

Chairperson and Committee Members
STRATEGY AND POLICY

14 JUNE 2018

Meeting Status: **Public**

Purpose of Report: For Decision

REVIEW OF THE 2008 DOG CONTROL BYLAW AND 2009 DOG CONTROL POLICY

PURPOSE OF REPORT

- 1 This report seeks the Committee's approval for:
 - a) proposed amendments to the 2008 Dog Control Bylaw (2008 Bylaw) to create a draft Kapiti Coast District Council Dog Control Bylaw 2018 (draft 2018 Bylaw) (Appendix 1);
 - b) proposed amendments to the 2009 Dog Control Policy (2009 Policy) to create a draft Kapiti Coast District Council Dog Control Policy 2018 (draft 2018 Policy) (Appendix 2);
 - c) publicly notifying the draft Statement of Proposal for the Draft 2018 Bylaw and the Draft 2018 Policy (Appendix 3) using the special consultative procedure; and
 - d) calling for feedback on five sites that could potentially be developed at a later date as off-leash, dog exercise areas.

DELEGATION

- 2 Under B1 of the Governance Structure and Delegations for the 2016-2109 Triennium, the Strategy and Policy Committee is responsible for the development and review of strategies, plans, policies and bylaws.

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 necessary bylaw in accordance with the requirements set out in Section 20 of the DCA1996.
- 4 Section 159 of the Local Government Act 2002 (LGA) requires that Council review the current 2008 Bylaw by 11 December 2018.¹ Because the 2009 Policy supports the 2008 Bylaw, a review of the 2008 Bylaw triggers a review of the 2009 Policy.

¹ If the current 2008 Bylaw is not reviewed by 11 December 2018, Council will be given a 2-year grace period before the Bylaw automatically expires on 11 December 2020. If the current 2008 Bylaw were to expire, Council would lose the ability to manage the activities included in the current 2008 Bylaw.

- 5 As required by Section 155 of the LGA, the procedural requirements for reviewing a bylaw are the same as those for creating a bylaw. The process for making a bylaw is:
 - a) Before commencing the process of making a bylaw, a local authority must determine whether a bylaw is the most appropriate way of addressing the perceived problem;
 - b) If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw:
 - i. is the most appropriate form of bylaw; and
 - ii. gives rise to any implications under the New Zealand Bill of Rights Act 1990.
 - c) Having made these determinations, a local authority:
 - i. Must consult on the proposed bylaw using the special consultative procedure;
 - ii. Deliberate on any submissions and feedback received;
 - iii. Approve the bylaw; and
 - iv. Ensure the bylaw is publicly available in the prescribed way and format.

Review process

- 6 To develop the draft 2018 Bylaw, the draft 2018 Policy, and the accompanying Statement of Proposal, Council officers from Regulatory Services, Strategy and Planning, and Legal worked together during the pre-consultation phase to gather and analyse information to assess whether the current 2008 Bylaw and 2009 Policy appropriately addressed any and all perceived and real problems related to dog control in the Kapiti Coast District.
- 7 In order to identify issues, perceived or real problems, and/or suggested improvements to the 2008 Bylaw and 2009 Policy, Council officers:
 - a) 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;
 - b) conducted a Residents, Ratepayers and Stakeholders Survey; and
 - 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.
- 8 Council officers also undertook a legal review to:
 - a) ensure that the current 2008 Bylaw and 2009 Policy achieved the objectives as outlined in Sections 10 and 20 of the DCA 1996; and
 - b) determine if there were any ambiguities or inconsistencies between the two that required amendments.
- 9 The review concluded that the Dog Control Bylaw and the Dog Control Policy continue to be a necessary tool that Council needs in order to promote better care and control of dogs in the Kapiti Coast District.

ISSUES AND OPTIONS

10 This section provides information on:

- a) The 2008 Bylaw and the 2009 Policy;
- b) The proposed changes to the 2008 Bylaw and 2009 Policy; and
- c) The determinations that are required in Section 155 of the LGA.

Purpose of the 2008 Bylaw

11 The purpose of the 2008 Bylaw is to promote better care and control of dogs on the Kapiti Coast by supporting the objectives of the Policy and complying with legislative requirements, in particular Sections 10 and 20 of the DCA1996 and the Impounding Act 1955. The Bylaw gives effect to the Dog Control Policy for the District.

12 The key matters currently covered in the 2008 Bylaw are:

- a) General provisions for dog owners;
- b) Identification of public places where dogs must be on a leash, can be off-leash, are prohibited, or where there are access corridors or exemptions;
- c) Minimum standards for the welfare of dogs;
- d) Dog control for prevention of public nuisance;
- e) Limits on the number of dogs per premise in urban areas, unless the owners have received a permit to keep additional dogs;
- f) General provisions for dogs in season;
- g) Requirements for dogs classified as dangerous or menacing; and
- h) Other relevant information, including dog registration fees and summary of offences.

Purpose of the 2009 Policy

13 The purpose of the 2009 Policy is to outline how the Council will address the requirements set out in section 10(4) of the DCA1996.

14 When adopting the Policy on dogs, the Council was required 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.

- 15 The 2009 Policy specifies the nature and application of the Bylaw, classifies where dogs shall be given access, and includes the following sections:
- a) Classification of owners;
 - b) Registration system and fees;
 - c) Education – Awareness Programmes;
 - d) Dog Obedience Courses;
 - e) Dog Welfare;
 - f) Issuing of infringement notices;
 - g) Dog Shelter;
 - h) Neutering requirements;
 - i) Classification of dogs;
 - j) Permits;
 - k) Microchipping requirements; and
 - l) Enforcement of Dog Control in the Kapiti Coast District.

Proposed changes to the 2008 Bylaw and the 2009 Policy

- 16 The pre-consultation review identified several ways in which the existing Dog Control Policy and Dog Control Bylaw could be improved.
- 17 The information gathered from service requests, emails and other correspondence; the Residents, Ratepayers and Stakeholders Survey; and consultations with key stakeholders identified the following as areas of particular concern:
- a) Improved provisions for dogs in open spaces, whilst also ensuring that areas of intense public use and/or sensitive wildlife habitats are protected;
 - b) Improved provisions for dog welfare;
 - c) Improved guidance on dangerous and menacing dogs; and
 - d) Improved definitions for different types of dog owners.

Dogs in Open Spaces

- 18 Concerns relating to the presence of dogs in areas of intense public use were primarily in relation to dogs on playgrounds, dogs on sports fields, and dog faeces left in public areas. In response to these concerns, the following changes are proposed:
- a) additional signage around playgrounds to ensure that the rule from the existing 2008 Bylaw, which defines all areas within 10 meters of all children's playgrounds as No Dog/s Areas, is clear to all dog owners.
 - b) Amend the Bylaw to:
 - i. Ensure that the definition of "sports field" includes "the entire gross area of ground including all individual playing fields";

- ii. Propose that all playing/sports fields under Council's control will be No Dog/s Areas at all times; and
 - iii. Propose that the periphery of all playing/sports fields would become Dog/s On-Leash Areas at all times.
- c) Amend the Policy to ensure that it aligns with the Bylaw by proposing the removal of Appendix 1 in the existing 2009 Policy and directing readers to the Bylaw instead.
 - d) Add the following clause to the Bylaw to clarify Council's tools in regards to public nuisances:

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.
- 19 The pre-consultation phase also highlighted a number of owners wishing to have improved provisions for dogs in open spaces, alongside a number of respondents interested in ensuring that sensitive wildlife habitats are adequately protected. In response to these concerns, the following changes are proposed:
- a) Amend Schedules 1, 2 and 3 of the Bylaw to provide as much provision as is reasonably possible for dogs in open spaces (both on-leash and off-leash);
 - b) Introduce the concept of Sensitive Wildlife Habitats in the draft 2018 Bylaw and draft 2018 Policy to be defined as "an important habitat for wildlife vulnerable to harmful disturbance by dogs";
 - c) Identify specific sites as Sensitive Wildlife Habitats in Schedule 2 of the Bylaw;
 - d) Define these sites as Dog/s On-Leash Areas throughout the year, where dog/s must be under continuous leash control at all times; and
 - e) Install additional signage at these Sensitive Wildlife Habitats to ensure that their usage rules are clear to all dog owners.

Dog Welfare

- 20 After discussions with key stakeholders such as HUHA and the SPCA, Council Officers considered that the existing Bylaw and Policy required more information on minimum standards of care; diseased dogs; and the number of dogs that can reside at a property.
- 21 The majority of these changes are simply to clarify what is already covered in the Dog Control Act 1996. The most significant change would be to propose an amendment to the Policy by adding an objective to "*provide for the welfare of dogs by ensuring minimum standards of care are met*".

Menacing and Dangerous Dogs

- 22 Discussions with Animal Management Officers also identified a need for clarity on the identification of dogs as either dangerous or menacing; the impounding of dogs; and the definition of a disqualified, probationary, or approved owner.

- 23 While the existing 2009 Policy provides a reasonable amount of detail on what constitutes a dangerous or menacing dog in accordance with DCA 1996, the existing 2008 Bylaw is not as detailed. In order to address this, there is a proposal to add new clauses to the Bylaw to explain how dogs are classified as dangerous or menacing in accordance with the DCA 1996.
- 24 In addition, while the DCA 1996 provides clear guidance on what must occur if a dog has been classified as dangerous, territorial authorities have some discretion about what must occur if a dog has been classified as menacing. Therefore, there is a proposal for some minor amendments in both the Bylaw and the Policy on what must happen in the Kapiti Coast District should a dog be classified as menacing, as well as what happens if a dog is impounded.

Dog Owners

- 25 Similarly, because some confusion has been noted on the various dog owner classifications, there is also a proposal to explain what it means to be a disqualified owner or a probationary owner.
- 26 Based on discussions with Animal Management Officers, there is also a proposal to amend the definition of Approved Dog Owners so that:
- a) Any individual that holds a New Zealand Canine Good Citizen qualification would be able to apply for “approved ownership” status immediately, providing that all other criteria outlined (in the section on Approved Dog Owners) are met;
 - b) Any individual holding “approved ownership” status from another District who transfers into the Kapiti District may apply to be an approved owner immediately ensuring all other criteria have been met; and
 - c) Current registered members of the New Zealand Kennel Club could not become approved dog owners without first providing further evidence of their responsible ownership.

Other Minor Amendments

- 27 In addition to the amendments proposed above, there are also a number of minor changes proposed in both documents in order to improve the structure and clarify some minor ambiguities. A summary of these changes can be found in Table 2 and Table 3 of the draft Statement of Proposal.

Proposal to consult on additional dog exercise areas

- 28 In the Residents, Ratepayers and Stakeholders Survey, 46% (93 out of 202) said that there were not enough dog exercise areas. Council officers also received correspondence requesting Council to consider specific off-lead areas.
- 29 In response to these concerns, the Parks and Open Spaces Team has identified five locations that could potentially be considered as dog exercise areas to meet future needs. These locations have not been included in the draft 2018 Bylaw or the draft 2018 Policy because they require additional planning and consultation.
- 30 Council officers would like to take this opportunity to get public feedback on these five proposed sites:

- a) Kaiwaru Trig Forest, Waikanae Park;
- b) Mazengarb Park Reserve;
- c) Nga Whakangutu Reserve, Pingao Lane;
- d) 91 Mazengarb Road; and
- e) Maui Pomare Road Reserve.

Section 155 of the Local Government Act 2002 determinations

- 31 When making or reviewing bylaws, Council is required by section 155 of the LGA to make three determinations which combine to ensure the bylaw is necessary, is the most appropriate form of a bylaw, and considers any implications under the New Zealand Bill of Rights Act.
- 32 Council considers that the Dog Control Bylaw continues to be the most appropriate way to minimise any risk and nuisance caused by dogs to the community, whilst providing for the care and welfare of dogs and their owners.
- 33 Section 10 of the DCA1996 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.
- 34 Subject to the proposed amendments, it remains an appropriate bylaw for the Kapiti Coast District Council under the LGA to promote better care and control of dogs on the Kapiti Coast.
- 35 It is not foreseen that the draft 2018 Bylaw will contain any provisions that will be in conflict with the New Zealand Bill of Rights Act 1990.

CONSIDERATIONS

Policy considerations

- 36 This review involves the preparation of a revised Kapiti Coast District Council Dog Control Policy.
- 37 Should Council adopt a new Dog Control Policy, other work will be carried out to assist in implementation. This primarily includes:
 - a) Improving information available on Council's website to ensure that people understand the Policy and know what is allowed for and required in regards to dog ownership in the District;
 - b) Updating application forms and pamphlets as required; and
 - c) Improving signage as required.

