensitive sites, including cultural sites; licences; and leashes or leads;
 - b) Additional clauses added to Section 7 of the Bylaw on dog welfare to cover instances of civil defence emergencies and puppy farming;
 - c) Amendments to Section 9 of the Bylaw on 'limitation on number of dogs' to clarify that certain locations (i.e. areas zoned rural in the Kāpiti Coast District Plan) and certain instances (e.g. licenced breeders, dog day cares, etc) were exempt from the limitation on number of dogs;
 - d) Amendments to Section 14 of the Policy to provide more information on when a licence is required to have more than two dogs on a property in any urban residential living zone; and
 - e) Minor edits throughout both documents to improve layout and readability.
- 26 The more significant proposed changes are those that change the intent of the rules. These are:
- a) Additional clauses added to Section 1 of the Bylaw and Section 17 of the Policy to clarify that the Waikanae Scientific Reserve and Queen Elizabeth Park are not included in our dog control areas (because they are under the jurisdiction of the Department of Conservation and Greater Wellington Regional Council, respectively), along with additional shading on the Bylaw maps to define these areas; and
 - b) Amendments to establish the following rules for the Ōtaki Estuary and River:
 - i. The northern bank of the Ōtaki River Walkway will be off-leash (as submitters requested, and in line with the existing 2008 Bylaw); and
 - ii. The Ōtaki Estuary will be an on-leash and on-leash restricted sensitive site, including the beach and the northern part of the Estuary between the beach and the river walkway, as was proposed in the consultation document. The only change from the existing restrictions in the 2008 Bylaw is the addition of the 'on leash' restriction at the river mouth.
- 27 Full summaries of all changes that have occurred from the 2008 Bylaw and 2009 Policy to the 2018 consultation drafts and then to these proposed 2019 drafts can be found in Appendix 4 and Appendix 5.

Section 155 of the Local Government Act 2002 determinations

- 28 When reviewing bylaws, Council is required by Section 155 of the LGA 2002 to make three determinations to ensure:
- a) the bylaw continues to be necessary;
 - b) the bylaw continues to be the most appropriate form; and
 - c) any implications under the New Zealand Bill of Rights Act 1990 have been considered.
- 29 The Dog Control Bylaw and the Dog Control Policy continue to be necessary. Section 10 of the DCA 1996 requires all territorial authorities to adopt a policy on dogs, and Section 10(6) requires all territorial authorities to give effect to their

policy by making a necessary bylaw in accordance with the requirements set out in Section 20 of the DCA 1996.

- 30 The proposed Dog Control Bylaw remains appropriate to promote the care and control of dogs on the Kāpiti Coast. The scope and intent of the Draft 2019 Bylaw and the Draft 2019 Policy remain the same as those set out in the existing Bylaw and Policy, and any amendments proposed have been put forward to improve the nature and application of the Bylaw and Policy in response to issues that were identified in the review process.
- 31 The Draft 2019 Dog Control Bylaw contains no provisions that conflict with the New Zealand Bill of Rights Act 1990.

CONSIDERATIONS

Policy considerations

- 32 There are no additional policy considerations with respect to the proposed Dog Control Bylaw and the proposed Dog Control Policy.

Legal considerations

- 33 The LGA 2002 sets out a detailed process for reviewing bylaws. This review has taken these requirements into account, and Council's Legal Counsel has been involved at all stages of the review to ensure legislative compliance.

Financial considerations

- 34 The review has been carried out within existing budgets, as will implementation.

Tāngata whenua considerations

- 35 Te Whakaminenga o Kāpiti discussed the draft 2018 Bylaw and the draft 2018 Policy at their meeting on 2 October 2018 (refer to RS-18-621). At the meeting, it was agreed that each individual iwi would provide feedback separately. No additional feedback was received.

Strategic considerations

- 36 *Toitū Kāpiti* includes an aspiration for strong, safe communities. The Dog Control Bylaw and Dog Control Policy assist in the attainment of this aspiration because they seek to enhance the safety of the public via the care and control of dogs in the Kāpiti Coast District.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 37 In accordance with the LGA 2002, a special consultative procedure was required for the Dog Control Bylaw and Dog Control Policy reviews.

Consultation already undertaken

- 38 During the review process, Council:

- analysed all service requests, emails, and other correspondence that Council had received in relation to dog control from 1 July 2016 until 31 March 2018;
- conducted a residents, ratepayers, and stakeholders survey; and
- consulted with stakeholders, including: New Zealand Police, Department of Conservation, Greater Wellington Regional Council, New Zealand Transport Agency, animal welfare organisations, and Council's Iwi Relationships Manager.

39 A communications plan was developed to encourage community participation in the consultation process. The special consultative procedure was undertaken, with the submission period from 7 August 2018 to 14 September 2018. Hearings were held on 25 October 2018, with 16 submitters speaking to their submissions.

Publicity

- 40 If Council chooses to adopt the Kapiti Coast District Council Dog Control Bylaw 2019 and the Kapiti Coast District Council Dog Control Policy 2019:
- a) The new 2019 Bylaw and 2019 Policy will be uploaded to the Council website;
 - b) Council will give public notice of when the new Bylaw will come into operation, as required by the LGA 2002;
 - c) Council will engage with dog owners and the wider community via social media, newspaper and radio; and
 - d) Council will review and upgrade all signage across the District.

RECOMMENDATIONS

41 That Council:

- a) repeal the Kapiti Coast District Council Dog Control Bylaw 2008;
- b) adopt the Kapiti Coast District Council Dog Control Bylaw 2019 (Appendix 1);
- c) repeal the Kapiti Coast District Council Dog Control Policy 2009; and
- d) adopt the Kapiti Coast District Council Dog Control Policy 2019 (Appendix 2).

| Report prepared by | Approved for submission | Approved for submission |
|---|---|---|
| Jacquie Muir | Natasha Tod | Mark de Haast |
| Environmental Standards Manager, Regulatory Services | Group Manager, Regulatory Services | Group Manager, Strategy and Planning |

ATTACHMENTS

- 1 Kapiti Coast District Council Dog Control Bylaw 2019
- 2 Kapiti Coast District Council Dog Control Policy 2019
- 3 Summary of submissions to the draft 2018 Bylaw and draft 2018 Policy
- 4 Summary of all proposed changes for the Draft 2019 Dog Control Bylaw
- 5 Summary of all proposed changes for the Draft 2019 Dog Control Policy

ATTACHMENT 1

Draft Kapiti Coast District Council Dog Control Bylaw 2019

<<< Included as a separate document. >>>

ATTACHMENT 2

Draft Kapiti Coast District Council Dog Control Policy 2019

<<< Included as a separate document. >>>

ATTACHMENT 3: Summary of submissions to the draft 2018 Bylaw and draft 2018 Policy

| | Total number of submitters | Yes | No | No + feedback |
|--|----------------------------|----------|----------|--|
| 1. Do you support all of the proposed changes and clarifications of dogs in public places, including dogs on sports fields? | 65 | 35 (54%) | 30 (46%) | <p>17 out of 30 (56%) provided further comment</p> <p>13 out of 17 (76%) wanted more freedoms for dogs:</p> <ul style="list-style-type: none"> • 6 wanted dogs allowed on sports fields when they are not in use; • 2 wanted dogs to be allowed on playgrounds; • 3 wanted more public places for dogs; and • 2 wanted Council to be more lenient in regards to dog faeces left in public places, because most dog owners are very conscientious. <p>4 wanted more restrictions on dogs:</p> <ul style="list-style-type: none"> • 1 wanted no dogs in or around sports fields ever, including the periphery; and • 3 wanted further protection for wildlife. |

| | Total number of submitters | Yes | No | No + feedback |
|---|----------------------------|----------|---|--|
| 2. Do you agree with the reclassification of Mahara Place (from a no-dog area to a dog on-leash area)? | 76 | 65 (86%) | 11 (14%) | <p>4 out of 11 provided comments:</p> <ul style="list-style-type: none"> • 1 was concerned that dogs in Mahara Place could lead to a decline in business; • 1 was concerned about dog urine in public places; • 1 did not want to be near dogs; and • 1 saw no need for the change. |
| 3. Do you agree with the identification of specific areas categorised as Sensitive sites? | 70 | 55 (79%) | <p>15* (21%)</p> <p>* 1 was a petition with 117 signatures focused on Ōtaki Estuary and River</p> | <p>9 out of 15 (60%) provided further comment:</p> <ul style="list-style-type: none"> • 6 argued there was no evidence to support such a change, including the petition with 117 signatures focused on the Ōtaki River and Estuary; • 2 argued that the concept and additional signage was not necessary; and • 1 argued that sensitive sites are not required to be on-leash all year round. |

| | Total number of submitters | Yes | No | No + feedback |
|--|----------------------------|----------|--|---|
| 4. Do you agree with the 11 proposed sensitive sites? | 63 | 48 (76%) | 15* (24%) * 1 was a petition with 117 signatures focused on Ōtaki Estuary and River | 9 out of 15 (60%) provided further comment: <ul style="list-style-type: none"> • 5 argued there was no evidence to support such a change, including the petition with 117 signatures focused on the Ōtaki River and Estuary; • 2 argued that the sensitive site concept was not likely to be effective; • 1 supported the concept of sensitive sites in theory, but felt the boundaries were too large for some proposed sites (i.e. Pharazyn Reserve and Te Kowhai Estuary); and • 1 argued that the concept would introduce changes that would limit the use of existing sites, particularly in relation to game bird hunting in the Ōtaki Estuary and River mouth. |
| 5. Do you agree with the proposed changes to dog welfare, including minimum standards of care, diseased dogs, and limitation on the number of dogs? | 69 | 54 (78%) | 15 (22%) | 12 out of 15 (80%) provided further comment: <ul style="list-style-type: none"> • 6 argued that the limit on the number of dogs per property was too restrictive, • 2 argued that Council interest in animal welfare was intrusive; and • 4 argued that the proposed amendments needed to do more to protect dog welfare. |

| | Total number of submitters | Yes | No | No + feedback |
|--|----------------------------|----------|---------|--|
| 6. Do you agree with the proposed changes for classification of approved dog ownership? | 65 | 56 (86%) | 9 (14%) | <p>7 out of 9 (78%) provided further comment:</p> <ul style="list-style-type: none"> • 3 argued that the requirements for being an approved owner were too stringent; • 1 argued that the requirements for being an approved owner should include evidence of preparation for civil defence emergencies; • 1 suggested that reference checks could be a way to establish approved ownership; • 1 argued that such changes were simply not needed; and • 1 argued that the entire licencing system might benefit from a full overhaul. |

ATTACHMENT 4: Summary of all proposed changes for the Draft 2019 Dog Control Bylaw

| | Proposed draft 2019 Bylaw clause names | Key differences between existing 2008 Bylaw and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|---|---|---|--|--|
| 1 | Title, Commencement, and Application | Carried over from existing 2008 Bylaw with one minor amendment – Clauses 1.2a and 1.2b were brought forward into this section from a later section. | - | Clauses 1.2c and 1.2d added to exclude DoC & GWRC owned land. |
| 2 | Dog Control Bylaw Validation | Carried over from existing 2008 Bylaw with minor amendment. | - | - |
| 3 | Objective | Carried over from existing 2008 Bylaw with minor amendment. | - | - |

| | Proposed draft 2019 Bylaw clause names | Key differences between existing 2008 Bylaw and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|---|--|--|--|--|
| 4 | Interpretation | <p>The following terms are newly defined or amended in the draft Bylaw:</p> <ul style="list-style-type: none"> • Access Corridor • Animal Management Officer (aka Dog Control Officer) • Authorised Officer • Approved Owner • Continuous Control / On-Leash • Continuous Control / Off-Leash • Council • Dangerous Dog • Disqualified Owner • Direct Control of a Dog Off-Leash • Dog Control Act • Dog Exercise Area • Dog Park • Diseased Dog • Dog Ranger • Kapiti Coast District Council Appeals Hearing Committee • Leash or Lead • Licence • Menacing Dog • Microchipped Dog • No Dog Area • Off-Leash Area • On-Leash Area • Other Owner • Owner • Periphery • Premises • Public Place • Reserve • Sensitive Site • Shared Pathways • Sports Field / Playing Fields • Working Dog | <ul style="list-style-type: none"> • Elected Members wanted Council officers to define periphery. • Elected Members requested that Sensitive Sites be amended to include culturally significant sites as well. | <ul style="list-style-type: none"> • Submitters and Elected Members continued to find the rules around sports fields confusing. The definition of periphery was removed, the definition of sports fields was redefined as Sports Ground, and a map will be added to the website for clarification. • Based on submitter feedback related to permits and licences, a definition of licence was added. • Based on submitter feedback, a note was made to clarify that these sensitive sites are specific to this bylaw (as compared to the District Plan) and a definition of culturally significant site was added. • Based on submitter feedback, harness was added to the definition of leash or lead. • Based on submitter feedback, a definition of formed pathways was added. |

