

8.9 ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICE

Author: Jacquie Muir, Environmental Standards Manager

Authoriser: Angela Bell, Acting Group Manager Regulatory Services

PURPOSE OF REPORT

- 1 To present the Kapiti Coast District Council Annual Dog Control Report 2019/20 (the Report) on the 2019 Dog Control Policy and Practices.

DELEGATION

- 2 The Council has the delegation to consider this report under section B.2 of the Governance Structure and Delegations.

BACKGROUND

- 3 Section 10A of the Dog Control Act 1996 (the Act) requires territorial local authorities to report on their dog control policies and practices as follows:
 - 1) A territorial authority must, in respect of each financial year, report on the administration of:
 - (a) its dog control policy adopted under section 10; and
 - (b) its dog control practices.
 - 2) The report must include, in respect of each financial year, information relating to:
 - (a) the number of registered dogs in the territorial authority district;
 - (b) the number of probationary owners and disqualified owners in the territorial authority district;
 - (c) the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made;
 - (d) the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made;
 - (e) the number of infringement notices issued by the territorial authority;
 - (f) the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints;
 - (g) the number of prosecutions taken by the territorial authority under this Act.
 - 3) The territorial authority must:
 - (a) give public notice, as defined in section 5(1) of the Local Government Act 2002, of the report; and
 - (b) make the report publicly available, as described in section 5(3) of the Act.
 - 4) The territorial authority must also, within 1 month after receiving the report, send a copy of it to the Secretary for Local Government.

ISSUES AND OPTIONS**Issues**

- 4 There are no issues to consider.

Options

- 5 There are no options to consider.

CONSIDERATIONS**Policy considerations**

- 6 There are no policy considerations.

Legal considerations

- 7 The Annual Report contained in Appendix One is required by Section 10A of the Dog Control Act 1996, the report must be publicly notified and a copy forwarded to the Secretary for Local Government by 30 October 2020.

Financial considerations

- 8 There are no financial considerations.

Tāngata whenua considerations

- 9 There are no Tāngata whenua considerations.

Strategic considerations

- 10 *Toitū Kāpiti* includes an aspiration for strong, safe communities. The Dog Control Bylaw, Policy and practices helps in the attainment of this aspiration because it seeks to enhance the safety of the public and allow the responsible enjoyment of public places in our District.
- 11 There are no further strategic considerations.

SIGNIFICANCE AND ENGAGEMENT**Significance policy**

- 12 Management of dog control through policy and practices has low level of significance under the Council's Significance and Engagement Policy, but it is recognised that there is strong interest in dog-related issues across the District because of perception and impact of dogs in relation to public safety.

Consultation already undertaken

- 13 No consultation is required.

Engagement planning

- 14 No engagement planning required.

Publicity

- 15 This report is required to be made publicly available; therefore, the Report contained in appendix one will be available on the Kapiti Coast District Council website; and its availability will be notified in local newspapers.



Other Considerations

- 16 There are no other considerations.

RECOMMENDATIONS

- 17 That the Council receive this report and accompanying appendices.

APPENDICES

1. Annual Report on Dog Control Policy and Practices 2019-2020 [↓](#) 
2. Kapiti Coast District Council Dog Control Policy 2019 [↓](#) 

Appendix One

The Kapiti Coast District Council Annual Report on Dog Control Policy and Practices 2019/20



1. Introduction

The Kapiti Coast District Council, as a territorial authority, must report annually on its dog control policy and practices. The purpose of this report is to provide the information required under section 10A of the Dog Control Act 1996 (the Act) in relation to:

- a) Its dog control policy adopted under section 10; and
- b) Its dog control practices.

2. The Council's Dog Control Policy (the Policy)

2.1 The Policy:

The Kapiti Coast District Council adopted its Dog Control Policy on 14 March 2019. The Policy outlines how the Kapiti Coast District Council will address the requirements set out in section 10 of the Act. The Policy is enforceable through the 2019 Kapiti Coast District Council Dog Control Bylaw.