Legal considerations

- 38 The process for reviewing and adopting a Dog Control Bylaw and a Dog Control Policy is prescribed by the LGA and the DCA 1996.
- 39 Council's Legal Counsel has been involved in all stages of the review.

Financial considerations

- 40 The review has been carried out within existing budgets, as will implementation.
- 41 If the special consultative procedure does find that there is an appetite for the development of any of the five proposed sites as future off-leash, dog exercise areas, this work will be carried out within the Annual Plan and/or Long Term Plan processes.

Tāngata whenua considerations

- 42 The Iwi Relationship Manager and TWOK have been briefed on this review project. No specific tāngata whenua considerations were identified in the pre-consultation phase.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 43 The Dog Control Policy and the Dog Control Bylaw are deemed to be significant in nature due to the community's strong interest in dog-related issues across the District. Therefore, it is important to invite the public to be involved in this review of the Bylaw and Policy using the special consultative procedure as outlined under the LGA02.

Consultation already undertaken

- 44 Council officers have:
 - a) 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;
 - b) conducted a Residents, Ratepayers and Stakeholders Survey; and
 - 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.

Engagement planning

- 45 Engagement has been planned in two phases:
 - a) During the pre-consultation review period, input on the existing Bylaw and Policy, proposed changes, and key issues were collected via the
 - i. Residents, Ratepayers and Stakeholders Survey; and
 - ii. discussions with key stakeholders (e.g. HUHA, the SPCA, and local veterinarians).
 - b) The second stage of engagement will begin with the release of the Statement of Proposal calling for submissions (proposed for August 2018).
- 46 A communications plan has been developed for this project, and a range of communications channels are being used to inform key stakeholders and audiences such as:

- a) Targeted: face-to-face engagement with stakeholders; and identifying and alerting key stakeholders and dog owners (via information collected via the dog registration system);
- b) Digital: an on-line survey, Council webpages, *Objective* (Council's online consultation platform), and social media updates; and
- c) Media: releases and/or advisories, and public ads and notices.

Publicity

- 47 Should the Council decide to proceed, it is required to use the special consultative procedure to seek public input into the draft 2018 Bylaw and the draft 2018 Policy. Council officers would also like to use this opportunity to get feedback on the five sites that have been proposed as potential off-leash, dog exercise areas.
- 48 A Statement of Proposal has been prepared which sets out information on the review process, what is being proposed, and how to make a formal submission.
- 49 If Council agrees with the recommendations to (i) adopt for consultation the Statement of Proposal and (ii) make it publicly available as part of a special consultative procedure under sections 83 and 86 of the LGA, the content of the Statement of Proposal will not change but Council officers will work with Communications to ensure that the Statement of Proposal is laid out in a way that makes it easy for readers to understand the proposed changes and follow the directions for making a submission. Council will use a variety of communication channels, including: our website; our Facebook page; newsletters such as Kapiti Update, Otaki Update, and Everything Kapiti; newspaper ads; radio advertising; media advisories; posters and flyers; and direct mail-outs, the first of which is occurring with the upcoming dog registration mail-out package in a few weeks' time.

RECOMMENDATIONS

50 That the Strategy and Policy Committee:

- a) Determines that a bylaw continues to be the most appropriate way to minimise any risk and nuisance caused by dogs to the community, whilst providing for the care and welfare of dogs and their owners;
- b) Determines, subject to consultation, that the Draft Kapiti Coast District Council Dog Control Bylaw 2018 (Appendix 1) is the most appropriate form of bylaw and that there is no inconsistency with the New Zealand Bill of Rights Act 1990;
- c) Adopts for consultation the Draft Kapiti Coast District Council Dog Control Policy 2018 (Appendix 2);
- d) Adopts for consultation the Statement of Proposal to adopt the Draft Kapiti Coast District Council Dog Control Bylaw 2018 and the Draft Kapiti Coast District Council Dog Control Policy 2018 (Appendix 3); and
- e) Agrees that the Statement of Proposal to adopt the the Draft Kapiti Coast District Council Dog Control Bylaw 2018 and the Draft Kapiti Coast District Council Dog Control Policy 2018 is made publicly available as part of a special consultative procedure under sections 83 and 86 of the Local Government Act 2002.

Report prepared by Approved for submission Approved for submission

Jacquie Muir
**Environmental
 Standards Manager**

Max Pedersen
**Group Manager,
 Community Services**

Natasha Tod
**Group Manager,
 Regulatory Services**

ATTACHMENTS

- 1 Draft Kapiti Coast District Council Dog Control Bylaw 2018
- 2 Draft Kapiti Coast District Council Dog Control Policy 2018
- 3 Statement of Proposal to adopt the Draft Kapiti Coast District Council Dog Control Bylaw 2018 and the Draft Kapiti Coast District Council Dog Control Policy 2018
- 4 Kapiti Coast District Council Dog Control Bylaw 2008
- 5 Kapiti Coast District Council Dog Control Policy 2009

ATTACHMENT 1 – DRAFT BYLAW

1. TITLE, COMMENCEMENT AND APPLICATION

- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Dog Control Bylaw 2018 and shall come into force on [insert date].
- 1.2 This Bylaw applies to any part of the Kapiti Coast District.
- 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 2018 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/s areas. These corridors remain Dog/s 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 authorized 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 LEAD

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

COUNCIL

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

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 LEAD

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 definition of owner.)

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 domesticated dogs that is not fully enclosed, but where dogs that are under direct control can play and socialise off lead.
DOG PARK	A dog park is a fully enclosed area for domesticated dogs to play and socialise with other dogs typically without a leash and under direct control.
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. 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 jeopardized.

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 vasectomized.

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 domesticated dogs where they can play and socialize off-leash. 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. (Some on-leash areas may have additional restrictions. Any additional restrictions will be listed in the Bylaw.)

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.

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 fields and sensitive sites.

SENSITIVE WILDLIFE HABITAT

Important habitat for wildlife vulnerable to harmful disturbance by dogs.

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 FIELD / PLAYING FIELDS

All grassed areas marked and defined as a sports ground. The entire gross area of ground, including all individual playing fields. These areas are defined by Kapiti Coast District Council's Parks and Open Spaces Team, with maps available 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 2018 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/s 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/s Off-Leash Area:

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

No Dog/s 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/s 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/s Areas to Dog/s On-Leash or Dog/s 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 Wildlife Habitat:

- 6.12 Dogs must be on leash on all sensitive wildlife habitat 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 metres 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 and cool in warm weather;
- (f) Sleeping quarters must be large enough to allow the dog to stand up, turn out 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 euthanized;

- (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.

Housing / Kenneling:

7.2 Every dog owner must provide his or her dog with suitable housing or kenneling 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:

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	1m x 2m	1.2m x 1.2m plus 1.2m x 2.4m

(40kg +)		
----------	--	--

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

- 7.3 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:

- 7.4 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.
- 7.5 Every dog infected by a disease set out in clause 7.4 must notify the Council immediately upon confirmation from a registered veterinarian.

Dogs in motor vehicles:

- 7.6 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 anger 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, or by rushing at and frightening, harassing or intimidating such persons.

- 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 minimize 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 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 living 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) Any person who lives on a property which is greater than one acre in size;
- (5) Any breeder of dogs who has resource consent issued by Kapiti Coast District Council to conduct such a business within the Kapiti Coast District;
- (6) Veterinary premises; and
- (7) Premises set up for the specific purpose of caring for dogs.

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/s 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. OTHER RELEVANT INFORMATION

- 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 Act 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, and will actively enforce any breaches.
- 13.4 This Bylaw shall have no effect in respect of any land for the time being included in:
- (1) A controlled dog area or open dog area under Section 262S of the Conservation Act 1987; or
 - (2) A National Park constituted under the National Parks Act 1980.
- 13.5 For all land that is under the jurisdiction of Greater Wellington Regional Council (GWRC), access rules are determined by GWRC, but Kapiti Coast District Council has an enforcement role in accordance with the Dog Control Act. (For the dog access rules on GWRC land, see GWRC.)

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 authorized 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 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

1. INLAND No Dog/s 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 6.1 of this Bylaw
- d) Otaihangā Domain (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 Haruatai Park, Ōtaki
- h) All playing/sports fields under Council's control, unless an exemption has been provided for as per clause 6.1 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 east of 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.)

SCHEDULE TWO

1. INLAND Dog/s On-Leash Areas

Dogs must be under continuous leash control at all times in Dog/s On-Leash Areas.

- a) All commercial retail zones as described in the Kapiti Coast District Plan
- b) The whole of State Highway 1 throughout the District, except for working dogs in the process of controlling stock
- c) All recreational reserves within the District, except those specified in Schedules 1 or 3
- d) All public footpaths, streets and roads within the District (urban and rural)
- e) All Sensitive Wildlife Habitats (see below)
- f) All cemeteries under Council control
- g) Native Bush Reserves, including but not limited to Wi Parata Reserve and Russell Reserve
- h) Walking tracks or signed marked areas in coastal dunes
- i) 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
- j) Wharemauku Stream/Paraparaumu Airport walkway from Rimu Road through to Teoti Street, Paraparaumu Beach or Weka Park, Raumati Beach
- k) The stop bank track on the north side of the Ōtaki River from State Highway 1 east to Crystals Bend
- l) The periphery of all playing/sports fields at all times, unless an exemption has been provided for as per clause 6.1 of this Bylaw
- m) The cross country area and pony club paddocks adjacent to Waikanae Park
- n) 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
- o) Kaitawa Reserve, Paraparaumu
- p) Edgewater Park, Waikanae

- q) Pukekawa Reserve, Waikanae. The Reserve includes the stop bank and the flat flood prone area between the bottom of the stop bank and the riverbank walkway.

2. Sensitive Wildlife Habitats – Dog/s On-Leash Areas

- a) Ames Street Reserve, Paekākāriki
- b) Waikanae Estuary Scientific Reserve
- c) Waimanu Lagoons, Waikanae
- d) Waimeha Lagoon, Waikanae
- e) Estuary of Waimeha Stream
- f) Pharazyn Reserve
- g) Barry Hadfield Nikau Scenic Reserve
- h) Estuary of Te Kowhai Stream
- i) Estuary of Mangaone Stream
- j) Ōtaki Estuary and River mouth
- k) Estuary of Waitohu Stream

3. Access Corridors

Dog Access Corridors allow access through or around otherwise No Dog/s Areas. Where possible, dog owners have on-leash 'rite of passage' with their dogs through otherwise No-Dog/s Areas. These corridors remain Dog/s 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

SCHEDULE THREE

1. INLAND Dog/s Off-Leash Areas

- a) The stop-bank track on the south side of the Ōtaki River from 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/s On-Leash Area requirements in these areas.)
- b) Ōtaki Dog Park, 79 Aotaki street, Ōtaki
- c) The equestrian showground adjacent to Waikanae Park, when an organised event is not held
- d) The river bank walkway on the south side of the Waikanae River from the Otaihanga Domain to State Highway One
- e) The river bank walkway on the north side of the Waikanae River from the western edge of Jim Cooke Park to State Highway One, excluding Edgewater Park (which is a dog on-leash area)
- f) Wesley Knight Park, Paraparaumu Beach
- g) Eatwell Avenue Reserve, Paraparaumu Beach, via the main access off Gray Avenue. This Reserve reverts to an on-leash area when an organised event is being held in this space.
- h) 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 on-leash).
- i) Greenaway Road Dog Park, Greenaway Road Waikanae.

SCHEDULE FOUR- Beach Areas

1. Throughout the year, on every day of the week at all times of the day, the following beach areas are ON-LEASH zones for dogs.

- a) Ames Street Reserve
- b) Waikanae Scientific Reserve
- c) Estuary of Waimeha Stream
- d) Estuary of Te Kowhai Stream
- e) Estuary of Mangaone Stream
- f) Ōtaki River Estuary
- g) Estuary of Waitohu Stream

2. Summer Beach Dog Zones 10am-7pm (see Map 1)

2.1 Between 10am – 7pm from 01 December to the end of daylight savings, the following beach foreshore areas are NO DOGS zones:

- 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 Wildlife Habitat, Waikanae Beach.

2.2 Between 10am – 7pm from 01 December to the end of daylight savings the following beach foreshore areas are ON-LEASH dog zones:

- a. Karaka Street, Ōtaki Beach to the Ōtaki Surf Club, Ōtaki Beach
- b. From the northern end of the Ames Street Reserve to the Wainui Stream Mouth, Paekākāriki

2.3 Between 10am – 7pm from 01 December to the end of daylight savings all beach foreshore areas outside of the zones listed in Section 1, subsection 2(i), and subsection 2(ii) of Schedule 4 of this Bylaw are OFF-LEASH for dogs.