| | Proposed draft 2019 Bylaw clause names | Key differences between existing 2008 Bylaw and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|---|---|---|--|--|
| 5 | Dog Registration | In the existing 2008 Bylaw, this area was called General Provisions. As the majority of the clauses in this section were about dog registration, it has been renamed dog registration and any clauses not pertaining to dog registration have been moved to other sections as appropriate. | - | - |
| 6 | Control of Dogs in Public Places | In the existing 2008 Bylaw, section 8 referred to Dog Control. In the draft Bylaw, these provisions – are included across two sections. Section 6 of the draft Bylaw is now called Control of Dogs in Public Places; and section 8 relates to Prevention of Public Nuisance (referred below). A sub-section has been added to section 6 at the start of this section, called General Provisions. Clauses related to off-leash areas, public places, and wandering have been moved into this new sub-section. | - | - |

| | Proposed draft 2019 Bylaw clause names | Key differences between existing 2008 Bylaw and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|---|--|--|---|---|
| | Control of Dogs in Public Places (continued) | <p>Dogs riding on the open tray / deck of a motor vehicle has been moved from dog welfare to this section, and a new clause about dogs running or walking behind or beside a vehicle added.</p> <p>A new section on sensitive sites has been added, and the definition of access corridors has been modified to clarify the meaning of both terms.</p> | | |
| 7 | Dog Welfare | <p>A sub-section called General Provisions has been added containing some new information on minimum standards for dog welfare based on guidance from the Dog Control Act, the Animal Welfare Act, the National Animal Welfare Advisory Committee (MPI), and based on recommendations from SPCA and HUHA.</p> <p>Under the sub-section on Dog housing / kennelling, information on recommended minimum kennel sizes has been added.</p> <p>Under the sub-section on Diseased Dogs, information has been added on the necessary containment of diseased dogs.</p> | - | <ul style="list-style-type: none"> • Based on a submission from Animal Evac NZ, information has been added to cover welfare in instances of civil defence emergencies. • Based on feedback from Porirua City Council and MP Chris Faafoi and a discussion with Elected Members on 24 January 2019, Clause 7.2 has been added to address instances of 'puppy farming'. |

| | Proposed draft 2019 Bylaw clause names | Key differences between existing 2008 Bylaw and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|---|---|---|--|---|
| | Dog Welfare (continued) | Clauses have been added to clarify what Animal Management could do should an owner not be adhering to these provisions. | | |
| 8 | Prevention of Public Nuisance | This section includes clauses that had been in section 8, Dog Control and section 11, Dog Faeces in the 2008 Bylaw. This section in the draft Bylaw provides more detail on the actions that Animal Management may take when instances of public nuisance have occurred. | - | Based on submitter feedback, the words 'or by harassing native wildlife' were added to Clause 8.1 |
| 9 | Limitation on the Number of Dogs | Carried over from 2008 Bylaw, with new clauses added to clarify (i) the number of dogs allowed on a property, (ii) the process should an owner wish to apply for a permit in order to have more than two dogs, and (iii) what Animal Management can do if there are more than two dogs residing at a property without a permit. | - | Based on submitter feedback and following discussions with Elected Members, <ul style="list-style-type: none"> ○ the text 'other than in areas zoned rural in the Kapiti Coast District Plan' were added to Clause 9.1; and ○ Clauses 9.8 iv, vii, viii, and ix were added. |

| | Proposed draft 2019 Bylaw clause names | Key differences between existing 2008 Bylaw and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|----|---|---|--|--|
| 10 | Bitches in Season | Carried over from 2008 Bylaw. | - | - |
| 11 | Menacing Dogs and Dangerous Dogs | In the 2008 Bylaw, section 12 related to Compulsory De-sexing of Menacing Dogs. The draft Bylaw renamed this section and included new clauses to clarify definitions and rules for dangerous dogs and menacing dogs based on the Dog Control Act. | - | - |
| 12 | Fees | Carried over from section 13 in 2008 Bylaw. | - | - |
| 13 | Dog Control Act 1996 | In the 2008 Bylaw, section 14 referred to this as Other Relevant Information. The draft Bylaw includes minor amendments and has renamed this section Dog Control Act 1996. | - | <ul style="list-style-type: none"> • Changed title to Dog Control Act 1996. • Added clauses 13.4, 13.5, and 13.6. |
| 14 | Summary of Offences | Carried over from section 15 of 2008 Bylaw with minor amendment. | - | |

| | Proposed draft 2019 Bylaw clause names | Key differences between existing 2008 Bylaw and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|--|--|---|---|--|
| | Schedule 1: No Dog Areas | <p>Carried over from 2008 Bylaw, with the following proposed amendments.</p> <ul style="list-style-type: none"> • The 2008 Bylaw defined all playing/sports fields under Council's control as no dog areas when a sporting or training event is held. The draft Bylaw proposes to extend this to all playing/sports fields under Council's control at all times. (Note: this is not a significant change because the 2009 Policy already said this. The two documents were not aligned.) • The 2008 Bylaw defined the Mahara Place shopping area as a no dog area. The draft Bylaw proposes to reclassify it as a dog on-leash area to be consistent with all other commercial retail zones in the District (see Schedule 2 of the draft 2019 Bylaw). • The 2008 Bylaw defined all areas classified as native reserves as no dog areas. The draft Bylaw proposes to clarify that these are inland dog on-leash areas (see Schedule 2). • The existing 2008 Bylaw defined Waimeha Lagoon as a no dog area. The draft Bylaw proposes to reclassify it as a sensitive site – dog on-leash area (see Schedule 2). | | <ul style="list-style-type: none"> • Clarified access rules for areas under Greater Wellington Regional Council and NZTA control. • A section on Beach No Dog Areas added, which refers to Schedule 4. |

| | Proposed draft 2019 Bylaw clause names | Key differences between existing 2008 Bylaw and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|--|---|---|--|--|
| | Schedule 2: Dog On-Leash Areas (including Sensitive Sites and Access Corridors) | <p>Carried over from existing 2008 Bylaw with some proposed amendments.</p> <p>The draft Bylaw that was presented to Council on 14 June proposed the following amendments to inland dog on-leash areas:</p> <ul style="list-style-type: none"> the periphery of all playing/sports fields would become dog on-leash areas at all times; clarify that walking tracks or sign-marked areas in coastal dunes are inland dog on-leash areas; propose that the northern walkway of the Ōtaki River become an on-leash area; clarify that the Pukekawa Reserve in Waikanae is a dog on-leash area; and the Waikanae Estuary Scientific Reserve, the Waitohu Reserve in Ōtaki Beach, and the Ames Street Reserve in Paekākāriki would remain on-leash, but be reclassified as sensitive sites – dog on-leash areas. <p>The draft Bylaw also proposed the following areas as sensitive sites – dog on-leash areas:</p> <ul style="list-style-type: none"> Ames Street Reserve, Paekākāriki Waikanae Estuary Scientific Reserve | <ul style="list-style-type: none"> Ames Street, Paekakariki was extended north up to Beach Road and extended south to the southern boundary of the district. At the S & P Committee, there was a request to include periphery in definition with reference to 'sports grounds' as referred to earlier. | <ul style="list-style-type: none"> Text added to clarify the rules on Old State Highway One. A section on Beach On-Leash Areas added, which refers to Schedule 4. GWRC agreed the flat flood prone area at Pukekawa Reserve will be off-leash so this has been moved to Schedule 3. Waikanae Scientific Reserve comes under DoC Bylaw so it has been removed from the Schedule as KCDC will refer to their rules. Some opposition was expressed regarding the proposal to make Te Kowhai Stream Estuary, Mangaone Stream Estuary, and Waitohu Stream Estuary sensitive sites. Evidence was provided by GWRC so the sensitive site proposals still stands. |

| | Proposed draft 2019 Bylaw clause names | Key differences between existing 2008 Bylaw and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|--|--|---|---|---|
| | Schedule 2 (continued) | <ul style="list-style-type: none"> • Waimanu Lagoons, Waikanae • Waimeha Lagoon, Waikanae • Waimeha Stream Estuary • Pharazyn Reserve • Barry Hadfield Nikau Scenic Reserve • Te Kowhai Stream Estuary • Mangaone Stream Estuary • Ōtaki Estuary and River mouth • Waitohu Stream Estuary. | | <ul style="list-style-type: none"> • Considerable opposition was expressed from submitters regarding the proposal to make Ōtaki Estuary and River Mouth a sensitive site. This area is owned by GWRC, and is on-leash unless GWRC have issued a permit. Evidence was provided by GWRC so the sensitive site proposal still stands. • There was considerable opposition expressed from submitters and one Elected Member regarding the proposal to make the northern walkway of the Ōtaki River an on-leash area. Due to strong community opposition and the lack of GWRC to provide evidence supporting the on-leash proposal, it has been removed. |

| | Proposed draft 2019 Bylaw clause names | Key differences between existing 2008 Bylaw and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|--|---|---|---|---|
| | Schedule 3: Inland Dog Off-Leash Areas | <p>The draft Bylaw proposes to clarify the following dog off-leash areas:</p> <ul style="list-style-type: none"> • Ōtaki Dog Park, 79 Aotaki Street, Ōtaki • Greenaway Road Dog Park, Greenaway Road, Waikanae. <p>Whereas the existing 2008 Bylaw included the Pukekawa Reserve (GWRC owned) in Waikanae as a dog off-leash area, the draft Bylaw proposed to reclassify it to be a dog on-leash area.</p> | | <ul style="list-style-type: none"> • The Greenaway Road dog park and the flood land owned by GWRC are both known as Pukekawa Reserve. GWRC has agreed that their section can remain off-leash. • There was considerable opposition expressed from submitters and one Elected Member regarding the proposal to make the northern walkway of the Ōtaki River an on-leash area. Due to strong community opposition and the lack of GWRC to provide evidence supporting the on-leash proposal, it is now proposed to remain off-leash. • Also put in a section on Beach Off-Leash Areas, which refers to Schedule 4. |
| | Schedule 4: Beach Areas | Carried over from existing 2008 Bylaw with minor amendment. | - | - |

ATTACHMENT 5: Summary of all proposed changes for the Draft 2019 Policy

| | Proposed draft 2019 Policy clause names | Key differences between existing 2009 Policy and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|---|---|--|---|---|
| 1 | Title, Commencement, and Application | Carried over from existing 2009 Policy with minor amendment but included as a unique section in draft Policy. | - | - Clauses 1.2c and 1.2d added to exclude DoC & GWRC owned land. |
| 2 | Dog Control Policy Validation | Carried over from existing 2009 Policy with minor amendment but included as a unique section in draft Policy. | - | - |
| 3 | Purpose | Carried over from existing 2009 Policy with minor amendment but now section 3 in draft Policy. | - | - |
| 4 | Definitions | The existing 2009 Policy did not include a definition section. This section has been added to the draft Policy, and all definitions are carried over from the draft Bylaw. For more information, see the Summary of all proposed changes to the draft Bylaw. | - | - |

| | Proposed draft 2019 Policy clause names | Key differences between existing 2009 Policy and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|---|---|---|---|---|
| | | Section 4 of the existing 2009 Policy had referred to Education – Awareness Programmes. This section is now included in section 9 of the draft Policy, Prevention of Dog Attack and Nuisance (refer below). | | |
| 5 | Policy Objectives | <p>Policy Objectives have been carried over from 2009 Policy but given a unique section.</p> <p>The draft Policy adds objective 3 ‘to eliminate or minimise the distress, danger, and nuisance caused by dogs to the general public and their property’, which was later modified to also include ‘sensitive sites’. In addition, a new objective is proposed that would incorporate dog welfare and minimum standards of care into the Policy.</p> | Minor wording changes, based on Elected Member feedback. | - |
| 6 | Classification of Owners | This is carried over from section 1 of the 2009 Policy. The draft Policy includes more detailed definitions of probationary, disqualified, and | - | - |

| | Proposed draft 2019 Policy clause names | Key differences between existing 2009 Policy and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|---|---|--|---|---|
| | | <p>approved owners.</p> <p>New clauses have been proposed that would expedite approved ownership for those that hold New Zealand Canine Good Citizen qualifications or have just moved into the area with approved ownership status from another district. It is also proposed that New Zealand Kennel Club members can no longer receive expedited approved ownership status without showing evidence of responsible ownership.</p> | | |
| 7 | Registration | This is carried over from section 2 of the existing 2009 Policy with minor amendment. | - | - |
| 8 | Registration fees | This is carried over from section 3 of the existing 2009 Policy. This section has been amended to add a little more information about what registration fees cover and owner obligations. See Clause 8.2. | - | - |