The objectives of the Policy are to:

1. Ensure all dogs in the District are kept under proper and appropriate control at all times.
2. Prohibit or restrict specific breeds of dogs which are known to be dangerous.
3. To eliminate or minimise the distress, danger and nuisance caused by dogs to the general public and their property and sensitive sites.
4. To ensure that the owners of dogs comply with their obligations under the Act.
5. To provide the exercise and recreational needs of dogs and their owners.
6. To recognise good and responsible dog owners and to reward them by reduced fees; and to discourage poor dog ownership by applying penalty fees where appropriate;
7. To provide for the welfare of dogs by at least ensuring minimum standards of care are met.

3. Dog control practices:

3.1 Changes in role to increase capacity of the team

In September 2019 the Animal Management role grew to incorporate the management of Council controlled public spaces. The change provided a more dynamic, effective and

efficient way to utilise staff that were already operationally active in the field while ensuring the delivery of a robust dog control practice. Additional resourcing in to the team improved operational capacity as it allowed for increased business hours to include a full service from 0700 hours to 1900 hours Monday to Sunday. This also reduced the amount of time staff were working alone on weekends. The on call after hour service also improved as the team are no longer reliant on any support from an external contractor. Increasing business hours and providing a full on call service has ensured a more consistent and reliable practice in the management of dogs across all days of the week and after hours.

3.2 Refurbishment of Animal Management Shelter

On 1 October 2018 the guidelines for the management of companion animals in temporary housing facilities was introduced through the **Code of Welfare of Temporary Housing of Companion Animals (the Code)**. As a result of this new code there was a need to improve facilities at the Animal Management Shelter to ensure dogs that were impounded or seized under the Dog Control Act were suitable housed and all their welfare needs met. The refurbishment was completed in June 2020.

The upgrades included improved fencing to prevent dogs escaping; a heating system to keep dogs warm in winter; improved bedding facilities; a dog wash area; CCTV upgrades, improved exercise yards; improved kennelling; and a new veterinarian room so dogs can be treated onsite if required. The plumbing and drainage was significantly improved ensuring a cleaner facility and minimising the spread of disease.

3.3 Graduated response model to prevent dog nuisance

The Public Spaces Animal Management Team continued to use a graduated response model to minimise and mitigate risk relating to known problematic dogs and their owners. This model ensured the team actively identified and proactively managed high risk dogs and their owners. They actively engaged with known dog owners, proactively educated first and then ensured appropriate enforcement action was taken early to mitigate risk.

3.2 High visibility proactive patrolling in known problematic locations

The team conducted patrols in known problematic locations to prevent nuisance caused by dogs in those areas.

3.3 Quality assurance processes

The Public Spaces Animal Management Team have a robust set of quality assurance processes (QAS) and accompanying forms which are constantly reviewed through a continuous improvement process. The QAS ensures staff are consistently providing a robust service, and the QAS is continues to be used as a training manual for staff.

3.4 Community engagement and partnerships

Council continued to work closely with our partner agencies including: Wellington and Hutt Valley Animal Management Services; SPCA; HUHA; Animal Evacuation and Police.

One member of the team continued to work with the Animal Evacuation Team to provide educational support and training to animal evacuation trainees.

3.5 Improved online communications to educate dog owners

This year the team started using **Mail chimp**. Mail chimp is an all-in-one email platform. There are 4500 dog owners registered to use this service and it was used to this year to communicate urgent advice to dog owners on the risk of toxic algae during higher than normal levels in local rivers and streams.