3. Summer Beach Dog Zones 7pm – 10am, and all day during winter

(See Map 2)

- 3.1 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 ON-LEASH dog zones:
- 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 Wildlife Habitat, Waikanae Beach.
- 3.2 Between 7pm – 10am from 01 December to the end of daylight savings and all day during winter, all beach foreshore areas outside of the zones listed in Section 1 and subsection 3(i) of schedule 4 of this Bylaw are OFF-LEASH for dogs.

MAP 1: Beach hours – Summer (10am-7pm)



MAP 2: Beach hours – Summer (7pm-10am) & Winter



ATTACHMENT 2 – DRAFT POLICY

KAPITI COAST DISTRICT COUNCIL DOG CONTROL POLICY 2018

1. TITLE, COMMENCEMENT AND APPLICATION	2
2. DOG CONTROL POLICY VALIDATION	2
3. PURPOSE OF THIS POLICY	2
4. DEFINITIONS	3
5. POLICY OBJECTIVES	10
6. CLASSIFICATION OF OWNERS	11
7. REGISTRATION	13
8. REGISTRATION FEES	13
9. PREVENTION OF DOG ATTACK & NUISANCE	15
10. DOG OBEDIENCE COURSES	16
11. DOG WELFARE	16
12. SEIZE, IMPOUND & RETAIN	16
13. DANGEROUS AND MENACING DOGS	17
14. SPECIAL LICENCES	19
15. MICROCHIPPING DOGS	19
16. ENFORCEMENT OF DOG CONTROL	19
17. CATEGORIES OF DOG CONTROL AREAS	20
18. EXEMPTIONS	21
19. KAPITI COAST DISTRICT DOG RESTRICTION ZONES	21
APPENDIX 1 – TABLE OF INFRINGEMENT OFFENCES	23

May 2018

1. TITLE, COMMENCEMENT AND APPLICATION

- 1.1 This Policy may be cited as the Kapiti Coast District Council Dog Control Policy 2018 and shall come into force on XX.
- 1.2 This Policy applies to any part of the Kapiti Coast District.
- 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 2018 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/s areas. These corridors remain Dog/s 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 authorized 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 LEAD	A dog is kept under continuous leash or lead control by its owner. (Refer below for the definition of owner.)
COUNCIL	Means the Kapiti Coast District Council or any Committee, Community Board, or an officer authorized to exercise the authority of the Council.
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 LEAD

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 definition of owner.)

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 domesticated dogs that is not fully enclosed, but where dogs that are under direct control can play and socialise off lead.
DOG PARK	A dog park is a fully enclosed area for domesticated dogs to play and socialise with other dogs typically without a leash and under direct control.
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. 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 jeopardized.
MENACING DOG	<p>A menacing dog is one that may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—</p> <ul style="list-style-type: none"> (a) any observed or reported behaviour of the dog; or (b) any characteristics typically associated with the dog's breed or type. <p>(Section 33A of the Dog Control Act 1996)</p>
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 vasectomized.

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 domesticated dogs where they can play and socialize off-leash. 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. (Some on-leash areas may have additional restrictions. Any additional restrictions will be listed in the Bylaw.)

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:
 - a. Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
 - b. Is a member of the parent or guardian's household living with and dependent of the parent or guardian.

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 fields and sensitive sites.

SENSITIVE WILDLIFE HABITAT

Important habitat for wildlife vulnerable to harmful disturbance by dogs.

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 FIELD / PLAYING FIELDS

All grassed areas marked and defined as a sports ground. The entire gross area of ground, including all individual playing fields. These areas are defined by Kapiti Coast District Council's Parks and Open Spaces Team, with maps available 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. 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.

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 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 dispose of 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 dispose of 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 dog/s. 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 will 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.

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.

9. PREVENTION OF DOG ATTACK & NUISANCE

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 dispose of or destroy 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 destruction 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 when in public, and have the dog neutered; and
 - not dispose of 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 and leash the dog when in public; and
 - ensure the dog is microhipped; and
 - ensure the dog is confined to a secure section of the property that allows safe entry 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. SPECIAL LICENCES¹

14.1 Special licences are required for:

- Working dogs;
- Medical exemptions; and
- More than two dogs on an urban residential property.

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.

¹ Permits for boarding kennels are managed through resource consenting.

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)	Dogs not allowed under any circumstances.
On-leash Area (Controlled Zone)	Dogs allowed only when under a leash or lead control.
Off-leash Area (Exercise Zone)	Dogs allowed to run freely, but under direct voice and visual control at all times.
Dog Park	A fully enclosed area for domesticated dogs to play, frolic and socialise with other dogs typically without a leash and under direct control.
Access Corridors	An area designed to allow movement from one type of zone to another with a dog on lead.
Sensitive Wildlife Habitat Areas	Important habitat for wildlife vulnerable to harmful disturbance by dogs. Dogs allowed only when under a leash or lead control.
Conservation Act 1987 and National Parks Act 1980	Permits are required before dogs can be allowed access into specified areas of land affected by these two additional Acts.

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

17.4 No-dog zoning may therefore be applied only during the busiest holiday periods, reverting to on-leash zoning for the rest of the year. Similarly, it may be appropriate

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

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 zones to reach off-leash or on-leash zones.

CONSERVATION ACT 1987 OR NATIONAL PARKS ACT 1980

- 17.6 Dog access is also affected by the Conservation Act 1987 and the National Parks Act 1980. Permits are required before dogs can be allowed access into specified areas of land affected by these two additional Acts. The Wellington Conservancy of the Department of Conservation is responsible for this function.

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 RESTRICTION ZONES

- 19.1 Council-defined No-Dog Zones, On-Leash Zones, Off-Leash Zones, and Access Corridors are described in Schedules 1, 2, 3 and 4 of the Kapiti Coast District Council Dog Control Bylaw.

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 2018 gives effect to this policy.

DRAFT

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

DRAFT



ATTACHMENT 3: Statement of Proposal

PROPOSAL TO ADOPT THE DRAFT KAPITI COAST DISTRICT COUNCIL 2018 DOG CONTROL BYLAW AND THE DRAFT KAPITI COAST DISTRICT COUNCIL 2018 DOG CONTROL POLICY

31 May 2018

Contents

SUMMARY OF INFORMATION	3
MAKING A SUBMISSION.....	3
1. INTRODUCTION AND REASON FOR THE PROPOSAL	4
LEGISLATIVE REQUIREMENTS	4
BACKGROUND	4
THE CURRENT DOG CONTROL BYLAW 2008 AND DOG CONTROL POLICY 2009	5
THE REVIEW PROCESS.....	6
2. ISSUES AND PROPOSED AMENDMENTS TO THE BYLAW AND POLICY	7
DOGS IN OPEN SPACES	7
DOG WELFARE.....	11
DANGEROUS AND MENACING DOGS.....	13
SUMMARY OF PROPOSED CHANGES	14
APPROPRIATENESS OF A BYLAW, AND CONSIDERATION OF NZBORA	20
3. SHOULD WE HAVE MORE DOG EXERCISE AREAS? IF SO, WHERE SHOULD THEY BE?	20
4. CONSULTATIVE PROCEDURE.....	25
METHODS FOR MAKING A SUBMISSION	25
5. ATTACHMENTS.....	26
APPENDIX 3: RESIDENTS, RATEPAYERS AND STAKEHOLDERS SURVEY	27
APPENDIX 4: MAPS OF PROPOSED SENSITIVE WILDLIFE HABITATS	29
APPENDIX 5: MAPS OF POTENTIAL OFF-LEASH, DOG EXERCISE AREAS.....	40
APPENDIX 6: OFFICIAL SUBMISSION FORM	45

SUMMARY OF INFORMATION

The Council is proposing to adopt the Draft Kāpiti Coast District Council Dog Control Bylaw 2018 (Draft 2018 Bylaw) and the Draft Kāpiti Coast District Council Dog Control Policy 2018 (Draft 2018 Policy). The Council is also considering the feasibility of five sites across the District for future off-leash, dog exercise areas.

Section 10 of the Dog Control Act 1996 (DCA1996) 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 DCA1996.

Under the terms of the Local Government Act 2002, bylaws must be reviewed every 10 years. Therefore, the current Kapiti Coast District Council 2008 Dog Control Bylaw must be reviewed by December 2018. The DCA 1996 requires a review of the Kapiti Coast District Council 2009 Dog Control Policy at the same time.

The purpose of the Dog Control Policy and the Dog Control Bylaw are to minimise any risk and nuisance caused by dogs to the community, whilst providing for the care and welfare of dogs and their owners.

As part of the pre-consultation review (which is discussed in more detail in this Statement of Proposal document), Council officers identified several ways in which the existing Dog Control Policy and Dog Control Bylaw could be improved, including (i) a proposal to designate sensitive wildlife habitats to protect our local wildlife and encourage our region's biodiversity efforts, and (ii) some minor changes in both documents in order to clarify some ambiguities in the existing Policy and Bylaw. In addition, because initial pre-consultation engagement found a possible need for more off-leash, dog exercise areas across the District, Council would also like to consult on five potential sites that could be developed at a later date as off-leash, dog exercise areas.

MAKING A SUBMISSION

The Council would like to know what residents, ratepayers, and stakeholders think about the Draft Kāpiti Coast District Council Dog Control Bylaw 2018, the Draft Kāpiti Coast District Council Dog Control Policy 2018, and the five sites that could potentially be developed at a later date as off-leash, dog exercise areas.

Copies of the Statement of Proposal and submission forms are now available on the website www.kapiticoast.govt.nz and from District Libraries and Service Centres.

Please refer to Methods for Making a Submission on Page 25 of this Statement of Proposal.

If you wish to make an oral submission to Councillors, please indicate this on the submission form and make sure you have included your contact details. We will contact you to arrange a time for you to speak. Submissions will be heard on **XX**.

Submissions open on 7 August 2018 and close on 14 September 2018.

1. INTRODUCTION AND REASON FOR THE PROPOSAL

- 1.1 This Statement of Proposal relates to the proposed adoption of the Draft Kapiti Coast District Council Dog Control Bylaw 2018 (Appendix 1) and the accompanying Draft Kapiti Coast District Council Dog Control Policy 2018 (Appendix 2).
- 1.2 From the pre-consultation review process, Council officers have identified a possible need for additional off-leash, dog exercise areas so this Statement of Proposal includes an additional section on five sites that could potentially be developed at a later date as off-leash, dog exercise areas.
- 1.3 The purpose of the Draft 2018 Bylaw and Draft 2018 Policy are to minimise any risk and nuisance caused by dogs to the community, whilst providing for the care and welfare of dogs and their owners.
- 1.4 This Statement of Proposal has been prepared in accordance with section 83 of the Local Government Act 2002 (LGA02). Section 83 requires Council to present a Statement of Proposal to enable public understanding of the review process and any proposed amendments to the existing Bylaw and Policy.

LEGISLATIVE REQUIREMENTS

- 1.5 Section 10 of the Dog Control Act 1996 (DCA1996) 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 DCA1996.
- 1.6 Under the terms of the LGA02, any bylaws established by a territorial authority must be reviewed every 10 years. The procedural requirements for reviewing a bylaw are the same as those for creating a bylaw – the Council must consider whether a bylaw is the most appropriate way of addressing a perceived problem; whether the proposed form of the bylaw is the most appropriate; and whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
- 1.7 The Council is also required to consult the community when making, amending or reviewing a bylaw and, after deciding to adopt any amendments to the bylaw, the local authority must give public notice of when the bylaw or amendments come into operation.
- 1.8 Section 10AA of the DCA1996 requires all territorial authorities to review the local dog control policy if the underlying dog control bylaw requires review.

BACKGROUND

- 1.9 In 1997, the Kapiti Coast District Council adopted a Dog Control Policy and Dog Control Bylaw.

- 1.10 In accordance with legislative requirements, the 1997 Bylaw and the 1997 Policy were reviewed in 2008 and 2009, respectively. Following a special consultative procedure (as defined by Section 83 of the LGA02), Council adopted the 2008 Dog Control Bylaw on 11 December 2008. The 2009 Dog Control Policy was later adopted on 12 November 2009.
- 1.11 Since it has been 10 years since the adoption of the 2008 Dog Control Bylaw, Council is now required to review both the current 2008 Bylaw and the current 2009 Policy. The process for the review of the current 2008 Bylaw and the current 2009 Policy has been designed in accordance with the LGA02.
- 1.12 Council has developed this Statement of Proposal (in accordance with sections 83 and 86 of the LGA02) to enable public understanding of the review, and to invite members of the public to make submissions on the Draft 2018 Bylaw, the Draft 2018 Policy, and the five sites that could potentially be developed at a later date as off-leash, dog exercise areas.