| | Proposed draft 2019 Policy clause names | Key differences between existing 2009 Policy and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|----|--|--|--|--|
| 9 | Prevention of Dog Attack & Nuisance | This is carried over from section 4 of the existing 2009 Policy, but has been renamed from Education (Awareness Programmes) simply to reflect that education programmes are one element of dog attack and nuisance prevention. Clause 9.1 was added. | - | - |
| 10 | Dog Obedience Courses | This is carried over from section 5 of the existing 2009 Policy with minor amendment. | - | - |
| 11 | Dog Welfare | This is carried over from section 6 of the existing 2009 Policy with minor amendment. | - | - |
| 12 | Seize, Impound & Retain | In the current 2009 Policy, section 7 is called The Issuing of Infringement Notices. It is now called Seize, Impound and Retain and includes more information on the impounding of dogs based on the requirements of the Dog Control Act. | - | - |

| | Proposed draft 2019 Policy clause names | Key differences between existing 2009 Policy and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|----|--|--|--|--|
| | Seize, Impound & Retain (continued) | This section also includes information that was contained in section 8 of the 2009 Policy called Dog Shelter (in reference to the Kāpiti Coast District Council Animal Shelter). | | |
| 13 | Dangerous and Menacing Dogs | This was carried over from section 10 of the 2009 Policy with minor amendments, simply to clarify the requirements of the Dog Control Act. | - | Clause 13.2 allowing safe entry & exit to and from a property. |
| 14 | Permits and Exemptions | The section was carried over from section 11 of the 2009 Policy. | - | <ul style="list-style-type: none"> • Name changed to Permits and Exemptions. • Clarified that a permit is required for more than 2 dogs on a property 'in any urban residential living zone'. • Clarified that permits are required for breeders, boarding kennels, and dog day cares, which are managed through resource consenting. |
| 15 | Microchipping Dogs | Carried over from section 12 of the 2009 Policy with minor amendment. | - | - |

| | Proposed draft 2019 Policy clause names | Key differences between existing 2009 Policy and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|----|--|---|--|--|
| 16 | Enforcement of Dog Control | Carried over from section 13 of the 2009 Policy, but simplified as this information is also in the draft 2019 Bylaw. | - | - |
| 17 | Categories of Dog Control Areas | Carried over from existing 2009 Policy, but simplified as this information is also in the draft 2019 Bylaw. | - | <ul style="list-style-type: none"> Information has been included on Waikanae Scientific Reserve and Queen Elizabeth Park. Descriptions of each area have been made more consistent with the language used in the interpretation section. |
| 18 | Exemptions | Carried over from section 18 of the 2009 Policy with minor amendment | - | - |
| 19 | Dog Access Areas | Carried over certain sections of the 2009 Policy but the draft Policy now refers to this in schedules 1, 2, 3 and 4 of the draft Bylaw. | | Renamed from Dog Restriction Zones to Dog Access Areas |
| 20 | Bylaw | A new section referring to the Kapiti Coast District Council Dog Control Bylaw 2019 | - | - |

| | Proposed draft 2019 Policy clause names | Key differences between existing 2009 Policy and the proposed draft that was provided to Elected Members on 14 June 2018. | Changes that were requested and/or made after the 14 June Strategy & Policy Committee meeting. <u>This is the version that went out for consultation.</u> | Changes that have since been made based on (i) submitter feedback, (ii) the Council briefing from 8 November 2018, and (iii) the Council briefing from 24 January 2019. |
|----|--|---|--|--|
| 21 | Appendix 1 | In order to improve alignment between the draft Policy and Bylaw, Council deleted the original Appendix 1 (including the associated maps) and instead now refers readers to Schedules 1, 2, 3, and 4 of the Bylaw, which include maps of sensitive sites and beach times. The new Appendix 1 of the draft Policy is the Infringement Offence Summary table. | - | - |

APPENDIX 1

DRAFT Kapiti Coast District Council Dog Control Bylaw 2019

| | | |
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1. TITLE, COMMENCEMENT AND APPLICATION

- 1.1 This bylaw may be cited as the Kapiti Coast District Council Dog Control Bylaw 2019 and shall come into force on [insert date].
- 1.2 This bylaw applies to any part of the Kapiti Coast District, excluding any land for the time being included in:
- (a) A controlled dog area or open dog area under Section 262S of the Conservation Act 1987;
 - (b) A National Park constituted under the National Parks Act 1980;
 - (c) Waikanae Scientific Reserve which is land owned and managed by the Department of Conservation; and
 - (d) Queen Elizabeth Park which is land owned and managed by Greater Wellington Regional Council.
- 1.3 This bylaw replaces the Kapiti Coast District Council Dog Control Bylaw 2008.

2. DOG CONTROL BYLAW VALIDATION

- 2.1 The Kapiti Coast District Council Dog Control Bylaw 2019 was approved at a meeting of the Kapiti Coast District Council Strategy and Policy Committee held on [insert date] after completion of the special consultative procedure.
- 2.2 The Common Seal of the Kapiti Coast District Council was affixed hereto, pursuant to resolution of the Council on [insert date] in the presence of:

K Gurunathan
Mayor

[Elected Member]
Councillor

Wayne Maxwell
Chief Executive Officer

3. OBJECTIVE

- 3.1 The purpose of this bylaw is to promote better care and control of dogs on the Kapiti Coast by supporting the objectives of the Kapiti Coast District Council Dog Control Policy and complying with national dog control legislation, in particular Section 20 of the Dog Control Act 1996 and the Impounding Act 1955.
- 3.2 This bylaw is made pursuant to Section 145(a) and (b) of the Local Government Act 2002 and Section 20 of the Dog Control Act 1996.
- 3.3 Nothing in this bylaw shall derogate from any provision of, or the necessity for compliance with:
- (a) Dog Control Act 1996 or any Act passed in amendment or substitution thereof;
 - (b) Impounding Act 1955 or any Act passed in amendment or substitution thereof;
 - (c) Any other relevant Acts or Acts passed in amendment or substitution thereof;
 - (d) Any other relevant bylaws or District Plan requirements; and
 - (e) Any other requirements imposed by either the Wellington Regional Council or Department of Conservation.

4. INTERPRETATION

- 4.1 In this bylaw, the following terms are used:

ACCESS CORRIDOR

Dog access corridors that allow access through or around otherwise no dog areas. These corridors remain dog on-leash areas at all times.

ANIMAL MANAGEMENT OFFICER

An officer appointed under section 11 of the Dog Control Act 1996. (Also known as a Dog Control Officer.)

AUTHORISED OFFICER

Means any person authorised by the Council to carry out any of the duties provided for under this bylaw or any Council bylaw; and

- (a) Includes any council enforcement officer; and

(b) Includes any agent licensed by Council to carry out a duty or operate a public place on Council's behalf.

APPROVED OWNER

An owner who meets the requirements of approved ownership set out in the Kapiti Coast District Council Dog Policy.

BEACH

Any area along the Kapiti Coast which can reasonably be considered part of the beach environment including the foreshore, dunes, river mouths, coastal vegetation, coastal protective works, and any other areas of sand, surf, pebbles, shells or shingles under Council regulatory control.

CHILDREN'S PLAYGROUND

An outdoor recreation area for children, usually equipped with swings, slides, seesaws and other play equipment.

**CONTINUOUS CONTROL /
ON-LEASH**

A dog is kept under continuous leash or lead control by its owner. (Refer below for the definitions of owner and leash.)

**CONTINUOUS CONTROL /
OFF-LEASH**

Refer below for the definition of 'direct control of a dog off-leash'.

COUNCIL

Means the Kapiti Coast District Council or any Committee, Community Board, or an officer authorised to exercise the authority of the Council.

CULTURALLY SIGNIFICANT SITE

Refer below to definition of 'sensitive site'.

DANGEROUS DOG

Any dog classified by Council as dangerous because:

- (a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or
- (b) the territorial authority has, on the basis of sworn evidence attesting to aggressive

behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or

- (c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

(Section 31 of the Dog Control Act 1996)

DISQUALIFIED OWNER

Any owner classified as disqualified by Council because:

- (a) the owner commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or
- (b) the owner is convicted of an offence (not being an infringement offence) against this Act; or
- (c) the owner is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 56I of the National Parks Act 1980.

(Section 25 of the Dog Control Act 1996)

DISTRICT

Kapiti Coast District.

DIRECT CONTROL OF A DOG OFF-LEASH

A dog is under direct control when it is in the owner's direct vision and range of voice at all times. The owner must be able to promptly place a leash on the dog should it pose a nuisance or cause distress to any other persons, stock, poultry, domestic animal or protected wildlife or at the

| | |
|--|--|
| | request of an animal management officer. (Refer below for the definitions of owner and leash.) |
| DOG CONTROL ACT | Dog Control Act 1996 or any Act passed in amendment or substitution thereof including any regulations made under authority of the Act. |
| DOG EXERCISE AREA | An area designated for dogs that is not fully enclosed, but where dogs that are under direct control can play and socialise off lead. (Refer above for the definition of 'direct control of a dog off-leash'.) |
| DOG PARK | A dog park is a fully enclosed area for dogs to play and socialise with other dogs typically without a leash and under direct control. (Refer above for the definition of 'direct control of a dog off-leash'.) |
| DISEASED DOG | A dog infected with parvovirus, hepatitis or any other contagious disease. |
| DOG RANGER / HONORARY DOG RANGER | Officer appointed under section 12 of the Dog Control Act 1996 |
| DUNES | The section of the beach lying generally above the high tide mark where mounds or ridges of sand formed by wind or water action exist. These dune areas can be covered or uncovered by vegetation. |
| FORESHORE | The land edging the sand, estuaries and rivers that are regularly submerged and exposed by the sea's tidal ebb and flow. That is, the area between the line of mean high water springs level and the mean low water springs level. |
| KAPITI COAST DISTRICT COUNCIL APPEALS HEARING COMMITTEE | A subcommittee convened and constituted to hear objections to any dog classified as dangerous or |

("the Committee")

menacing or any owner classified as probationary or disqualified under the provisions of the Dog Control Act 1996; and to consider exemptions under this bylaw (Note: the name of this committee applies to the 2016-2019 triennium and may change in the future).

LEASH OR LEAD

A leash or lead of appropriate length and material firmly attached to a correctly fitted dog collar or harness. For dogs on shared pathways the leash or lead should not be more than 2 metres in length, while in open park reserve and beach foreshore areas a longer recoil or extension leash or lead may be used but must have a locking mechanism and meet and the requirement of "continuous control".

LICENCE

Means a licence, permit, registration, written consent or approval issued as per the requirements of any Act of Parliament, Council bylaw or policy.

LIVESTOCK/STOCK

Includes stock as defined in section 2 of the Dog Control Act 1996 and shall also include any live animal or bird that is kept within a fence or enclosure or is moved between fenced or enclosed spaces for domestic or farming purposes.

MEDICAL EXEMPTION

Where a dog has a medical condition then an exemption from the appropriate bylaw restrictions may be approved by the Kapiti Coast District Council Appeals Hearing Committee upon the production of a certificate from a registered veterinary surgeon. When a dog is granted such a medical exemption, the Committee may require the dog be subject to other conditions to ensure public safety is not jeopardised.

MENACING DOG

A menacing dog is one that may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—

- (a) any observed or reported behaviour of the dog; or
- (b) any characteristics typically associated with the dog's breed or type.

(Section 33A of the Dog Control Act 1996)

MICROCHIPPED DOG

The owner of the dog must, for the purpose of providing permanent identification of the dog, arrange for the dog to be implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner. (Refer to Section 36A of the Dog Control Act 1996.)

MUZZLE

A humane fastening or covering device which prevents a dog from biting but allows normal breathing and drinking.

NEUTERED DOG (de-sexed)

A neutered dog is one which has been castrated or spayed. It does not include a dog which has been vasectomised.

NO DOG AREA

An area in which dogs are not permitted at all times, unless otherwise specified or specifically exempted.

OFF-LEASH AREA

An area designated for dogs where they can play and socialise off-leash, while under direct voice and visual control at all times. These can be fully enclosed dog parks, or not fully enclosed dog exercise areas.

ON-LEASH AREA

An area in which dogs are permitted at all times, provided they are under continuous leash control. (Refer above for the definition of leash/lead.)

(Some on-leash areas may have additional restrictions, where dogs must remain on formed pathways and walking tracks. Refer to the definition of on-leash restricted area.)

ON-LEASH RESTRICTED AREA

An area where dogs are permitted, provided they are under continuous leash control and remain on formed pathways and walking tracks. (Refer above for the definition of leash/lead.)

OTHER OWNER

A dog owner who is not an approved, disqualified or probationary owner.