3.5 Dog registration

During dog registration staff trialled pop up registrations throughout the District. The uptake through this service was minimal and resource intensive. The number of dogs registering through the 'dogs online portal' grew from 305 the previous registration year to 382 this financial year. Significant improvements were underway this financial year to improve the online portal. In 2020/21 it is expected more services will be available through the online portal

4. Dog Control Statistics

STATISTICAL INFORMATION	2019/20	2018/19	2017/18
Total number of dogs believed to be in the district as of 30 June of relevant year (new statistic 19/20)	8046		
Total number of registered dogs in the district (classifications below included in total number)	7783	7730	7600
Total number of dog owners (new statistic 19/20)	6294		
Probationary owners in the district	1	0	0
Disqualified owners in the district	3	0	0
Total number of dogs classified as dangerous in the district	7		
Number and provision of dogs classified as dangerous this current financial year	0	2	2
Total Number of dogs classified menacing in the district	117		
Number and provision of dogs classified menacing current financial year	33A 27 33C 14	44	34
Complaints			
Dog Attacks (person, livestock, other animals)	118	115	110
Dog Threatening (person, livestock, other animals)	106	99	123
Wandering	491	684	635
Barking	449	581	711
Fouling	20	17	25
Total	1184	1496	1604
Infringements Issued			
Failure to comply with barking abatement notice	2	1	0
Willful obstruction/refusal to supply information	1	0	1
Failure to implant microchip	0	15	27
Failure to register dog	111	178	72
Failure to keep a dog under control	53	42	3
Failure to keep dog controlled or confined	29	25	19
Failure to comply with the effects of classification	1	2	2
Failure/Refusal to supply information	0	1	0
Bylaw Breaches	1	1	2
Falsely notifying death of a dog	0	0	0
Willfully providing false particulars	1	0	0
Failure to advise of change of address	2		

Failure to advise change of dog ownership	1		
Total	202	265	126
Prosecution			
Section 18, willful obstruction of Dog Control Officer	-	-	-
Section 32 (2) , failure to comply with effects of Dangerous classification	-	-	-
Section 33 EC (1) , failure to comply with effects of Menacing classification	-	-	-
Section 52(a), failure to control on land or premises	-	-	-
Section 53(1), failure to control	-	-	-
Section 57(A), rushing in a public place	-	-	-
Section 57(2) being an owner of a dog which committed an attack	-	-	-
Section 58 being an owner of a dog which committed a serious attack	-	-	-
Total	Nil	Nil	Nil
Prosecution Outcomes			
Dog surrendered to council prior to court	-	-	-
Guilty & Order for Destruction of Dog	-	-	-
Guilty & Dog returned to owner	-	-	-
Not Guilty	-	-	-
Outstanding still before Court	-	-	-
Total	Nil	Nil	Nil
Impounding			
Impounded dogs returned to owner	136	237	233
Impounded dogs rehomed to new owner by Council	11		
Impounded dogs euthanized	11	33	28
Impounded dogs rehomed through rehome agency	22	37	25



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 14 March 2019.
- 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 14 March 2019, 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	<p>Every person who:</p> <ul style="list-style-type: none">(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:<ul style="list-style-type: none">i. Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; andii. Is a member of the parent or guardian's household living with and dependent of the parent or guardian. <p>(Section 2 of the Dog Control Act 1996)</p>
PREMISES	<p>Land and/or buildings occupied domestically or commercially.</p>
PROBATIONARY OWNER	<p>A probationary owner is one classified as such under Section 21 of the Dog Control Act 1996.</p>
PUBLIC PLACE	<p>Public place means:</p> <ul style="list-style-type: none">(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	<p>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.</p>
RESTRICTED AREA	<p>Refer above for the definition of an 'on-leash restricted area'.</p>

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	<p>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:</p> <ul style="list-style-type: none">(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. <p>These areas are listed by Kapiti Coast District Council's Parks and Open Spaces Team on the Council website.</p>
WORKING DOG	<p>Working dog means—</p> <ul style="list-style-type: none">(a) any disability assist dog;(b) any dog—<ul style="list-style-type: none">(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.

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 unmuzzled or unleashed	\$300
62(5)	Failure to advise of muzzle and leashing requirements	\$100
72(2)	Releasing dog from custody	\$750