THE CURRENT DOG CONTROL BYLAW 2008 AND DOG CONTROL POLICY 2009

Bylaw

- 1.14 The purpose of the 2008 Bylaw is to promote better care and control of dogs on the Kapiti Coast by supporting the objectives of the Policy and complying with legislative requirements, in particular Sections 10 and 20 of the DCA1996 and the Impounding Act 1955. The Bylaw gives effect to the Dog Control Policy for the District.
- 1.15 The key matters currently covered in the 2008 Bylaw are:
- a) General provisions for dog owners;
 - b) Identification of public places where dogs must be on a leash, can be off-leash, are prohibited, or where there are access corridors or exemptions;
 - c) Minimum standards for the welfare of dogs;
 - d) Dog control for prevention of public nuisance;
 - e) Limits on the number of dogs per premise in urban areas, unless the owners have received a permit to keep additional dogs;
 - f) General provisions for dogs in season;
 - g) Requirements for dogs classified as dangerous or menacing; and
 - h) Other relevant information, including dog registration fees and summary of offences.

Policy

- 1.16 The purpose of the 2009 Policy is to outline how the Council will address the requirements set out in section 10(4) of the DCA1996.
- 1.17 When adopting the Policy on dogs, the Council was required 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.
- 1.18 The 2009 Policy specifies the nature and application of the Bylaw, classifies public places where dogs shall be given access, and includes but is not limited to:
- a) Classification of owners;
 - b) Registration system and fees;
 - c) Education – Awareness Programmes;
 - d) Dog Obedience Courses;
 - e) Dog Welfare;
 - f) Issuing of infringement notices;
 - g) Dog Shelter;
 - h) Neutering requirements;
 - i) Classification of dogs;
 - j) Permits;
 - k) Microchipping requirements; and
 - l) Enforcement of Dog Control in the Kapiti Coast District.

THE REVIEW PROCESS

- 1.19 Council considers the Dog Control Policy and Dog Control Bylaw to be significant in nature due to the community's strong interest in dog-related issues across the District. Therefore, it is important to invite the public to be involved in this review of the Bylaw and Policy using the special consultative procedure as outlined under the LGA02.
- 1.20 To develop the Draft 2018 Bylaw, the Draft 2018 Policy, and this Statement of Proposal, Council officers from Regulatory Services, Strategy and Planning, and Legal worked together during the pre-consultation phase to gather and analyse information to assess whether the current 2008 Bylaw and 2009 Policy appropriately addressed any and all perceived and real problems related to dog control in the Kapiti Coast District.
- 1.21 In order to identify issues, perceived or real problems, and/or suggested improvements to the 2008 Bylaw and 2009 Policy, Council officers:
- a) 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;
 - b) conducted a Residents, Ratepayers and Stakeholders Survey (see Appendix 3 for more information); and
 - 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.

- 1.22 Council officers also undertook a legal review to:
- a) ensure that the current 2008 Bylaw and 2009 Policy achieved the objectives as outlined in Sections 10 and 20 of the DCA 1996; and
 - b) determine if there were any ambiguities or inconsistencies between the two that required amendments.
- 1.23 From this pre-consultation review, Council has concluded that much of the 2008 Bylaw and 2009 Policy remains appropriate. The scope and intent of the Draft 2018 Bylaw and Draft 2018 Policy remain the same.
- 1.24 The next sections of this Statement of Proposal provide more information on:
- a) the information Council officers gathered during the pre-consultation review period;
 - b) proposed changes to the Bylaw and Policy; and
 - c) sites that could potentially be developed at a later date as off-leash, dog exercise areas.
- 1.25 With the release of this Statement of Proposal, Council is inviting feedback on the Draft 2018 Bylaw, the Draft 2018 Policy, and five sites in particular that could potentially be developed at a later date as off-leash, dog exercise areas.

2. ISSUES AND PROPOSED AMENDMENTS TO THE BYLAW AND POLICY

- 2.1. The pre-consultation review identified several ways in which the existing Dog Control Policy and Dog Control Bylaw could be improved.
- 2.2. The information gathered from service requests, emails and other correspondence; the Residents, Ratepayers and Stakeholders Survey; and consultations with key stakeholders identified the following areas of concern:
- a) Improved provisions for dogs in open spaces, whilst also ensuring that areas of intense use and/or sensitive wildlife habitats are protected;
 - b) Improved provisions for dog welfare; and
 - c) Improved guidance on dangerous and menacing dogs.

DOGS IN OPEN SPACES

- 2.3. The pre-consultation phase highlighted a number of concerns related to the presence of dogs in areas of intense public use. A number of issues were raised, including:
- a) Dogs on playgrounds;
 - b) Dogs on sports fields;
 - c) Dog faeces left in public areas; and
 - d) Questions about existing dog areas.

Dogs on playgrounds

- 2.4. The pre-consultation review found that there were some concerns about the presence of dog/s around playgrounds. In fact, 28% of respondents (42 out of 150¹) in the Residents, Ratepayers and Stakeholders Survey said that dogs should not be allowed to go on playgrounds and children's areas.
- 2.5. To address these concerns, Council is not proposing any amendments to the Bylaw. The existing 2008 Bylaw defines all areas within 10 meters of all children's playgrounds as No Dog/s Areas. Council intends to install additional signage around playgrounds to ensure that this rule is clear to all dog owners.

Dogs on sports fields

- 2.6. The pre-consultation review also found that the existing 2008 Bylaw and 2009 Policy are not clear on the designation of sports fields. Schedule One of the existing Bylaw states that all playing/sports fields under Council's control are No Dog/s Areas only when a sporting or training event is being held. At the same time, Schedule Two of the existing Bylaw states that the periphery of all playing/sports fields are Dog/s On-Leash Areas when a sporting or training event is NOT being held. Meanwhile, Section 13(j) of the existing 2009 Policy states that dogs are prohibited inside the marked boundary of all sports fields at all times.
- 2.7. While these three clauses do not directly contradict one other, it appears that they have led to some confusion regarding the differences between the fields and the periphery of the fields.
- 2.8. To address this concerns, Council is proposing the following changes to the Bylaw:
- a) Amend the definition of "sports field" to include the following: "The entire gross area of ground including all individual playing fields";
 - b) Amend Schedule 1 to propose that all playing/sports fields under Council's control will be No Dog/s Areas *at all times*; and
 - c) Amend Schedule 2 to propose that the periphery of all playing/sports fields would become Dog/s On-Leash Areas *at all times*.
- 2.9. In addition, to ensure that the Policy and Bylaw are clearly in agreement, Council is also proposing the removal of Appendix 1 in the existing 2009 Policy and directing readers to the Bylaw instead.

Dog faeces left in public areas

- 2.10. The pre-consultation review found that dog faeces left in public places continues to be a nuisance for many.

¹ In the Residents, Ratepayers and Stakeholders Survey, the number of respondents varies per question because some respondents skipped some questions.

- 2.11. In order to clarify Council's tools to address this issue in accordance with the DCA 1996, Council is proposing to add the following clause to the Bylaw section entitled Prevention of Public Nuisance:

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.

Existing Dog Areas

- 2.12. While some respondents felt that the existing levels of on-leash and off-leash dog areas were sufficient, some argued that more were required. At the same time, some also reinforced the need to ensure that sensitive wildlife habitats are better protected from dogs.
- 2.13. As a result of this feedback, Council officers reviewed Schedules 1, 2, 3 and 4 of the existing 2008 Bylaw to determine whether any improvements could be made to existing dog areas. As a result of that review, Council would like to propose the following changes to the Bylaw schedules:
- a) reclassify the Mahara Place shopping area from a No Dog/s Area to an Inland Dog/s On-Leash Area in order to be consistent with the provisions for all other commercial retail zones as outlined in Schedule 2;
 - b) clarify that Native Bush Reserves (e.g. Wi Parata Reserve, Russell Reserve) are Inland Dog/s On-Leash Areas;
 - c) clarify that walking tracks or signed marked areas on coastal dunes are Dog/s On-Leash Areas;
 - d) clarify that the Pukekawa Reserve in Waikanae is a Dog/s On-Leash Area;
 - e) add the Ōtaki Dog Park at 79 Aotaki street in Ōtaki as a Dog/s Off-Leash Area;
 - f) clarify that the Greenaway Road Dog Park at Greenaway Road in Waikanae is a Dog/s Off-Leash Area; and
 - g) clarify the definition of Access Corridors.

Sensitive Wildlife Habitats

- 2.14. The community was very vocal through the online survey and other correspondence that there is a real need to protect local wildlife and encourage our Region's biodiversity efforts. If dogs are allowed off-leash in sensitive areas, they could cause harm to nesting and endangered bird species.
- 2.15. In response to these requests, Council is proposing the following:
- a) Make provisions for Sensitive Wildlife Habitats in the draft 2018 Bylaw and draft 2018 Policy;
 - b) Introduce a definition for these Sensitive Wildlife Habitats in the draft 2018 Bylaw and draft 2018 Policy;

- c) Identify some sites as Sensitive Wildlife Habitats in Schedule 2 of the Bylaw; and
- d) Council to install additional signage at these Sensitive Wildlife Habitats to ensure that their usage rules are clear to all dog owners.

2.16. The definition that Council is proposing for Sensitive Wildlife Habitats is:

An important habitat for wildlife vulnerable to harmful disturbance by dogs.

2.17. As a general rule, ecological sites as stated in the District Plan should be On-Leash Areas. Therefore, Council is proposing that these Sensitive Wildlife Habitats be Dog/s On-Leash Areas throughout the year, where dog/s must be under continuous leash control at all times. By Council proposing to include Sensitive Wildlife Habitats into the Bylaw, an infringeable offence is created for non-compliance.

2.18. Table 1 lists the specific sites that Council would like to propose for designation as Sensitive Wildlife Habitats.

Table 1: Proposed Sensitive Wildlife Habitats

Proposed Sites	Appendix 4, Map #	Reason for proposal
Ames Street Reserve, Paekākāriki	1	<p>The home of a colony of Kororā (little penguins). Kororā are the world's smallest penguin and their conservation status is 'At Risk-Declining'. They are especially vulnerable to dog attacks.</p> <p>Note: Already classified as a Dog Access Corridor (for part) and a Dog/s On-Leash Area, but proposing reclassification to a Sensitive Wildlife Habitat – Dog/s On-Leash Area.</p>
Waikanae Estuary Scientific Reserve	2	<p>A scientific reserve is given its definition under the Reserves Act, and is administered by the Department of Conservation. They protect ecological groupings, plant or animal communities, soils and landforms for scientific study and education.</p> <p>Note: Already classified as a Dog Access Corridor (for part) and a Dog/s On-Leash Area, but proposing reclassification to a Sensitive Wildlife Habitat – Dog/s On-Leash Area.</p>
Waimanu Lagoons, Waikanae	3	Provides habitat for a diverse range of water fowl vulnerable to disturbance.

Waimeha Lagoon, Waikanae	4	Provides habitat for a diverse range of water fowl vulnerable to disturbance. Note: Currently classified as a No Dog/s Area, but proposing reclassification to a Sensitive Wildlife Habitat – Dog/s On-Leash Area.
Estuary at Waimeha Stream	5	An estuary providing habitat for threatened ground nesting, native bird species.
Pharayzn Reserve, Waikanae	6	A reserve providing habitat for threatened ground nesting, native bird species
Barry Hadfield Nikau Scenic Reserve	7	A high value ecological site as stated in the District Plan. It is suggested that dogs remain on leash to keep them on the track as there is ongoing pest control and all vegetation needs to be protected from disturbance.
Estuary of Te Kowhai Stream	8	An estuary providing habitat for threatened ground nesting, native bird species.
Estuary of Mangaone Stream	9	An estuary providing habitat for threatened ground nesting, native bird species.
Ōtaki Estuary and River mouth	10	An estuary providing habitat for threatened ground nesting, native bird species. It is an ecological site as stated in the District Plan.
Estuary of Waitohu Stream	11	An estuary providing habitat for threatened ground nesting, native bird species. Note: Already classified as a Dog Access Corridor (for part) and a Dog/s On-Leash Area, but proposing reclassification to a Sensitive Wildlife Habitat – Dog/s On-Leash Area.

DOG WELFARE

- 2.19. The pre-consultation phase also highlighted a number of concerns related to dog welfare. The issues raised included:
- a) Minimum standards of care;
 - b) Diseased dogs; and

- c) The number of dogs that can reside at a property.