OWNER

Every person who:

- (a) Owns the dog; or
- (b) Has the dog in his or her possession, 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) 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 paragraph (b) of this definition; and
 - ii. Is a member of the parent or guardian's household living with and dependent of the parent or guardian.

(Section 2 of the Dog Control Act 1996)

PREMISES

Land and/or buildings occupied domestically or commercially.

PROBATIONARY OWNER

A probationary owner is one classified as such under Section 21 of the Dog Control Act 1996.

PUBLIC PLACE

Public place means:

- (a) 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.

RESERVE

Means any land under the management or control of Kapiti Coast District Council and set apart for any public purpose as described from time to time, in the Reserves Act 1977, including parks, gardens, recreation grounds, open spaces and foreshores but excluding sports grounds and sensitive sites.

RESTRICTED AREA

Refer above for the definition of an 'on-leash restricted area'.

SENSITIVE SITE

An important habitat for wildlife (flora and fauna) vulnerable to harmful disturbance by dogs, or a culturally significant site that is vulnerable to harmful disturbance by dogs.¹

SHARED PATHWAYS

A shared use path or mixed use path is a form of infrastructure that supports multiple recreation and transportation opportunities, such as walking, cycling and horse riding.

SPORTS GROUNDS

The total of all sports surfaces marked and defined as a sports ground, including individual playing fields/courts and those areas in between

¹ The sensitive sites identified in this bylaw are specific to this bylaw and may differ from those in the District Plan.

individual playing fields/courts. These sports surfaces can be:

- (a) marked fields (e.g., fields used for soccer, cricket, rugby, or rugby league);
- (b) artificial turf (e.g., turf used for hockey);
- (c) courts (e.g., courts used for netball or tennis);
- (d) skateboard parks; or
- (e) track cycling facilities.

These areas are listed by Kapiti Coast District Council's Parks and Open Spaces Team on the Council website.

WORKING DOG

Working dog means—

- (a) any disability assist dog:
- (b) any dog—
 - (i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, 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
 - (ii) kept solely or principally for the purposes of herding or driving stock; or

- (iii) 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
- (iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or
 - (a) 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
 - (b) 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
 - (c) 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
- (v) owned by a property guard as defined in section 9 of the Private Security Personnel and Private

Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or

(vi) 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.

(c) Declared to be a working dog at the discretion of Council

(Section 2 of the Dog Control Act 1996)

5. DOG REGISTRATION

- 5.1 The owner shall comply with the provisions of the Kapiti Coast District Council Dog Control Bylaw 2019 and the Dog Control Act 1996.
- 5.2 Every person who owns a dog over the age of three (3) months must register the dog annually with the Kapiti Coast District Council by completing and submitting the prescribed form.
- 5.3 Where an owner of a dog is under the age of 16 years at the time of registration of the dog, the prescribed application form shall be completed by a parent or guardian in whose household the owner is living, and upon whom the owner is dependent.

6. CONTROL OF DOGS IN PUBLIC PLACES

General provisions:

- 6.1 An owner of a dog(s) must always carry an appropriate leash when walking their animal in any notified off-leash areas.

- 6.2 An owner of a dog(s) whilst walking in an off-leash area must keep the dog(s) under their direct control at all times.
- 6.3 The owner shall not allow any dog to enter onto any public place (not designated a dog off-leash area as stipulated in Schedule 3 or 4 of this Bylaw) and remain there without being under continuous leash control.
- 6.4 Any dog found in a public place (not designated a dog off-leash area as stipulated in Schedule 3 or 4 of this bylaw) while not being on a lead is considered to be uncontrolled and may be seized and impounded by any dog control officer, dog ranger, or honorary dog ranger.
- 6.5 The owner shall ensure that no dog is allowed to roam free or be at large on any private land or premises without the express or implied permission of the occupier or person in charge of the land or premises.
- 6.6 No owner shall cause or permit a diseased dog to enter any public place.
- 6.7 If a dog is impounded for wandering for the fourth time within any two-year period, the dog may be classified as menacing based on observed or reported behaviour in accordance with Section 33A(1)(b)(i) of the Dog Control Act.

Dog on-leash area:

- 6.8 Every dog shall be kept under continuous control / on-leash while that dog is in a dog on-leash area.

Dog off-leash area:

- 6.9 Dogs may be exercised off-leash in any area identified as a dog off-leash area in Schedules 3 and 4 of this bylaw, provided the dog is kept under direct control by the owner.

No dog area:

- 6.10 No owner shall cause or permit his/her dog(s) or any dog(s) within his/her charge to enter in or remain in any of the no dog areas as defined in Schedules 1 and 4 of this bylaw, except where
- (i) the dog is securely confined within a vehicle, or caged if on the open tray or deck of a vehicle, or

- (ii) the Kapiti Coast District Council Parks and Recreation Manager or equivalent position has given permission.

Access corridors:

- 6.11 Access corridors are specifically provided to allow dogs and their owners access through otherwise no dog areas to dog on-leash or dog off-leash areas. Every dog shall be kept under continuous leash control while entering or remaining in any of the access corridors as described in Schedule 2 of this Bylaw.

Sensitive sites:

- 6.12 Dogs must be on-leash on all sensitive sites. It is an offence not to comply with this requirement.

Dogs on, in or behind vehicles:

- 6.13 No owner shall allow a dog or dogs to ride on the open tray or deck of a vehicle (as defined by the Land Transport Act 1998) unless such dog or dog(s) is/are kept under control by means of a chain or rope of sufficient short length to prevent the dog(s) from leaving or falling from the vehicle. This part of the bylaw does not apply where the dog is properly confined within a secure cage or dog box on the rear of the vehicle.
- 6.14 No owner is to exercise a dog by running or walking it behind or beside a vehicle.

Exemptions:

- 6.15 Where it is appropriate, the restrictions set out in clauses 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13 and 6.14 do not apply to:
- (a) Working dogs being actively used for this purpose; and
 - (b) A dog classified as having a medical exemption.

7. DOG WELFARE

General provisions:

- 7.1 No person shall allow any dog to be kept in a manner that does not comply with the following minimum standards:

- (a) When contained or tethered, dogs must have constant access to water and dog food, appropriate to their needs, that is palatable to the dog, not harmful to health, and available in quantities sufficient to maintain vital bodily functions;
- (b) Dogs must not be contained or tethered in a way that causes them injury or distress, and any tether must be at least two meters in length;
- (c) Collars must fit comfortably without damaging the skin or restricting breathing;
- (d) Dogs must be provided with sheltered and dry sleeping quarters;
- (e) Measures must be taken to enable dogs to keep warm in cold weather, cool in warm weather, and safe in extreme weather or during a civil defence emergency;
- (f) Sleeping quarters must be large enough to allow the dog to stand up, turn around and lie down comfortably;
- (g) Dogs must be able to urinate and defecate away from the sleeping area;
- (h) Ventilation and shade must be provided in situations where dogs are likely to experience heat distress;
- (i) Faeces and urine must not be permitted to accumulate to such an extent that they pose a threat to the health or welfare of the dog and/or neighbouring properties;
- (j) Food and water containers must be kept clean of contamination that may pose a threat to the health or welfare of the dog;
- (k) Owners, or persons in charge of dogs, who observe their dogs to be showing:
 - (i) Signs of significant acute or chronic pain, suffering and distress;
 - (ii) Signs of rapidly deteriorating health; or
 - (iii) Serious injurymust seek immediate attention from a veterinarian or appropriately trained animal health practitioner;

- (l) If a dog is suffering from pain and distress that is extreme or untreatable, then the animal must be euthanised;
- (m) The coats of long-haired dogs must be groomed and/or clipped at a frequency that will prevent suffering and distress due to matting or infestation by parasites; and
- (n) Claws must be clipped when necessary to avoid penetration of the skin and/or foot pads.

7.2 No person or people sharing a property in any urban or rural area shall breed puppies for financial gain with little or no regard for health and welfare.²

Dog housing / kenneling outside:

- 7.3 Every dog owner must provide his or her dog with suitable housing or kenneling³ which:
- (a) Is situated in a position not closer than 5 metres to any adjoining land in rural zoned areas; not closer than 3 metres from the adjoining boundary in all other zones; or not closer than 1 meter where a lesser distance is agreed to by the neighbouring property owner, with the caveat that the permission for a lesser distance can be withdrawn at any time providing the neighbour can show the dog/s are committing a nuisance or when a new neighbour moves in;
 - (b) In the case of a kennel without other means of containment, be provided with a fixed chain which allows the dog free movement about the kennel;
 - (c) Is of weatherproof material, is constructed on dry ground, and has a floor which allows for easy cleaning; and
 - (d) Is of a floor area sufficient to allow reasonable movement and space to turn around, and of sufficient height so that the dogs may stand freely, and is generally consistent with the recommended minimum standard kennel sizes set out in Table 1 below:

² See the Kapiti Coast District Council Dog Control Policy 2019 for information on permits for breeders.

³ Outdoor kenneling is not required if the dog primarily lives inside. If the dog is left outside for periods of time, the dog must be able to access suitable housing, either inside or out.

| Table 1: Recommended minimum kennel sizes | | |
|--|--------------------|-------------------------------|
| Size of dog | Kennel only | Kennel plus run |
| Small (less than 7kg) | 900mm x 700mm | 500mm x 500mm plus 600mm x 1m |
| Medium (7kg-20kg) | 1.2m x 800mm | 600mm x 700mm plus 800mm x 1m |
| Large (21kg-40kg) | 1m x 1.5m | 800mm x 800mm plus 1m x 800mm |
| Extra Large (40kg +) | 1m x 2m | 1.2m x 1.2m plus 1.2m x 2.4m |

Source: National Animal Welfare Advisory Committee. 2010. *Animal Welfare (Dogs) Code of Welfare 2010*. Ministry for Primary Industries.

- 7.4 If Council considers that the keeping of dogs is such that clauses 7.1 or 7.2 are breached, Council may serve notice on the owner or occupier to take actions to require the conditions under which the dog is kept to be improved; so as to comply with clauses 7.1 and 7.2. The notice shall specify all corrective actions to be taken and, except in the case of ongoing actions, the time within which compliance must be achieved. Failure to comply with the notice is a breach of this bylaw and an infringement offence.

Diseased dogs:

- 7.5 Every dog owner must ensure that any dog known to be infected with Parvovirus, Distemper, Hepatitis or other contagious disease, is contained on his or her land or premises in such a manner that it cannot freely leave the land or premises other than when being transported to a registered veterinary clinic for treatment.
- 7.6 For every dog infected by a disease set out in clause 7.4 the owner must notify the Council immediately upon confirmation from a registered veterinarian.

Dogs in motor vehicles:

- 7.7 No owner shall keep or leave a dog or dogs in motor vehicles unless:
- (a) They can show that the dog(s) are confined within the vehicle so that it/they cannot cause danger or distress to any person or other animal; and
 - (b) Have access to water and adequate ventilation; and

- (c) The dog or dogs are not left in circumstances that could lead to danger or discomfort to the animal.

8. PREVENTION OF PUBLIC NUISANCE

- 8.1 The owner of every dog shall take such steps as are necessary and reasonable to prevent it from being or becoming a nuisance or annoyance to residents in the neighbourhood by barking, howling or obstructing the lawful passage of persons in a public place; by rushing at and frightening, harassing or intimidating such persons; or by harassing native wildlife.
- 8.2 If in the opinion of an animal management officer the keeping of dogs on any premises has become or is likely to become a nuisance or injurious to health, the animal management officer may by notice require the owner or occupier of such premises to do all or any of the following:
 - (a) reduce the number of dogs kept on the premises;
 - (b) construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain such dog or dogs;
 - (c) keep such dog or dogs tied up or otherwise confined during specified periods;
 - (d) build appropriate fencing on the premises to keep such dogs restrained or otherwise confined; or
 - (e) take such other action as the animal management officer deems necessary to minimise or remove the likelihood of nuisance or hazard or injury to health.

Dog faeces:

- 8.3 When a dog defecates in a public place or on land or premises other than that occupied by the owner, the owner shall immediately remove the faeces and dispose of such faeces in a sanitary manner.
- 8.4 All dog owners are required when walking a dog in a public place to carry a bag or container or other receptacle for the use of removing dog faeces.

- 8.5 It is an offence not to pick up your dog's faeces or carry an appropriate bag or receptacle. It is not a requirement that an animal management officer sight the offence being committed. If there is sufficient evidence based on a member of the public witnessing the event, Council may infringe under the DCA 1996.

9. LIMITATION ON THE NUMBER OF DOGS

- 9.1 No more than two (2) dogs of greater age than three (3) months shall be kept on or within any premises, other than in areas zoned rural in the Kapiti Coast District Plan, unless an application for the premises is made by the owner or occupier of the premises, and subsequently approved by an animal management officer and/or other authorised officer and a permit issued. The above limit of two dogs applies irrespective of the number of owners residing in, or using, the premises.
- 9.2 Council may place conditions on the permit and the holder must comply with them. If the holder fails to comply with the conditions, Council may cancel the permit. Any failure to comply shall be a breach of this bylaw.
- 9.3 In assessing every application for a permit, Council shall have regard to:
- (a) The adequacy of the land or premises for keeping of additional dog(s) specified in the application, giving consideration to their size and breed;
 - (b) The likely effects which keeping the additional dog(s) would have upon the surrounding neighbourhood;
 - (c) The likelihood of the dog(s) becoming a nuisance;
 - (d) Any previous complaints made to the Council about the owner or their dog(s);
 - (e) Whether there is adequate fencing;
 - (f) Whether there is dog-free access to the property;
 - (g) Any other matters considered relevant; and
 - (h) The views of neighbouring properties.

- 9.4 Every application for a permit must supply the information that Council requires to issue the permit and the applicant must pay the applicable fee prescribed by Council through the Annual Plan process.
- 9.5 The fee for such a permit shall be payable in addition to the registration fees payable under the Act.
- 9.6 Where there are more than two (2) dogs on any premises without a permit required by clause 9.1 of this bylaw, the animal management officer will by notice require the owner or occupier of such premises to apply for a permit within seven (7) days.
- 9.7 Where a permit application is declined, or the owner fails to lodge a permit application within seven (7) days of being notified of the requirement to do so, the animal management officer will by notice require the owner or occupier to reduce the number of dogs on the premises to no more than two (2) dogs within 14 days. Where that owner or occupier fails to comply with this notice, Council shall seize the number of dogs required to reduce the number of dogs on the premises to two.
- 9.8 Clauses 9.1-9.7 shall not apply to:
- (1) Working dogs in their normal working environment as long as such dogs are kept on such property for working purposes;
 - (2) Guide, hearing or seeing-eye dogs as long as the dogs are kept on such premises for one or more of these specific reasons;
 - (3) Dogs kept by the Police, the Customs Department, the Ministry of Defence or any officer or employee of any Department of State solely for the purposes of carrying out the functions, powers and duties of that specific organisation;
 - (4) Dogs that are intermittently visiting the premises for a short period of time and are not causing a nuisance;
 - (5) Any breeder of dogs who has a resource consent issued by Kapiti Coast District Council to conduct such a business within the Kapiti Coast District;

- (6) Veterinary premises;
- (7) Premises that have been set up for the specific purpose of caring for dogs and have a resource consent issued by Kapiti Coast District Council to conduct such a business within the Kapiti Coast District;
- (8) Facilities established under the authority of a Controller during a civil defence emergency; and
- (9) Facilities operated by an Approved Organisation under the Animal Welfare Act 1999.

10. BITCHES IN SEASON

- 10.1 The owner having possession or control of a bitch in season shall keep it confined on the owner's property whilst it is in that condition or otherwise suitably confine the dog except as specified in clauses 10.2 and 10.3.
- 10.2 A bitch in season shall receive adequate exercise for the duration of the season. If this cannot be achieved on the owner's property, then the bitch shall be exercised only under continuous control in dog on-leash areas.
- 10.3 When it is necessary to take the bitch in season from the owner's property, the bitch must be completely confined in a cage or vehicle while being transported to or from a secure location.

11. MENACING DOGS AND DANGEROUS DOGS

- 11.1 The owner of any dog classified as dangerous in accordance with Section 31 of the Dog Control Act 1996 must comply with the provisions set out in Section 32 of the Act. Similarly, the owner of any dog classified as menacing in accordance with Section 33A and/or 33C of the Dog Control Act 1996 must comply with the provisions set out in Section 33E of the Act.
- 11.2 Any dog residing in the Kapiti Coast District that has been classified as menacing will be required to be neutered within one (1) month after receipt of the notice of the classification.

- 11.3 If a dog has been classified as a menacing dog in another district, where it was not required to be neutered, but moves to the Kapiti Coast District, it will be a requirement for the dog to be neutered within one (1) month of residing in the Kapiti Coast District.
- 11.4 Council shall grant an exemption to the requirement to be neutered where the owner provides a written declaration from a registered veterinarian that neutering the dog would be detrimental to its health.

12. FEES

- 12.1 Dog registration fees are reviewed and set on an annual basis in accordance with Section 37 of the Dog Control Act 1996. A summary of Kapiti Coast District Council dog fees is available on the Council website or by contacting the Council Call Centre.

13. DOG CONTROL ACT 1996

- 13.1 It is the responsibility of all dog owners to make themselves fully conversant with the Dog Control Act 1996 and any later amendments.
- 13.2 The Dog Control Act 1996 provides important information on the obligations of dog owners, the powers and duties of territorial authorities, the infringement process, and classifications of owners and dogs.
- 13.3 The Kapiti Coast District Council requires all dog owners to fully comply with the obligations defined in the Dog Control Act 1996, and will actively enforce any breaches.
- 13.4 Land under the jurisdiction of the Department of Conservation (DOC) is subject to the Dog Control Act 1996; however, access is determined by DOC. The Waikanae Scientific Estuary is subject to DOC's Waikanae Scientific Reserve Bylaw, which prohibits animals in the Estuary.
- 13.5 Queen Elizabeth Park is under the jurisdiction of the Greater Wellington Regional Council (GWRC) and GWRC determine access. Access rules for Queen Elizabeth Park can be found on GWRC's website.
- 13.6 The Kapiti Coast District Council has a limited role in accordance with the Dog Control Act 1996 to protect wildlife from uncontrolled dogs in respect of both the Waikanae Scientific Estuary and Queen Elizabeth Park.

14. SUMMARY OF OFFENCES

- 14.1 Every person who commits a breach of any of the provisions of this bylaw shall be liable on summary conviction to a fine not exceeding \$20,000 and/or be issued with an infringement notice in the range of \$100 to \$750.
- 14.2 The following infringements (see Table 2) are set by the Dog Control Act 1996. The Council has no discretion to alter these fees:

| Table 2: Table of Infringement Offences | | |
|--|---|-------------------------|
| Section | Brief Description of Offence | Infringement Fee |
| 18 | Wilful obstruction of Dog Control Officer or Ranger | \$750.00 |
| 19(2) | Failure or refusal to supply information or willfully stating false particulars | \$750.00 |
| 19A(2) | Failure to supply information or willfully providing false particulars about dog | \$750.00 |
| 20(5) | Failure to comply with any bylaw authorised by section 20 of the Act | \$300.00 |
| 24 | Failure to comply with obligations of probationary owner | \$750.00 |
| 28(5) | Failure to comply with effects of disqualification | \$750.00 |
| 32(2) | Failure to comply with the effects of classification of dog as a dangerous dog | \$300.00 |
| 32(4) | Fraudulent sale or transfer of dangerous dog | \$500.00 |
| 33(F) | Failure to comply with effects of classification of dog as a menacing dog | \$300.00 |
| 36(A) | Failure to implant microchip transponder in dog | \$300.00 |
| 41 | False statement relating to registration | \$750.00 |
| 41A | Falsely notifying death of dog | \$750.00 |
| 42 | Keeping an unregistered dog | \$300.00 |
| 46(4) | Fraudulent attempt to procure replacement label or disc | \$500.00 |
| 48(3) | Failure to advise change of ownership | \$100.00 |
| 49(4) | Failure to advise change of address | \$100.00 |
| 51(1) | Removal or swapping of labels or discs | \$500.00 |
| 52(A) | Failure to keep dog controlled or confined | \$200.00 |
| 53(1) | Failure to keep dog under proper control | \$200.00 |
| 54(2) | Failure to provide proper care and attention, to supply proper and sufficient food, water and to provide adequate exercise. | \$300.00 |
| 54A | Failure to carry leash in public | \$100.00 |
| 55(7) | Failure to comply with barking dog abatement notice | \$300.00 |
| 72(2) | Releasing dog from custody | \$750.00 |

SCHEDULE ONE – NO DOG AREAS

1. Inland no dog areas

Dogs are not permitted in these zones at all times unless otherwise specified or unless specifically exempted (see section 6 of this bylaw).

- a) MacLean Park Recreation Reserve (dogs are allowed on-leash along the footpaths, as these are access corridors)
- b) Marine Gardens Recreation Reserve, Raumati
- c) All public swimming pools under Council control (Paraparaumu, Waikanae & Ōtaki), unless specified (i.e. Dogs in Togs) as per clause 6.10 of this bylaw
- d) Otaihanga Domain, unless specified (i.e. Paws in the Park) as per clause 6.10 of this bylaw. (Note: dogs are allowed on-leash along the footpaths, as these are access corridors.)
- e) Within 10 meters of all children's playgrounds
- f) Ōtaki Domain
- g) The playing field at Haruātai Park, Ōtaki
- h) All sports grounds under Council's control, unless an exemption has been provided for as per clause 6.10 of this bylaw
- i) Crown land and the adjacent beach and foreshore areas at the northern end of Kapiti Island
- j) The area known as Mataihuka Walkway in the Raumati Escarpment Reserve, east of old State Highway One in Paraparaumu, at all times
- k) All coastal dune areas except via sign posted beach access ways. (For access rules under Greater Wellington Regional Council control, refer to the Greater Wellington Regional Council website.)
- l) The Kapiti Expressway (not including the shared cycleways, walkways, and bridleways alongside the Expressway)

2. Beach no dog areas

See Schedule Four, section 1.1 for beach no dog areas in the summer from 10am to 7pm.

SCHEDULE TWO – DOG ON-LEASH AREAS

1. Inland dog on-leash areas

Dogs must be under continuous leash control at all times in dog on-leash areas.

- a) All commercial retail zones as described in the Kapiti Coast District Plan
- b) All recreational reserves within the District, except those specified in Schedules 1 or 3
- c) All public footpaths, streets and roads within the District (urban and rural). (Note: this includes the shared cycleways, walkways, and bridleways alongside the Kapiti Expressway.)
- d) All sensitive sites (see below)
- e) All cemeteries under Council control
- f) Native bush reserves, including but not limited to Wi Parata Reserve and Russell Reserve
- g) Walking tracks or signed marked areas in coastal dunes
- h) The western corner of Mazengarb Park from the central car park up to the boundary defined by the stream, extending through the reserve west along the drain up to the Mazengarb roundabout and the intersection on Guildford Drive
- i) Wharemauku Stream/Paraparaumu Airport walkway from Rimu Road through to Teoti Street, Paraparaumu Beach or Weka Park, Raumati Beach
- j) The stop bank track on the north side of the Ōtaki River from old State Highway 1 east to Crystals Bend
- k) The outside perimeter of all sports grounds at all times. (Note: this does not include the areas in between individual playing fields/courts.)
- l) The cross country area and pony club paddocks adjacent to Waikanae Park
- m) The Waikanae Riverbank Walkway on the north side of the Waikanae River from the western edge of Jim Cooke Park to Waikanae Estuary Scientific Reserve
- n) Kaitawa Reserve, Paraparaumu
- o) Edgewater Park, Waikanae

2. Sensitive sites

These sensitive sites remain dog on-leash areas at all times.

- a) Ames Street Reserve, Paekākāriki (including beach from Beach Road entrance to southern boundary)
- b) Waikanae Estuary Scientific Reserve
- c) Waimanu Lagoons, Waikanae
- d) Waimeha Lagoon, Waikanae
- e) Waimeha Stream Estuary
- f) Pharazyn Reserve
- g) Barry Hadfield Nikau Scenic Reserve
- h) Te Kowhai Stream Estuary
- i) Mangaone Stream Estuary
- j) Ōtaki Estuary and River mouth⁴
- k) Waitohu Stream Estuary

3. Access corridors

Dog access corridors allow access through or around otherwise no dog areas. Where possible, dog owners have on-leash 'rite of passage' with their dogs through otherwise no-dog areas. These corridors remain dog on-leash areas at all times.

Some examples include, but are not limited to;

- a) The road going through Otaihanga Domain in order to access the Otaihanga footbridge and the walkway
- b) The footpath through MacLean Park
- c) Walking through Campbell Park, either from Wellington Road to the Parade or vice versa

4. Beach dog on-leash areas

See Schedule Four, sections 1.2 and 2.1 for beach dog on-leash areas in the summer and winter.

⁴ Unless Greater Wellington Regional Council has issued a permit for a specific activity.