Minimum standards of care

- 2.20. After discussions with key stakeholders such as HUHA and the SPCA, Council Officers considered that the existing 2008 Bylaw needed clarification to fully inform dog owners what is involved in being a responsible dog owner.
- 2.21. To address this concern, Council is proposing the following amendments to the Bylaw:
 - a) more information in the Dog Welfare section on minimum standards of welfare;
 - b) a new sub-section in the Dog Welfare section on kenneling, including minimum kennel sizes;
 - c) a new clause that clarifies the actions that Animal Management Officers can take should an owner not comply with dog welfare requirements; and
 - d) a new clause in the section on the Control of Dogs in Public Places which makes it an offence to exercise a dog by running or walking it behind or beside a motor vehicle.
- 2.22. Council is also proposing an amendment to the Policy which would add the following objective:

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

Diseased dogs

- 2.23. Council officers also determined that more information should be added on what constitutes a diseased dog and what the requirements are for the containment of a diseased dog.
- 2.24. To address this, Council is proposing the following amendments:
 - a) a definition of diseased dogs added to the Bylaw and the Policy; and
 - b) two new clauses in the Bylaw to clarify the requirements of owners of a diseased dogs.

Limitation on the number of dogs

- 2.25. Too many dogs at an urban residential property can create a public nuisance. In the Residents, Ratepayers and Stakeholders Survey, 27% of respondents (56 out of 206) said that the maximum number of dogs allowed to reside in an urban residential property should be two.
- 2.26. The existing 2008 Bylaw states, “no owner or occupier of a premise shall have more than two dogs”. This could mean that under the current 2008 Bylaw multiple dogs could be registered to one address because multiple owners could live at one address. To address this issue, Council’s proposed amendments would limit the number of dogs per property regardless of the number of owners.
- 2.27. In the Bylaw section entitled Limitation on the Number of Dogs, Council is proposing that no more than two dogs of greater age than three months are permitted on any premises zoned urban residential.

- 2.28. Council is not proposing to change the ability of a dog owner to apply for a permit to have more than two dogs on an urban residential property, but is proposing (i) the addition of some new clauses to clarify the process should an owner wish to apply for a permit for more than two dogs, and (ii) what an Animal Management Officer can do if there are more than two dogs at an urban residential property without a permit.

DANGEROUS AND MENACING DOGS

- 2.29. From discussions with animal management officers and the analysis of service requests, emails and other correspondence, Council officers determined a strong need to clarify the legislative requirements in relation to dangerous and menacing dogs. The following issues were identified as ones that required greater clarification:
- a) Identification of a dog as dangerous or menacing;
 - b) The impounding of dogs; and
 - c) The definition of a disqualified, probationary, or approved owner.

Identification of dogs as dangerous or menacing

- 2.30. While the existing 2009 Policy provided a reasonable amount of detail on what constitutes a dangerous or menacing dog in accordance with DCA 1996, the existing 2008 Bylaw was not as detailed. In order to address this, Council is proposing to add new clauses to the Bylaw to explain how dogs are classified as dangerous or menacing in accordance with the DCA 1996.
- 2.31. In addition, while the DCA 1996 provides clear guidance on what must occur if a dog has been classified as dangerous, territorial authorities have some discretion about what must occur if a dog has been classified as menacing. Therefore, in the section on Menacing and Dangerous Dogs, Council is proposing minor amendments to the clauses on what must happen in the Kapiti Coast District should a dog be classified as menacing.

Impounding of dogs

- 2.32. Animal Management Officers report that there can be confusion amongst dog owners on the rules and processes for the impounding of dogs. In order to address this, Council is proposing to add new clauses to the section called Seize, Impound & Retain in the Policy to provide more information on this process.

Definition of a disqualified, probationary, and approved owners

- 2.33. While the existing 2008 Bylaw and 2009 Policy refer to disqualified owners and probationary owners, those terms were not fully defined in either. Council officers concluded that it would be beneficial to explain what it means to be a disqualified owner or a probationary owner so Council is proposing an amendment to the Bylaw and the Policy to fully define each term.
- 2.34. In addition, Council is also proposing the following amendments to the section on Approved Dog Owners in the Policy:

- a) Any individual that holds a New Zealand Canine Good Citizen qualification would be able to apply for “approved ownership” status immediately, providing that all other criteria outlined (in the section on Approved Dog Owners) are met;
- b) Any individual holding “approved ownership” status from another District who transfers into the Kapiti District may apply to be an approved owner immediately ensuring all other criteria have been met; and
- c) Current registered members of the New Zealand Kennel Club could not become approved dog owners without first providing further evidence of their responsible ownership.

SUMMARY OF PROPOSED CHANGES

2.35. In addition to the amendments proposed above, Council officers would also like to propose some minor changes in both documents in order to improve the structure and clarify some minor ambiguities in both documents. A summary of all proposed changes in the draft 2018 Bylaw can be found in Table 2, and a summary of all proposed changes in the draft 2018 Policy can be found in Table 3.

Table 2: Summary of all proposed changes for the draft 2018 Bylaw

	Proposed draft 2018 Bylaw clause names	Key differences between proposed draft 2018 Bylaw and existing 2008 Bylaw
1	Title, Commencement and Application	Carried over from existing 2008 Bylaw with minor amendment.
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.
4	Interpretation	<p>Refer to clauses 2.8, 2.16, 2.24, 2.33 and 2.35 above. The following terms are newly defined or amended in the draft 2018 Bylaw to make the overall intent and scope of the Bylaw clearer:</p> <ul style="list-style-type: none"> • Access Corridor • Animal Management Officer (aka Dog Control Officer) • Authorised Officer • Approved Owner • Continuous control / On Lead • Dangerous Dog • Disqualified Owner • Direct Control of a Dog Off Lead • Dog Control Act • Dog Exercise Area • Leash or Lead • Licence • Menacing Dog • Microchipped Dog • No Dog Area • Off-Leash Area • On-Leash Area • Other Owner • Owner • Premises • Public Place • Reserve • Sensitive Wildlife Habitat • Shared Pathways

		<ul style="list-style-type: none"> • Dog Park • Diseased Dog • Dog Ranger / Honorary Dog Ranger • Kapiti Coast District Council Appeals Hearing Committee • Sports Field / Playing Fields • Working Dog
5	Dog Registration	<p>Refer to clause 2.35 above. 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 section 13, which is called Other Relevant Information.</p>
6	Control of Dogs in Public Places	<p>Refer to clauses 2.3-2.18 above.</p> <p>In the existing 2008 Bylaw, there was a section called Dog Control. In the draft 2018 Bylaw, these provisions have been moved into new sections. One is this section called Control of Dogs in Public Places, and the other is called Prevention of Public Nuisance (which is discussed below).</p> <p>A sub-section has been added at the start of this section, called General Provisions. All of the clauses related to off-leash areas, public places, and wandering have been moved from the old section on Dog Control into this new sub-section.</p> <p>The section about dogs riding on the open tray or deck of a motor vehicle has been moved from the Dog Welfare section of the existing 2008 Bylaw into this section on the Control of Dogs in Public Places, and a new clause about dogs running or walking behind or beside a vehicle has been added.</p> <p>A new section on sensitive wildlife habitats has been added, and the definition of Access Corridors has been modified to clarify the meaning of the term.</p>

7	Dog Welfare	<p>Refer to clauses 2.19-2.24 above.</p> <p>A sub-section called General Provisions has been added containing some new information on minimum standards for dog welfare.</p> <p>Under the sub-section on housing / kenneling, 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> <p>Clauses have been added to clarify what an Animal Management Officer could do should an owner not be adhering to these provisions.</p>
8	Prevention of Public Nuisance	<p>Refer to clauses 2.10 and 2.11 above.</p> <p>This section includes clauses that had been in the section called Dog Control in the existing 2008 Bylaw. This section provides more detail on the actions that Animal Management Officers may take when instances of public nuisance have occurred.</p>
9	Limitation on the Number of Dogs	<p>Refer to clauses 2.25-2.28 above.</p> <p>Carried over from existing 2008 Bylaw, with new clauses added to clarify (i) the process should an owner wish to apply for a permit in order to have more than two dogs and (ii) what an Animal Management Officer can do if there are more than 2 dogs residing at a property without a permit.</p>
10	Bitches in Season	Carried over from existing 2008 Bylaw.
11	Menacing Dogs and Dangerous Dogs	<p>Refer to clauses 2.30 and 2.31 above.</p> <p>In the existing 2008 Bylaw, this section was called Compulsory De-Sexing of Menacing Dogs. In the draft 2018 Bylaw, new clauses have been added to clarify the definition of dangerous dogs and menacing dogs.</p>
12	Fees	Carried over from existing 2008 Bylaw.
13	Other Relevant Information	Carried over from existing 2008 Bylaw with minor amendment.
14	Summary of Offences	Carried over from existing 2008 Bylaw with minor amendment.
17	Schedule 1: Inland No Dog/s Areas	<p>Refer to clauses 2.8, 2.13, and 2.14-2.18 above.</p> <p>Carried over from existing 2008 Bylaw, with the following proposed amendments.</p> <ul style="list-style-type: none"> Whereas the existing 2008 Bylaw defined all playing/sports fields under Council's control as No Dog/s Areas when a sporting or training event is being held , the

		<p>draft 2018 Bylaw proposes to extend this to all playing/sports fields under Council's control at all times.</p> <ul style="list-style-type: none"> • Whereas the existing 2008 Bylaw defined the Mahara Place shopping area as a No Dog/s Area , the draft 2018 Bylaw proposes to reclassify it as an Inland Dog/s On-Leash Area to be consistent with all other commercial retail zones in the District (see Schedule 2 of the draft 2018 Bylaw). • Whereas the existing 2008 Bylaw defined all areas classified as native reserves as No Dog/s Areas , the draft 2018 Bylaw proposes to clarify that these are Inland Dog/s On-Leash Areas (see Schedule 2 of the draft 2018 Bylaw). • Whereas the existing 2008 Bylaw defined Waimeha Lagoon as a No Dog/s Area, the draft 2018 Bylaw proposes to reclassify it as a Sensitive Wildlife Habitats – Dog/s On-Leash Area (see Schedule 2 of the draft 2018 Bylaw).
18	Schedule 2: Inland Dog/s On-Leash Areas (including Sensitive Wildlife Habitats, and Access Corridors)	<p>Refer to clauses 2.8, 2.13, and 2.14-2.18 above.</p> <p>Carried over from existing 2008 Bylaw, with some proposed amendments.</p> <p>The draft 2018 Bylaw proposes the following amendments to Inland Dog/s On-Leash Areas:</p> <ul style="list-style-type: none"> • the periphery of all playing/sports fields would become Dog/s On-Leash Areas at all times; • clarify that walking tracks or signed marked areas in coastal dunes are Inland Dog/s On-Leash Areas; • clarify that the Pukekawa Reserve in Waikanae is a Dog/s 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 Wildlife Habitats – Dog/s On-Leash Areas. <p>The draft 2018 Bylaw proposes the following areas as Sensitive Wildlife Habitats – Dog/s On-Leash Areas:</p> <ul style="list-style-type: none"> • Ames Street Reserve, Paekākāriki • Waikanae Estuary Scientific Reserve • Waimanu Lagoons, Waikanae • Waimeha Lagoon, Waikanae • Estuary of Waimeha Stream • Pharazyn Reserve • Barry Hadfield Nikau Scenic Reserve • Estuary of Te Kowhai Stream • Estuary of Mangaone Stream

		<ul style="list-style-type: none"> • Ōtaki Estuary and River mouth • Estuary of Waitohu Stream.
19	Schedule 3: Inland Dog/s Off-Leash Areas	<p>Refer to clauses 2.12 and 2.13 above.</p> <p>The draft 2018 Bylaw proposes to clarify the following Dog/s 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 in Waikanae as a Dog/s Off-Leash Area, the draft 2018 Bylaw proposes to reclassify it to be a Dog/s On-Leash Area (see Schedule 2 of the draft 2018 Bylaw).</p>
20	Schedule 4: Time restrictions	Carried over from existing 2008 Bylaw with minor amendment.