SCHEDULE THREE – DOG OFF-LEASH AREAS

1. Inland dog off-leash areas

- a) The stop-bank track on the south side of the Ōtaki River from old State Highway One west to the locked gates opposite the Katihiku Marae. (Note: this track passes through property leased for grazing and dog owners are required to observe the dog on-leash area requirements in these areas.)
- b) The stop-bank track on the north side of the Ōtaki River from old State Highway One west to the Ōtaki Estuary.
- c) Ōtaki Dog Park, 79 Aotaki street, Ōtaki
- d) The equestrian showground adjacent to Waikanae Park, when an organised event is not held
- e) The river bank walkway on the south side of the Waikanae River from the Otaihanga Domain to old State Highway One
- f) The river bank walkway on the north side of the Waikanae River from the western edge of Jim Cooke Park to old State Highway One, excluding Edgewater Park (which is a dog on-leash area)
- g) Wesley Knight Park, Paraparaumu Beach
- h) Eatwell Avenue Reserve, Paraparaumu Beach, via the main access off Gray Avenue. This Reserve reverts to a dog on-leash area when an organised event is being held in this space.
- i) The western corner of Weka Park, Raumati Beach (Alexander Road entrance), between 9am and 3pm from Monday to Friday (at all other times the Park is a dog on-leash area).
- j) Kapiti Coast District Council's Greenaway Road Dog Park at Pukekawa Reserve (Greenaway Road, Waikanae).
- k) The flat flood prone area owned by Greater Wellington Regional Council at Pukekawa Reserve.

2. Beach dog off-leash areas

See Schedule Four, sections 1.3 and 2.2 for beach dog off-leash areas during summer and winter.

SCHEDULE FOUR - BEACH AREAS

1. Summer Beach Dog Areas by day (10am-7pm) (See Maps 1-7)

1.1 Between 10am – 7pm from 01 December to the end of daylight savings, the following beach foreshore areas are **no dog areas**:

- a. Takitimu Road, Raumati Beach to the Wharemauku Stream, Raumati Beach
- b. Rua Road, Paraparaumu Beach to the Kapiti Boating Club, Paraparaumu Beach
- c. Waikanae Boating Club to the beginning of the Waimeha Stream Sensitive Site, Waikanae Beach.

1.2 Between 10am – 7pm from 01 December to the end of daylight savings the following beach foreshore areas are **dog on-leash areas**:

- a. Karaka Street, Ōtaki Beach to the Ōtaki Surf Club, Ōtaki Beach
- b. From Beach Road, Paekākāriki to the Wainui Stream Estuary

1.3 All beach foreshore areas are **dog off-leash areas** between 10am – 7pm from 01 December to the end of daylight savings, except for sensitive sites and clauses 1.1 and 1.2 above.

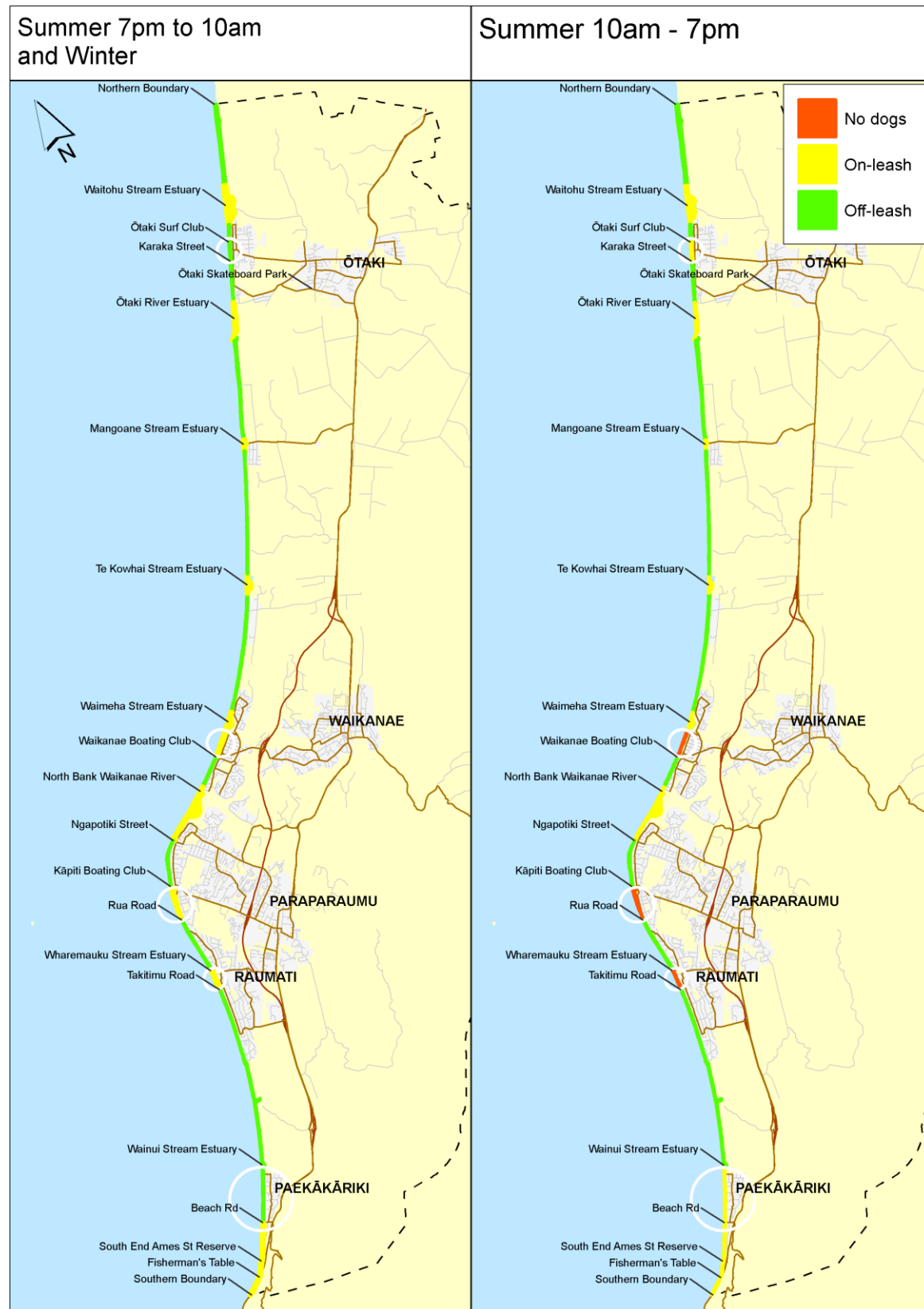
2. Summer Beach Dog Areas at night (7pm – 10am), and all day during winter (See Maps 1-7)

2.1 Between 7pm-10am from 01 December to the end of daylight savings and all day during winter (the balance of the year) the following beach foreshore areas are **dog on-leash areas**:

- a. Takitimu Road, Raumati Beach to Wharemauku Stream, Raumati Beach
- b. Rua Road, Paraparaumu Beach to the Kapiti Boating Club, Paraparaumu Beach
- c. Waikanae Boating Club to the beginning of the Waimeha Stream Sensitive Site, Waikanae Beach.

2.2 All beach foreshore areas are **dog off-leash areas** between 7pm – 10am from 01 December to the end of daylight savings and all day during winter, except for sensitive sites and clause 2.1 above.

MAP 1: Beach hours



MAP 2: Ōtaki Dog Access Areas



ŌTAKI DOG ACCESS AREAS



Legend

-  No dogs
-  On-leash restricted
-  On-leash
-  Off-leash
-  Sensitive site

DISCLAIMER: While the map provides a specific indication of dog restrictions in certain parks, reserves and public areas within the District, the map does not cover every single open space. Please refer to the Schedules of the Dog Bylaw 2019 which provide a general statement on the dog restricted status of all public places, parks and reserves in the District that are not covered within these maps.



MAP 3: Te Horo – Peka Peka Dog Access Areas



TE HORO - PEKA PEKA DOG ACCESS AREAS



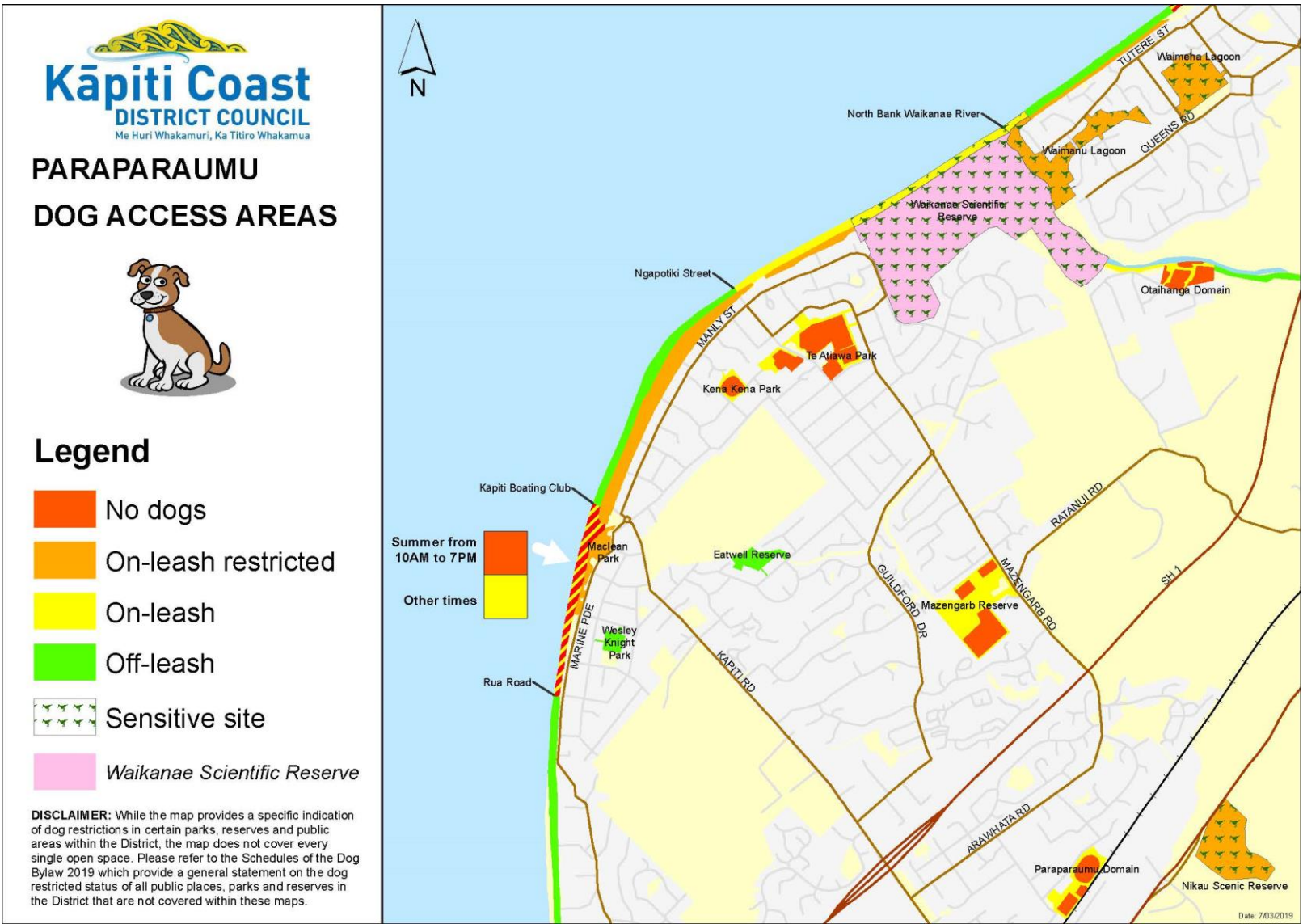
Legend

- No dogs
- On-leash restricted
- On-leash
- Off-leash
- Sensitive site

DISCLAIMER: While the map provides a specific indication of dog restrictions in certain parks, reserves and public areas within the District, the map does not cover every single open space. Please refer to the Schedules of the Dog Bylaw 2019 which provide a general statement on the dog restricted status of all public places, parks and reserves in the District that are not covered within these maps.



MAP 5: Paraparaumu Dog Access Areas



MAP 6: Raumati Dog Access Areas



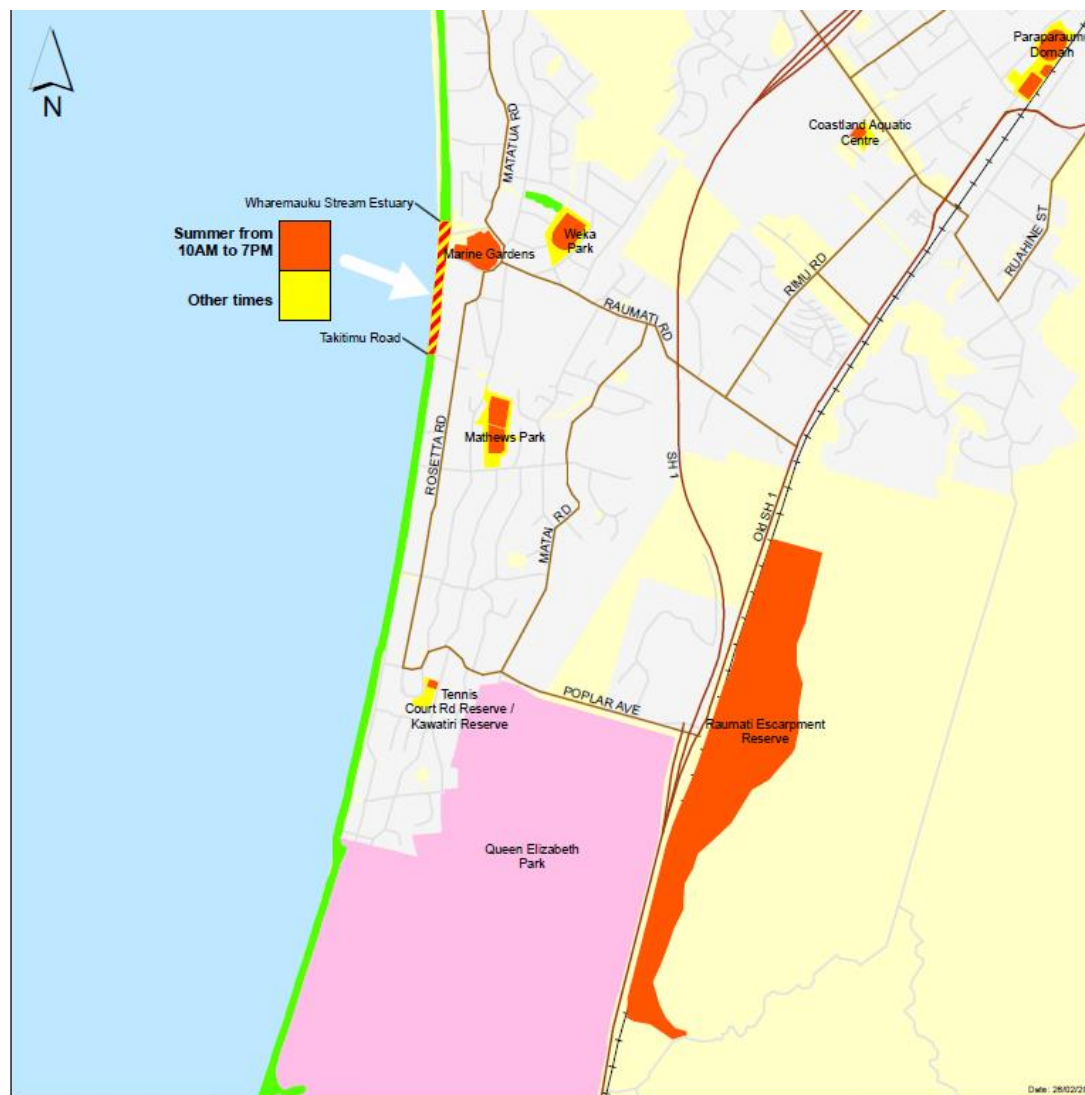
RAUMATI DOG ACCESS AREAS



Legend

- No dogs
- On-leash restricted
- On-leash
- Off-leash
- Sensitive site
- Queen Elizabeth Park

DISCLAIMER: While the map provides a specific indication of dog restrictions in certain parks, reserves and public areas within the District, the map does not cover every single open space. Please refer to the Schedules of the Dog Bylaw 2019 which provide a general statement on the dog restricted status of all public places, parks and reserves in the District that are not covered within these maps.



MAP 7: Paekākāriki Dog Access Areas



PAEKĀKĀRIKI DOG ACCESS AREAS



Legend

-  No dogs
-  On-leash restricted
-  On-leash
-  Off-leash
-  Sensitive site
-  Queen Elizabeth Park

DISCLAIMER: While the map provides a specific indication of dog restrictions in certain parks, reserves and public areas within the District, the map does not cover every single open space. Please refer to the Schedules of the Dog Bylaw 2019 which provide a general statement on the dog restricted status of all public places, parks and reserves in the District that are not covered within these maps.





APPENDIX 2

DRAFT KAPITI COAST DISTRICT COUNCIL DOG CONTROL POLICY 2019

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1. TITLE, COMMENCEMENT AND APPLICATION

- 1.1 This policy may be cited as the Kapiti Coast District Council Dog Control Policy 2019 and shall come into force on XX.
- 1.2 This policy applies to any part of the Kapiti Coast District, excluding any land for the time being included in:
- a) A controlled dog area or open dog area under Section 26ZS of the Conservation Act 1987;
 - b) A National Park constituted under the National Parks Act 1980;
 - c) Waikanae Scientific Reserve which is land owned and managed by the Department of Conservation; and
 - d) Queen Elizabeth Park which is land owned and managed by Greater Wellington Regional Council.
- 1.3 This policy replaces the Kapiti Coast District Council Dog Control Policy 2009.

2. DOG CONTROL POLICY VALIDATION

- 2.1 The Kapiti Coast District Council Dog Control Policy 2019 was approved at a meeting of the Kapiti Coast District Council on XX, after completion of the special consultative procedure.

3. PURPOSE OF THIS POLICY

- 3.1 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 ("the Act").
- 3.2 Council has the requirement to manage most of the provisions in the Act, which includes providing a dog control and impounding operation. Another obligation on Council is to develop a policy on dogs within their area.
- 3.3 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 of 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.

4. DEFINITIONS

ACCESS CORRIDOR

Dog access corridors that allow access through or around otherwise no dog areas. These corridors remain dog on-leash areas at all times.

ANIMAL MANAGEMENT OFFICER

An officer appointed under section 11 of the Dog Control Act 1996. (Also known as a Dog Control Officer.)

AUTHORISED OFFICER

Means any person authorised by the Council to carry out any of the duties provided for under this bylaw or any Council bylaw; and
 (a) Includes any Council Enforcement Officer; and
 (b) Includes any agent licensed by Council to carry out a duty or operate a public place on Council's behalf.

APPROVED OWNER

An owner who meets the requirements of approved ownership set out in the Kapiti Coast District Council Dog Policy.

BEACH

Any area along the Kapiti Coast which can reasonably be considered part of the beach environment including the foreshore, dunes, river mouths, coastal vegetation, coastal protective works, and any other areas of sand, surf, pebbles, shells or shingles under Council regulatory control.

CHILDREN'S PLAYGROUND

An outdoor recreation area for children, usually equipped with swings, slides, seesaws and other play equipment.

CONTINUOUS CONTROL /

A dog is kept under continuous leash or lead

| | |
|---------------------------------------|---|
| ON-LEASH | control by its owner. (Refer below for the definitions of owner and leash.) |
| CONTINUOUS CONTROL / OFF-LEASH | Refer below for the definition of 'direct control of a dog off-leash'. |
| CULTURALLY SIGNIFICANT SITE | Refer below to definition of 'sensitive site'. |
| COUNCIL | Means the Kapiti Coast District Council or any Committee, Community Board, or an officer authorised to exercise the authority of the Council. |
| DANGEROUS DOG | <p>Any dog classified by Council as dangerous because:</p> <ul style="list-style-type: none"> (a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or (b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or (c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife. <p>(Section 31 of the Dog Control Act 1996)</p> |
| DISQUALIFIED OWNER | <p>Any owner classified as disqualified by Council because:</p> <ul style="list-style-type: none"> (a) the owner commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or (b) the owner is convicted of an offence (not being an infringement offence) against this Act; or (c) the owner is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act |

1999, section 26ZZP of the Conservation Act 1987, or section 56I of the National Parks Act 1980.

(Section 25 of the Dog Control Act 1996)

DISTRICT

Kapiti Coast District.

DIRECT CONTROL OF A DOG OFF-LEASH

A dog is under direct control when it is in the owner's direct vision and range of voice at all times. The owner must be able to promptly place a leash on the dog should it pose a nuisance or cause distress to any other persons, stock, poultry, domestic animal or protected wildlife or at the request of an animal management officer. (Refer below for the definitions of owner and leash.)

DOG CONTROL ACT

Dog Control Act 1996 or any Act passed in amendment or substitution thereof including any regulations made under authority of the Act.

DOG EXERCISE AREA

An area designated for dogs that is not fully enclosed, but where dogs that are under direct control can play and socialise off-leash. (Refer above for the definition of 'direct control of a dog off-leash'.)

DOG PARK

A dog park is a fully enclosed area for dogs to play and socialise with other dogs typically without a leash and under direct control. (Refer above for the definition of 'direct control of a dog off-leash'.)

DISEASED DOG

A dog infected with parvovirus, hepatitis or any other contagious disease.

DOG RANGER / HONORARY DOG RANGER

Officer appointed under section 12 of the Dog Control Act 1996

DUNES

The section of the beach lying generally above the high tide mark where mounds or ridges of sand formed by wind or water action exist. These dune areas can be covered or uncovered by vegetation.

FORESHORE

The land edging the sand, estuaries and rivers that are regularly submerged and exposed by the sea's tidal ebb and flow. That is, the area

between the line of mean high water springs level and the mean low water springs level.

**KAPITI COAST DISTRICT COUNCIL
APPEALS HEARING COMMITTEE
("the Committee")**

A subcommittee convened and constituted 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; and to consider exemptions under this bylaw (Note: the name of this committee applies to the 2016-2019 triennium and may change in the future).

LEASH OR LEAD

A leash or lead of appropriate length and material firmly attached to a correctly fitted dog collar or harness. For dogs on shared pathways the leash or lead should not be more than 2 metres in length, while in open park reserve and beach foreshore areas a longer recoil or extension leash or lead may be used but must have a locking mechanism and meet and the requirement of "continuous control".

LICENCE

Means a licence, permit, registration, written consent or approval issued as per the requirements of any Act of Parliament, Council bylaw or policy.

LIVESTOCK/STOCK

Includes stock as defined in section 2 of the Dog Control Act 1996 and shall also include any live animal or bird that is kept within a fence or enclosure or is moved between fenced or enclosed spaces for domestic or farming purposes.

MEDICAL EXEMPTION

Where a dog has a medical condition then an exemption from the appropriate bylaw restrictions may be approved by the Kapiti Coast District Council Appeals Hearing Committee upon the production of a certificate from a registered veterinary surgeon. When a dog is granted such a medical exemption, the Committee may require the dog be subject to other conditions to ensure public safety is not jeopardised.

MENACING DOG

A menacing dog is one that may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—

- (a) any observed or reported behaviour of the dog; or
- (b) any characteristics typically associated with the dog's breed or type.

(Section 33A of the Dog Control Act 1996)

MICROCHIPPED DOG

The owner of the dog must, for the purpose of providing permanent identification of the dog, arrange for the dog to be implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner. (Refer to Section 36A of the Dog Control Act 1996.)

MUZZLE

A humane fastening or covering device which prevents a dog from biting but allows normal breathing and drinking.

NEUTERED DOG (de-sexed)

A neutered dog is one which has been castrated or spayed. It does not include a dog which has been vasectomised.

NO DOG AREA

An area in which dogs are not permitted at all times, unless otherwise specified or specifically exempted.

OFF-LEASH AREA

An area designated for dogs where they can play and socialise off-leash, while under direct voice and visual control at all times. These can be fully enclosed dog parks, or not fully enclosed dog exercise areas.

ON-LEASH AREA

An area in which dogs are permitted at all times, provided they are under continuous leash control. (Refer above for the definition of leash/lead.) (Some on-leash areas may have additional restrictions, where dogs must remain on formed pathways and walking tracks. Refer to the definition of on-leash restricted area.)

ON-LEASH RESTRICTED AREA

An area where dogs are permitted, provided they are under continuous leash control and remain on formed pathways and walking tracks. (Refer above for the definition of leash/lead.)

OTHER OWNER

A dog owner who is not an approved, disqualified or probationary owner.

OWNER

Every person who:

- (a) Owns the dog
- (b) Has the dog in his or her possession, 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) 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 paragraph (b) of this definition; and
 - ii. Is a member of the parent or guardian's household living with and dependent of the parent or guardian.

(Section 2 of the Dog Control Act 1996)

PREMISES

Land and/or buildings occupied domestically or commercially.

PROBATIONARY OWNER

A probationary owner is one classified as such under Section 21 of the Dog Control Act 1996.

PUBLIC PLACE

Public place means:

- (a) 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.

RESERVE

Means any land under the management or control of Kapiti Coast District Council and set apart for any public purpose as described from time to time, in the Reserves Act 1977, including parks, gardens, recreation grounds, open spaces and foreshores but excluding sports grounds and sensitive sites.

RESTRICTED AREA

Refer above for the definition of an 'on-leash restricted area'.