Table 3: Summary of all proposed changes for the draft 2018 Policy

	Proposed draft 2018 Policy clause names	Key differences between proposed draft 2018 Policy and existing 2009 Policy
1	Title, Commencement and Application	Carried over from existing 2009 Policy with minor amendment.
2	Dog Control Policy Validation	Carried over from existing 2009 Policy with minor amendment.
3	Purpose	Carried over from existing 2009 Policy with minor amendment.
4	Definitions	The existing Policy did not have a definition section. This section has been added to the draft 2018 Policy, with all definitions carried over from the Bylaw. For more information, see Table 2 above.
5	Policy Objectives	<p>Refer to clauses 2.19-2.24 above.</p> <p>A new objective is proposed that would incorporate dog welfare and minimum standards of care into the policy.</p>
6	Policy Guidelines	<p>Refer to clauses 2.33 and 2.34 above.</p> <p>This section includes a proposal for more detailed definitions of probationary, disqualified and 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</p>

		showing evidence of responsible ownership.
7	Registration	Carried over from existing 2009 Policy with minor amendment.
8	Registration fees	This section has been amended to add a little more information about what registration fees cover.
9	Prevention of Dog Attack & Nuisance	This section is carried over from 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.
10	Dog Obedience Courses	Carried over from existing 2009 Policy with minor amendment.
11	Dog Welfare	Carried over from existing 2009 Policy with minor amendment.
12	Seize, Impound & Retain	Refer to clause 2.32 above. This section includes a proposal to add more information on the impounding of dogs. This section also includes information that was in a section called Dog Shelter (in reference to the Kapiti Coast District Council Animal Shelter).
13	Dangerous and Menacing Dogs	Carried over from existing 2009 Policy with minor amendment.
14	Special Licences	This section had been called Permits in the existing 2009 Policy.
15	Microchipping Dogs	Carried over from existing 2009 Policy with minor amendment.
16	Enforcement of Dog Control	Carried over from existing 2009 Policy, but simplified as this information is also in the draft 2018 Bylaw.
17	Categories of Dog Control Areas	Carried over from existing 2009 Policy, but simplified as this information is also in the draft 2018 Bylaw.
18	Exemptions	Carried over from existing 2009 Policy with minor amendment.
19	Dog Restriction Zones	Carried over from existing 2009 Policy with minor amendment.
20	Bylaw	Refer to clause 2.35 above. A new section referring to the Kapiti Coast District Council Dog Control Bylaw 2018
21	Appendix 1	Refer to clause 2.9 above. In order to improve alignment between the Policy and Bylaw, Council proposes deleting this appendix (including the associated maps) and instead referring readers to Schedules 1,

		2, 3 and 4 of the Bylaw, which include maps of ecological sites and beach times.
--	--	--

APPROPRIATENESS OF A BYLAW, AND CONSIDERATION OF NZBORA

- 2.36. When making or reviewing bylaws, Council is required by Section 155 of the LGA to make three determinations which combine to ensure: the bylaw is necessary, is the most appropriate form of a bylaw, and considers any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
- 2.37. Council considers that the Dog Control Bylaw continues to be the most appropriate way to minimise any risk and nuisance caused by dogs to the community, whilst providing for the care and welfare of dogs and their owners.
- 2.38. Section 10 of the DCA1996 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 DCA1996.
- 2.39. Subject to the proposed amendments, it remains an appropriate bylaw for the Kapiti Coast District Council under the LGA to promote better care and control of dogs on the Kapiti Coast.
- 2.40. The LGA02 requires Council to determine whether there are any implications for the Bylaw under the NZBORA. No bylaw may be made that is inconsistent with the NZBORA. It is not foreseen that the draft Dog Control Bylaw 2018 will contain any provisions that will be in conflict with (NZBORA).

3. SHOULD WE HAVE MORE DOG EXERCISE AREAS? IF SO, WHERE SHOULD THEY BE?

- 3.1. Of the 202 respondents who completed the question 'Are there enough dog parks in the District?' on the Residents, Ratepayers and Stakeholders Survey, 46% (n=93) said that there were not dog parks in the District. Council officers also received correspondence requesting Council to consider specific off-lead areas.
- 3.2. In response to these concerns, Council officers have identified five locations that could potentially be considered as dog exercise areas to meet future needs. These locations have not been included in the draft 2018 Bylaw or the draft 2018 Policy because they require additional planning and consultation.

- 3.3. Council officers would like to take this opportunity to get public feedback on these five proposed sites:
- a) Kaiwaru Trig Forest, Waikanae Park;
 - b) Mazengarb Park Reserve;
 - c) Nga Whakangutu Reserve, Pingao Lane;
 - d) 91 Mazengarb Road; and
 - e) Maui Pomare Road Reserve.
- 3.4. For each location, Council officers have identified the current status, use, and facilities at each location and any financial and other considerations that would be required to develop a dog exercise area on the site (see Table 4).
- 3.5. There may be significant financial costs associated with designating some of these areas as dog exercise areas or dog parks, including the provision of rubbish bins, fences and signage. The Draft 2018 Policy states that registration fees cover signage, maintenance of current dispenser units and any unforeseen costs associated with the removal of dog waste. However, it is important to understand that if Council were to consider approval for the establishment of any of these new dog exercise areas, Council would likely propose an amendment (at a later date) to increase registration fees to enable the installation of required fencing and the cost of on-going maintenance.

Table 4: Five proposed sites for future consideration as off-leash, dog exercise areas

<u>KAIWARU TRIG FOREST, WAIKANAЕ PARK (refer Appendix 5, Map 1)</u>
<p>Current status and use</p> <p>This entire reserve is owned by the Kapiti Coast District Council. The proposed area under consideration is the bush area surrounding the trig. It is in close proximity to the Waikanae dog off-leash exercise area. It is currently a dog on-leash area. Waikanae Pony Club also uses the dog off-leash area.</p> <p>The Waikanae Pony Club holds an ongoing lease for part of the land. Waikanae off-leash dog exercise area, Waikanae Playground, Waikanae Pools, sports fields, clubrooms and changing room facilities can be also be found in the Reserve.</p>
<p>Current facilities</p> <p>The Reserve has the following facilities:</p> <ul style="list-style-type: none">(a) It is a fenced area but not fully enclosed.(b) Public toilets by the entrance to the dog exercise area.(c) Rubbish bins, dog bag dispenser.
<p>Considerations</p> <p>If the Council designates this area as a dog exercise area the following infrastructure is required:</p> <ul style="list-style-type: none">(a) Extra signage

- (b) Amendment to the current Reserve Management Plan (including consultation)

Financial Considerations

This proposed change is given a low financial rating as the only requirement is additional signage. No additional fencing is required.

MAZENGARB PARK RESERVE (refer Appendix 5, Map 2)

The grassed area on the eastern side of the stream could be made into an off leash area as the private properties along there are all fully fenced.

Current status and use

Mazengarb Park is a multi-use recreational space. The Park and Reserve land east of the stream progressing all the way up to Guildford Drive is owned by the Kapiti Coast District Council. The shared path is already classed as a dog on-leash area. The thatched red area (on the map) is Recreation Reserve and the current Reserve Management Plan deems this to be a no dog area. The grassed areas close to the car parks are currently used for overflow car parking for major events.

Current facilities

The Reserve has the following facilities:

- (a) Public toilets (at the pavilion);
- (b) Rubbish bins (check number); and
- (c) Car park

Considerations

In order for this proposed change, the following would be required:

- (a) New signage would be required at both the Scaife Drive and Guildford Drive entrances;
- (b) Additional rubbish bins for faeces disposal; and
- (c) A vehicle barrier or demarcation line around the Scaife Drive entrance to deter dogs running onto the car park.

Financial Considerations

The following financial considerations would apply:

- (a) Cost of vehicle barrier;
- (b) Additional rubbish bins; and
- (c) New signage

There is no financial cost if the eastern side of the stream was to become a dog exercise area. There is however a high financial rating for a boundary fence around the Scaife Drive car park area. The estimated cost is between \$23,800-\$32,300 plus GST.

NGA WHAKANGUTU RESERVE, PINGAO LANE (refer Appendix 5, Map 3)

This Reserve is a large open space which could lend itself to possible future development. An area within the Reserve could be set aside as a dog exercise area. The exact location would be decided in consultation with neighbours and potential users.

Current Status and Use

Nga Whakangutu Reserve is owned by Kapiti Coast District Council. The parcel of land closest to Pingao Lane is Local Purpose Reserve, and the parcel outlined in red on the map is Recreation Reserve. The Local Purpose Reserve is currently used as a bridal way from Pingao Lane through to Raukawa Road.

Historically, this land has been leased for grazing. This lease is due to be renewed and could be extended for up to another 5 years. It is a large open grass area, which has been divided into paddocks with post and wire fencing. Residential properties can be found near the Reserve. This Reserve is not typically accessed by the public which means that it is lacking in services – for example, rubbish bins and signage. There are bridges which allow access over the stream. One bridge is used by horse riders.

Current Facilities

The Reserve has the current facilities:

- (a) Two foot bridges

Proposed changes and requirements

The Reserve would require the following improvements:

- (a) Signage naming the reserve would be required in the car park entrance off Pingao Lane;
- (b) Additional signage by the entrance of the exercise area would also be required;
- (c) Rubbish bins;
- (d) Dogs would need to remain on-leash through the local purpose reserve until they reached the dog exercise area; and
- (e) For the off-leash area itself improvements to the fencing would need to be made if it were to be classed as a Dog Park, however if it were to be classed as an exercise area the existing fencing would be adequate.

Financial Considerations

The following financial considerations would apply:

- (a) New signage, including reserve name;
- (b) Metal signage;
- (c) Rubbish bins; and
- (d) The possibility of improved fencing.

91 Mazengarb Road (refer Appendix 5, Map 4)

Current Status and Use

TBD

Current Facilities

TBD

Proposed changes and requirements

TBD

Financial Considerations

TBD

MAUI POMARE ROAD RESERVE (refer Appendix 5, Map 5)

This parcel of land has been highlighted by the Parks and Recreation Team as a possible dog exercise area. An area within the Reserve could be set aside as a dog exercise area. The exact location would be decided in consultation with neighbours and potential users.

Current Status and Use

LOT 2 DP 335661 is owned by Kapiti Coast District Council. There is a path which leads off the north end of the car park to the Paraparaumu Scenic Reserve which is looked after by the Department of Conservation (DOC).

This parcel of land is found in the residential area of Nikau Valley. It is currently unused but maintained by Council. The section is fenced with a stream just to the north. This is a large and expansive space. The land does undulate in some areas but also offers good line of sight.

Current Facilities

This area is not regularly used by the public and therefore is lacking in services. There is one wheelie bin provided but this is owned by DOC. The northern boundary has a post and wire fence. From the car park heading south west there is a vehicle barrier this then turns into a post and rail fence.

Proposed changes and requirements

Facility requirements would include:

- (a) Adequate signage in the car park introducing the dog exercise area;
- (b) Rubbish bins/collection and disposal; and
- (c) Possible improved fencing.

Financial Considerations

The following financial considerations apply:

- (a) Provision of rubbish bin receptacles;

- | | |
|-----|--|
| (b) | Collection and disposal of faeces; and |
| (c) | Possible improved fencing |

4. CONSULTATIVE PROCEDURE

- 4.1. Section 156 of the LGA02 requires that the community be consulted on the adoption, review or amendment of a bylaw. Accordingly, the Council is using the special consultative procedure in this case. This procedure requires the initiation of a formal submission process.
- 4.2. The Council would like to know what residents, ratepayers, and stakeholders think about the Draft Kāpiti Coast District Council Dog Control Bylaw 2018 and the Draft Kāpiti Coast District Council Dog Control Policy 2018.
- 4.3. At the same time, Council is also asking for feedback on the five sites that could be developed at a later date as off-leash, dog exercise areas.
- 4.4. The proposed plan is as follows:

Task	Date
Council's Strategy & Policy Committee approved the draft 2018 Bylaw, the draft 2018 Policy, and this Statement of Proposal for public consultation	14 June 2018
Submissions open	7 August 2018
Submissions close	14 September 2018
Hearing of submitters	Indicative
Council decisions on submissions	Indicative
Council decision	Indicative
Effective date of bylaw	Indicative

METHODS FOR MAKING A SUBMISSION

- 4.5. Submissions can be made in writing using the submission form attached in Appendix 6, or via the Council's online submission portal known as *Objective*.
- 4.6. Written submissions can be mailed to:

Kapiti Coast District Council
Attn: Dog Control Bylaw & Policy Review
Private Bag 60601

Paraparaumu 5254

- 4.7. Written submissions can also be faxed to 04 296 4830, or emailed to submissions@kapiticoast.govt.nz (marked Dog Control Bylaw & Policy Review).
- 4.8. For submitters who wish to use the online submission portal known as *Objective*, it can be accessed at **XX**.

Submission Period

- 4.9. The formal consultative period will be 5 weeks running from 7 August 2018 to 14 September 2018.

Hearing of Submissions

- 4.10. Persons making written submissions who wish to be heard by Council will be given the opportunity to do so. The time and venue for the hearing of the submissions will be advised to submitters wishing to be heard. Submitters wishing to speak to the Council in support of their submission must indicate YES on Page 1 of the Official Submission Form.