SENSITIVE SITES

An important habitat for wildlife (flora and fauna) vulnerable to harmful disturbance by dogs, or a culturally significant site that is vulnerable to harmful disturbance by dogs.¹

SHARED PATHWAYS

A shared use path or mixed use path is a form of infrastructure that supports multiple recreation and transportation opportunities, such as walking, cycling and horse riding.

SPORTS GROUNDS

The total of all sports surfaces marked and defined as a sports ground, including individual playing fields/courts and those areas in between individual playing fields/courts. These sports surfaces can be:

- (a) marked fields (e.g., fields used for soccer, cricket, rugby, or rugby league);
- (b) artificial turf (e.g., turf used for hockey);
- (c) courts (e.g., courts used for netball or tennis);
- (d) skateboard parks; or
- (e) track cycling facilities.

These areas are listed by Kapiti Coast District Council's Parks and Open Spaces Team on the Council website.

WORKING DOG

Working dog means—

- (a) any disability assist dog:
- (b) any dog—
 - (i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, 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

¹ The sensitive sites identified in this bylaw are specific to this bylaw and may differ from those in the District Plan.

- (ii) kept solely or principally for the purposes of herding or driving stock; or
- (iii) 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
- (iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or
 - (a) 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
 - (b) 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
 - (c) 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
- (v) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or

(vi) 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.

(c) Declared to be a working dog at the discretion of Council

(Section 2 of the Dog Control Act 1996)

5. POLICY OBJECTIVES

5.1 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 and sensitive sites.

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.

Objective 7

To provide for the welfare of dogs by at least ensuring minimum standards of care are met.

POLICY GUIDELINES

6. CLASSIFICATION OF OWNERS

6.1 There are three dog owner classifications used by the Kapiti Coast District Council -

- (a) Probationary owners
- (b) Disqualified owners
- (c) Approved dog owners

(a) Probationary owners

6.2 When an owner is convicted of an offence under the Act or has received three infringement notices within 24 months, the Council may classify that owner as a probationary owner for the period of 24 months.

6.3 The probationary classification has the following impacts:

- The owner is not allowed to own any other dogs than those owned at the time the classification was made;
- The owner must register, rehome or euthanise any unregistered dogs; and
- Council shall direct the owner to attend dog owner education programmes or dog obedience courses (or both) approved by Council, at the owner's expense.

6.4 A probationary owner has the right to object to the classification and the Act sets out a number of matters whereby the two-year probationary period can be reduced.

(b) Disqualified owners

6.5 Any owner convicted of an offence under the Act, or who has received three infringement notices, can be immediately disqualified from owning a dog.

6.6 A probationary owner who is convicted of a further offence, or receives three further infringement notices, can be disqualified from owning a dog. It is not necessary for an owner to be classified as probationary before being disqualified.

6.7 The disqualified owner must rehome or euthanise all dogs they own and cannot own any more dogs for up to five years. A disqualified owner has the right to object to the classification.

(c) Approved dog owners

6.8 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 Act);
- in the last two years the dog hasn't been impounded, chased or returned home or been subject to any justified complaint;
- the owner's property and dog accommodation meet Council criteria for fencing, access, dog shelter and exercise areas;
- the owner has been a recorded dog owner in the Kapiti Coast District for the last two years; and
- an approved owner processing fee and all registration fees have been paid.

6.9 Any individual that holds "approved ownership" status from another local authority and transfers into the Kapiti District may apply to be an approved owner immediately. All other criteria outlined above must be met.

6.10 Any individual that holds a New Zealand Canine Good Citizen qualification is able to apply for "approved ownership" status immediately. All other criteria outlined above must be met.

(d) Other Owners

6.11 This includes all other owners who are not approved dog owners, probationary owners, or disqualified owners.

7. REGISTRATION

7.1 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 their obligation to register their dog;
- Monitor registration and take action against owners who fail to register their dogs. This includes:
 - (a) issuing a warning or infringement notice;
 - (b) impounding of unregistered dogs; and
 - (c) the requirement that all dogs be registered before they are released from the pound.

8. REGISTRATION FEES

8.1 The provision of a dog control service includes the maintenance of dog registration databases; the monitoring of regulations and bylaws; responses to complaints; enforcement actions; proactive, preventative patrols; investigations; formal 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.

8.2 Registration fees cover signage, maintenance of current dispenser units, and any unforeseen costs associated with the removal of dog waste. Where the Council approves the establishment of new dog exercise areas, registration fees may also be used for the installation of required fencing and the cost of ongoing maintenance.

8.3 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 (e.g. Council prosecuting an owner in Court) are an expensive process and the ability to recover these costs is constrained by law.

- 8.4 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.
- 8.5 The Council will recover most of the costs associated with dog control through registration, control and enforcement fees.
- 8.6 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.
- 8.7 In instances where the yearly registration fee has been paid and the dog has died during the year, the owner must notify Council in writing that the dog has died. Council can refund part of the registration fee in accordance with Section 39 of the Dog Control Act 1996.

9. PREVENTION OF DOG ATTACK & NUISANCE

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.
- In instances where a dog has died and the owner would like to request a refund for part of the registration fee, the owner must notify Council in writing and Council will provide a refund in accordance with Section 39 of the Dog Control Act 1996.

9.1 Council will provide proactive and targeted preventative patrols to deal with repeat problem dogs and dog owners (for example, repeat high risk area patrols).

9.2 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.

10. DOG OBEDIENCE COURSES

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

11. DOG WELFARE

- 11.1 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; and
- is regularly and adequately exercised.

- 11.2 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.

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

12. SEIZE, IMPOUND & RETAIN

- 12.1 The Act sets out certain provisions for the impounding of dogs. Where any dog is found at large in a public place in contravention of a bylaw or, on property other than the owners, it may be impounded.

- 12.2 Where any dog is impounded and the owner is known, Council will make attempts to contact the owner. The owner has seven days to recover the dog from the pound. If the dog is not claimed, the Council may then rehome or euthanise the dog as Council sees fit.

- 12.3 Where an animal management officer has reasonable grounds to believe an offence under the Act has been committed, including failure to comply with registration requirements, the dog(s) may be seized and impounded.

- 12.4 Under the Act, Council can set fees for the impounding of dogs. Fees are set for seizure, sustenance and the euthanasia of the dog. These fees can be varied for registered and unregistered dogs and may be graduated for repeated impounding offences of the same dog.
- 12.5 All registration requirements, fees and shelter fees must be paid and the dog microchipped before a dog will be released from the shelter.
- 12.6 If a dog is impounded for wandering for the fourth time within any two-year period, the dog may be classified as menacing based on observed or reported behaviour in accordance with Section 33A(1)(b)(i).

13. DANGEROUS AND MENACING DOGS

- 13.1 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.
- 13.2 Council can 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; and
 - be allowed to object to the classification and be heard; and
 - comply with the requirements of the Act to keep the dog fenced in, muzzled/caged when in public, and have the dog neutered; and
 - not rehome the dog to any person without Council prior written approval; and
 - advise any person in possession of the dangerous dog of the requirement to muzzle/cage and leash the dog when in public; and
 - ensure the dog is microchipped; and
 - ensure the dog is confined to a secure section of the property that allows someone to safely enter and exit without interaction with the dog.
- 13.3 Section 33A of the Act allows Council to classify dogs as menacing, and Section 33C requires the Council to 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 Act. The owner of a menacing dog shall:

- be give written notice of the dog's classification in the form prescribed; and
- be allowed to object to the classification and be heard; and
- comply with the requirements of the Act to keep the dog muzzled/caged when in public and is required to have the dog neutered; and
- 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 microchipped.

13.4 The breeds or types of dog currently listed in Schedule 4 of the Act which Council must classify as menacing are as follows:

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

13.5 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.

13.6 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.

13.7 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.

14. PERMITS AND EXEMPTIONS²

14.1 Permits and exemptions are required for:

² Permits for breeders, boarding kennels, and dog day cares are managed through resource consenting.

- Working dogs;
- Medical exemptions; and
- More than two dogs on a property in any urban residential living zone.

14.2 Fees for processing an application for a special licence may apply.

15. MICROCHIPPING DOGS

15.1 Microchip regulations came into force in New Zealand on 1 July 2006. Dogs registered on or after this date, excluding dogs kept solely or mainly for herding or driving stock, require microchipping.

15.2 Owners must provide permanent identification of their dog by arranging for the dog to be implanted with an approved microchip when the dog is:

- registered for the first time;
- classified as dangerous or menacing; or
- impounded.

15.3 Where microchipping has not occurred the Council may:

- issue a warning or an infringement notice; and
- prosecute the owner.

15.4 Owners must provide proof of microchipping within two months of registration.

16. ENFORCEMENT OF DOG CONTROL

16.1 The Act empowers animal management officers to issue infringement notices which impose an instant fine on the recipient. Infringement notices can only be issued for particular offences and the levels of fines are set by the Act and range from \$100 to \$750. The Council has no discretion to alter these fees. These are listed in Appendix 1.

17. CATEGORIES OF DOG CONTROL AREAS

17.1 The Kapiti Coast District Council recognises the need to provide adequate areas for dog exercise.

17.2 The dog control areas in the Kapiti Coast District are:

| | |
|---|--|
| No-dog area (Prohibited Zone) | An area in which dogs are not permitted at all times, unless otherwise specified or specifically exempted. |
| On-leash area (Controlled Zone) | An area in which dogs are permitted at all times, provided they are under continuous leash control. |
| Off-leash area (Exercise Zone) | An area designated for dogs where they can play and socialise off-leash, while under direct voice and visual control at all times. |
| Dog park | A fully enclosed area for dogs to play and socialise with other dogs typically without a leash and under direct control. |
| Access corridors | An area designed to allow access through or around otherwise no-dog areas. |
| Sensitive sites | Important habitat for wildlife (flora and fauna) vulnerable to harmful disturbance by dogs, or a culturally significant area that is vulnerable to harmful disturbance by dogs. Dogs allowed only when under lead control. |
| Waikanae Scientific Reserve and Queen Elizabeth Park | Access and rules in these areas are determined by the Department of Conservation and Greater Wellington Regional Council. |

NO-DOG AREAS AND ON-LEASH AREAS

- 17.3 There are times of the year when it may be inappropriate to allow access of dogs to certain areas. For example, in mid summer, during school holidays or when a public event 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 areas. 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.
- 17.4 No-dog areas may therefore be applied only during the busiest holiday periods, reverting to on-leash areas for the rest of the year. Similarly, it may be appropriate for

no-dog areas to be applied for specific events, such as cultural or sports events, in specified areas.

ACCESS CORRIDORS

- 17.5 Designated access corridors have been established. These corridors will have on-leash status and will allow dogs and their owners to pass across no-dogs areas to reach off-leash or on-leash areas.

WAIKANAЕ SCIENTIFIC RESERVE AND QUEEN ELIZABETH PARK

- 17.6 The Waikanae Scientific Estuary (the Estuary) is owned and controlled by the Department of Conservation (DOC). Access and rules in the Estuary are determined by DOC's Waikanae Scientific Reserve Bylaw.
- 17.7 Queen Elizabeth Park is owned and controlled by the Greater Wellington Regional Council (GWRC). Access and rules in Queen Elizabeth Park are determined by Greater Wellington Regional Council. (See the Greater Wellington Parks, Forests and Reserves Bylaw 2016 and the Greater Wellington Regional Council's website).
- 17.8 Any additional information required in respect of the Waikanae Scientific Reserve or Queen Elizabeth Park can be obtained by contacting the appropriate agency.

18. EXEMPTIONS

- 18.1 Exemption applications for certain dogs who cannot comply with the Kapiti Coast District Council Dog Policy and the Kapiti Coast District Council Dog Bylaw will be considered by the Kapiti Coast District Council Appeals Hearing Committee (the Committee). The Committee 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.
- 18.2 The Committee also has the authority to consider exemptions, such as certain situations where dogs with a proven medical condition cannot comply with the rules. In such circumstance, the Committee also has the ability to place alternative conditions (where necessary) on dog owners to ensure public safety is not compromised.

19. KAPITI COAST DISTRICT DOG ACCESS AREAS

- 19.1 Council-defined no-dog areas, on-leash areas, off-leash areas, and access corridors are described in Schedules 1, 2, 3 and 4 of the Kapiti Coast District Council Dog Control Bylaw 2019.

20. BYLAWS

- 20.1 The Act enables Council to create a bylaw(s) to give effect to its Dog Control Policy. The Kapiti Coast District Council Dog Control Bylaw 2019 gives effect to this policy.

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APPENDIX 1 – TABLE OF INFRINGEMENT OFFENCES

| 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 |
| 62(5) | Failure to advise of muzzle and leashing requirements | \$100 |
| 72(2) | Releasing dog from custody | \$750 |