5. ATTACHMENTS

Appendix 1: Draft 2018 Dog Control Bylaw (see Appendix 1 to Council paper RS-18-517)
Appendix 2: Draft 2018 Dog Control Policy (see Appendix 1 to Council paper RS-18-517)
Appendix 3: Residents, Ratepayers and Stakeholders Survey
Appendix 4: Maps of proposed ecological wildlife habitats
Appendix 5: Maps of potential off-leash, dog exercise areas
Appendix 6: Official Submission Form

APPENDIX 3: RESIDENTS, RATEPAYERS AND STAKEHOLDERS SURVEY

Dog control in Kāpiti



Marley wants to hear from you!

We want our community to be a safe, comfortable, and inclusive place for both dogs and people. We know that people hold strong opinions about dogs in the community and the rules that oversee responsible dog ownership. Next year (2018) we're carrying out a formal review of our Dog Control Bylaw and Policy and we want to hear from you now to help us to make informed and balanced decisions about dogs.

Not sure about where our dog on-leash and off-leash areas are currently? Check out our website www.kapiticoast.govt.nz/maps

1. Where should dog on-leash areas be in Kāpiti and why?

Where?	
Why?	

2. Where should dog off-leash areas be in Kāpiti and why?

Where?	
Why?	

3. Do we provide enough dog parks in each community in Kāpiti? Do you have any suggestions?

Enough parks?	
Any suggestions?	

4. Are there any places where dogs should not be allowed to go and why?

Where?	
Why?	

5. How many dogs should be allowed to live on a residential property and why?

How many?	
Why?	

6. If you are a dog owner, would you be prepared to pay a higher annual registration fee to ensure more availability of dog-poo disposal bags, bins, and pick-up in the District?

--

7. Are you a dog owner?

Yes ☐ No ☐

8. Do you live in Kāpiti?

Yes ☐ No ☐

9. If you would like to be kept up to date on our review of the dog control policy and bylaw please provide your details below:

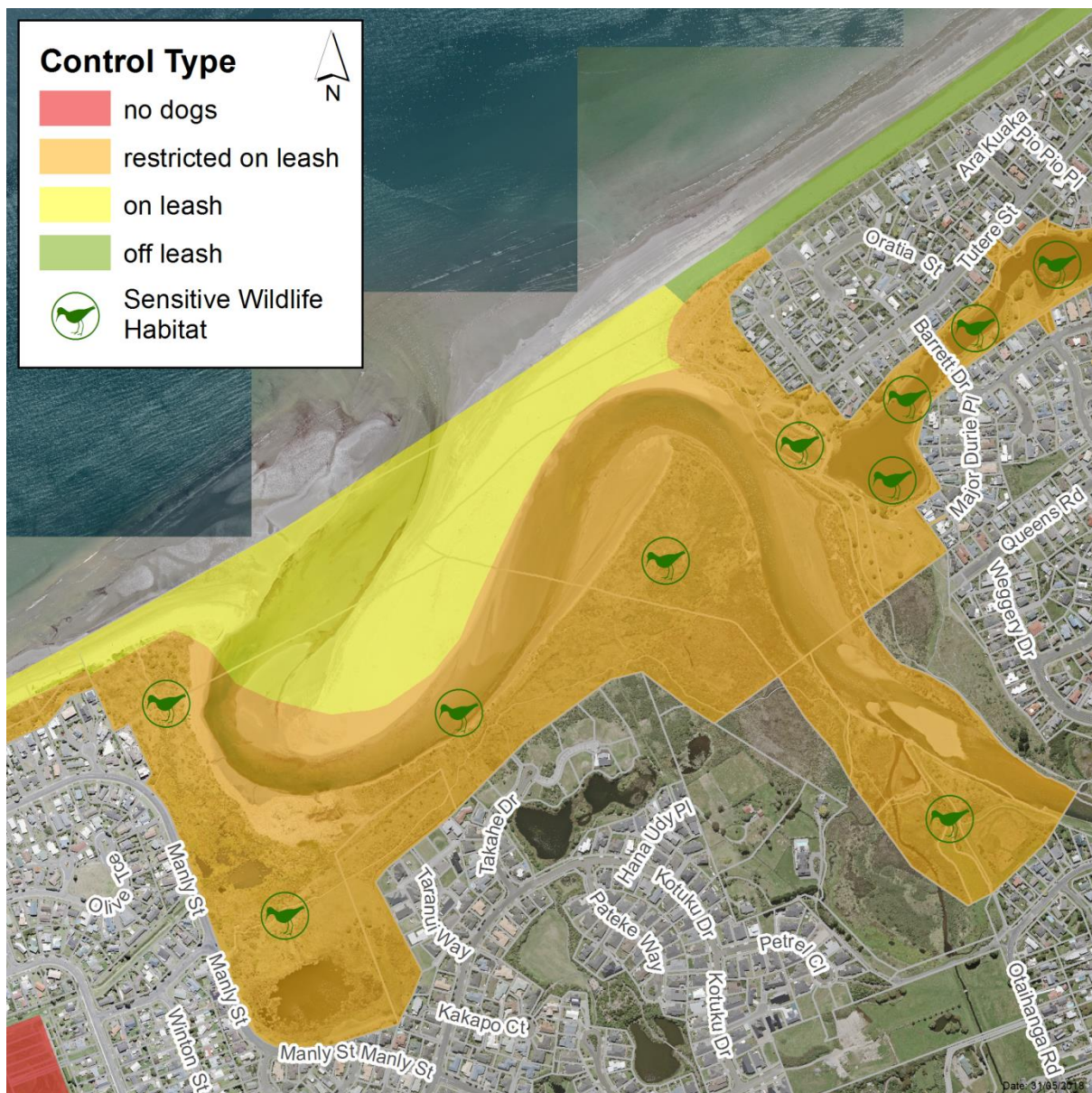
Name	
Address	
Email	

APPENDIX 4: MAPS OF PROPOSED SENSITIVE WILDLIFE HABITATS

1. Ames Street Reserve, Paekākāriki



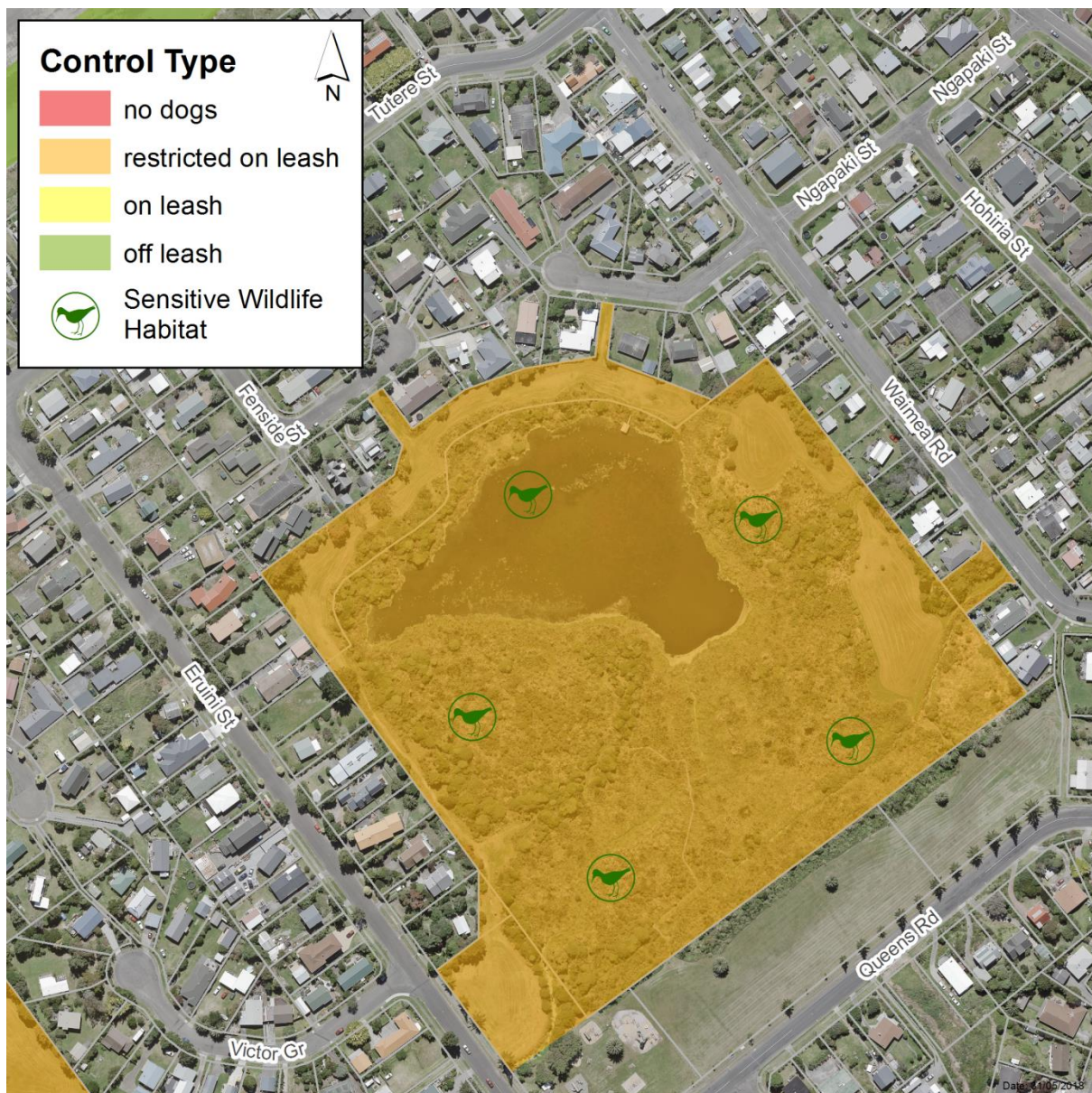
2. Waikanae Estuary Scientific Reserve



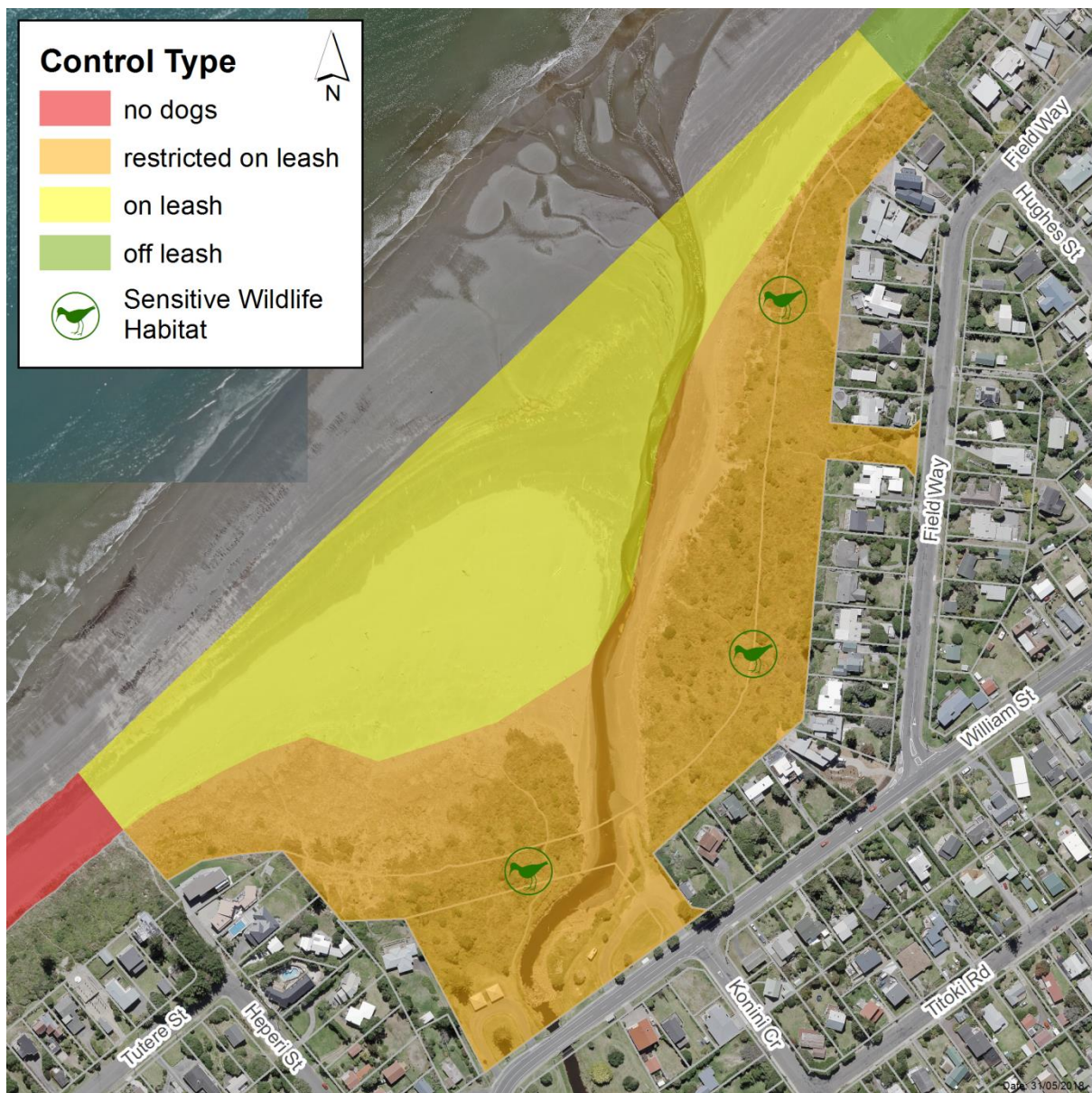
3. Waimanu Lagoons, Waikanae



4. Waimeha Lagoon, Waikanae

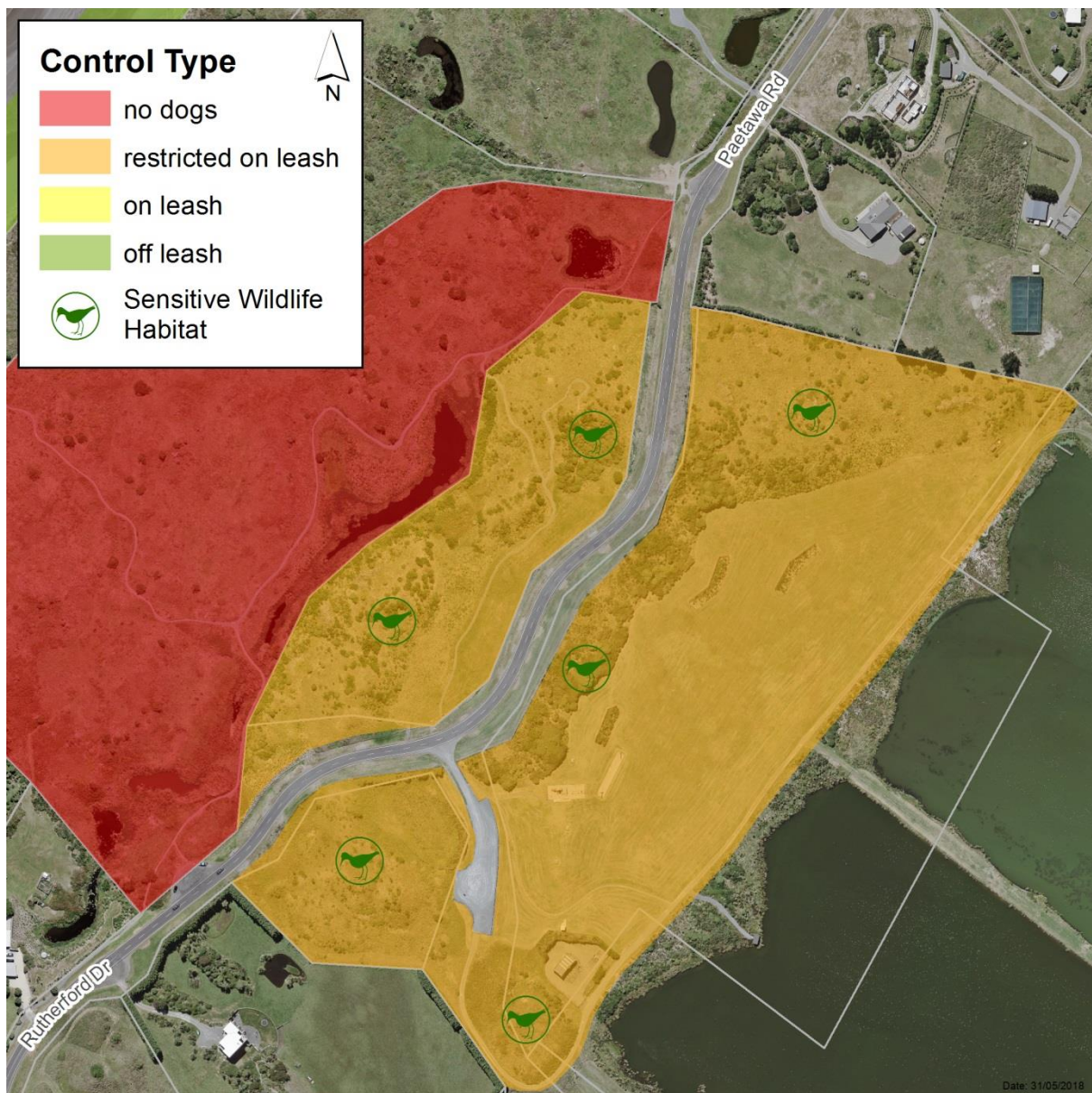


5. Estuary of Waimeha Stream

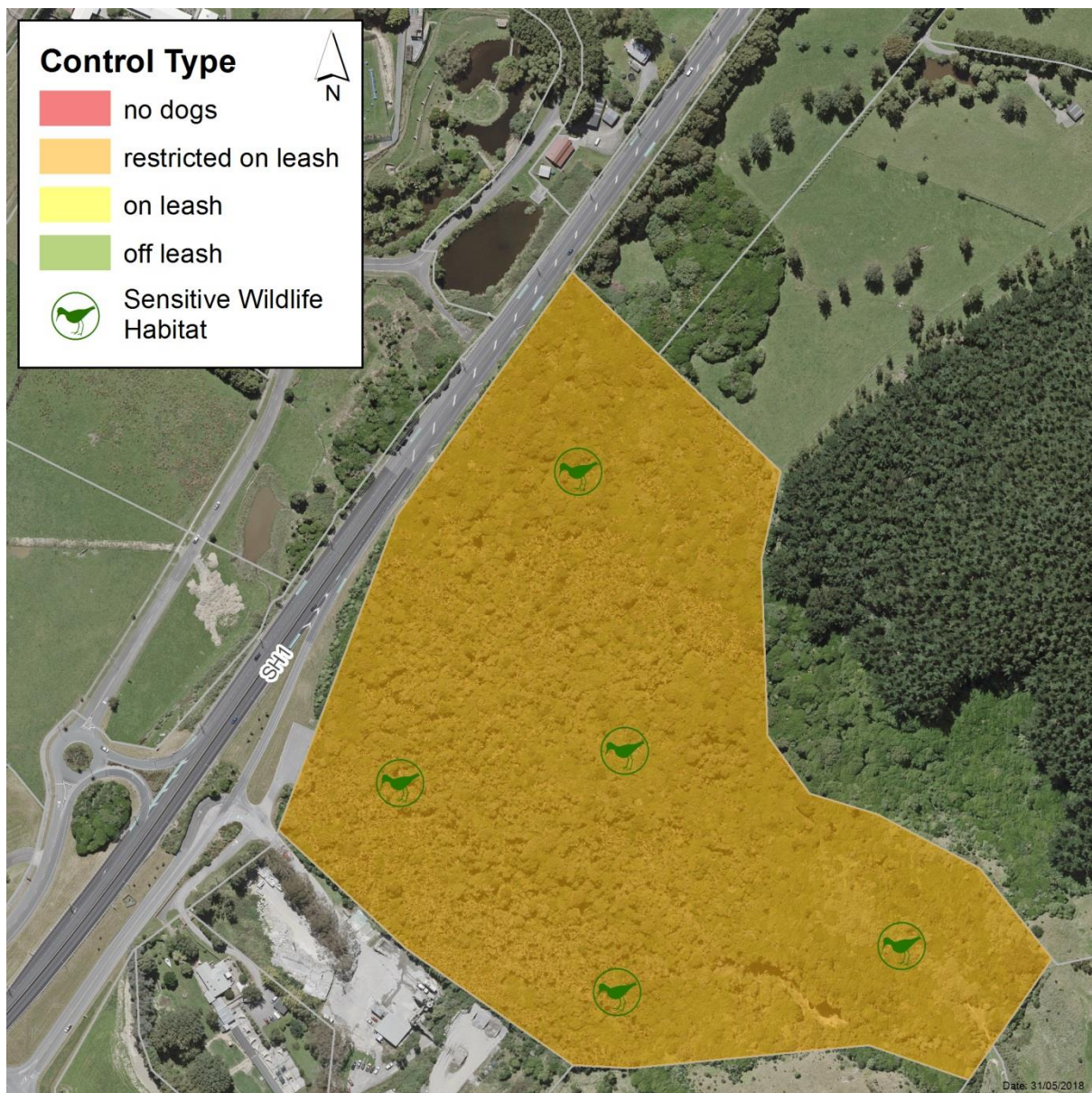


6. Pharazyn Reserve

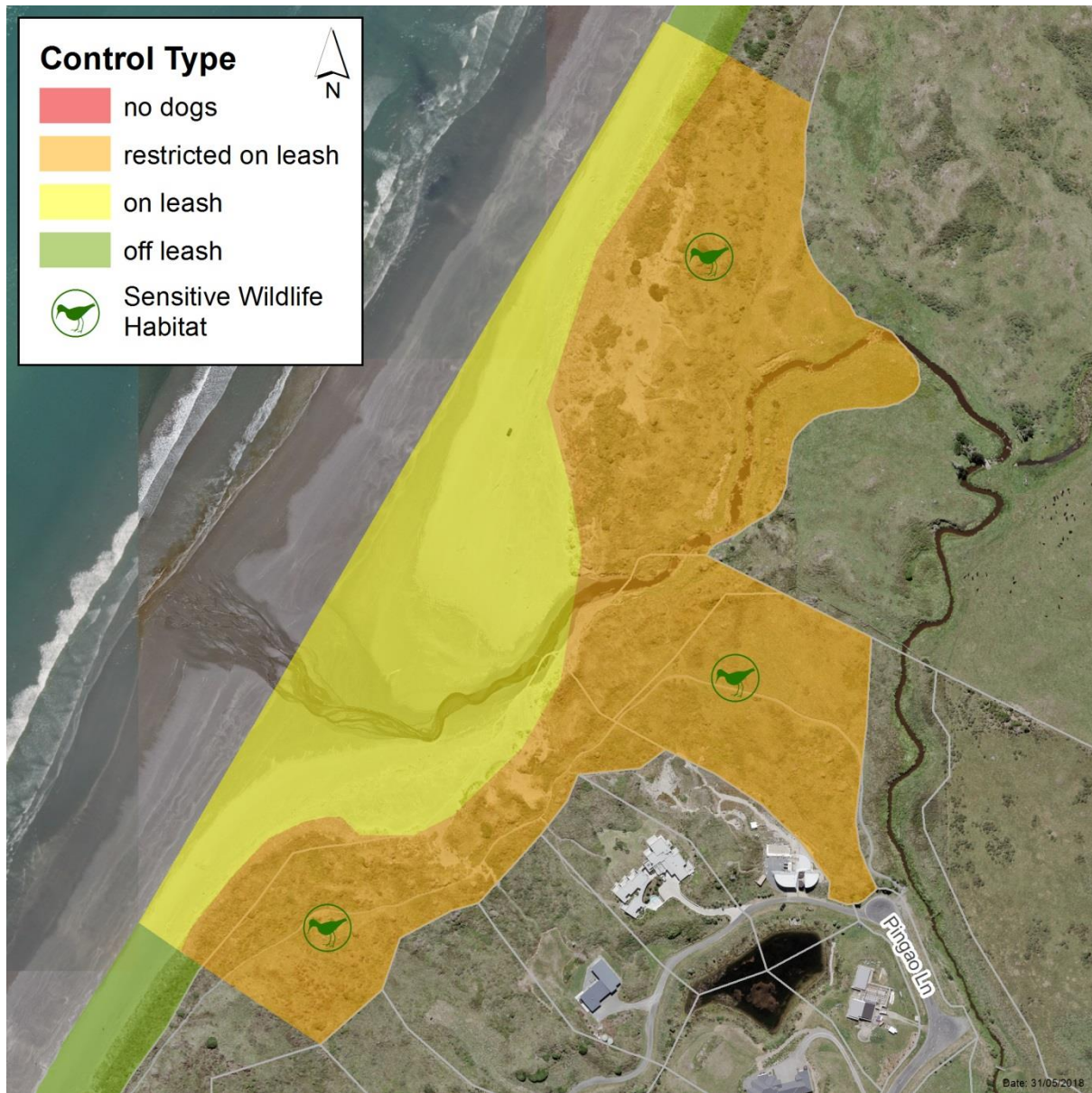
Note: this map may require slight modification before consultation



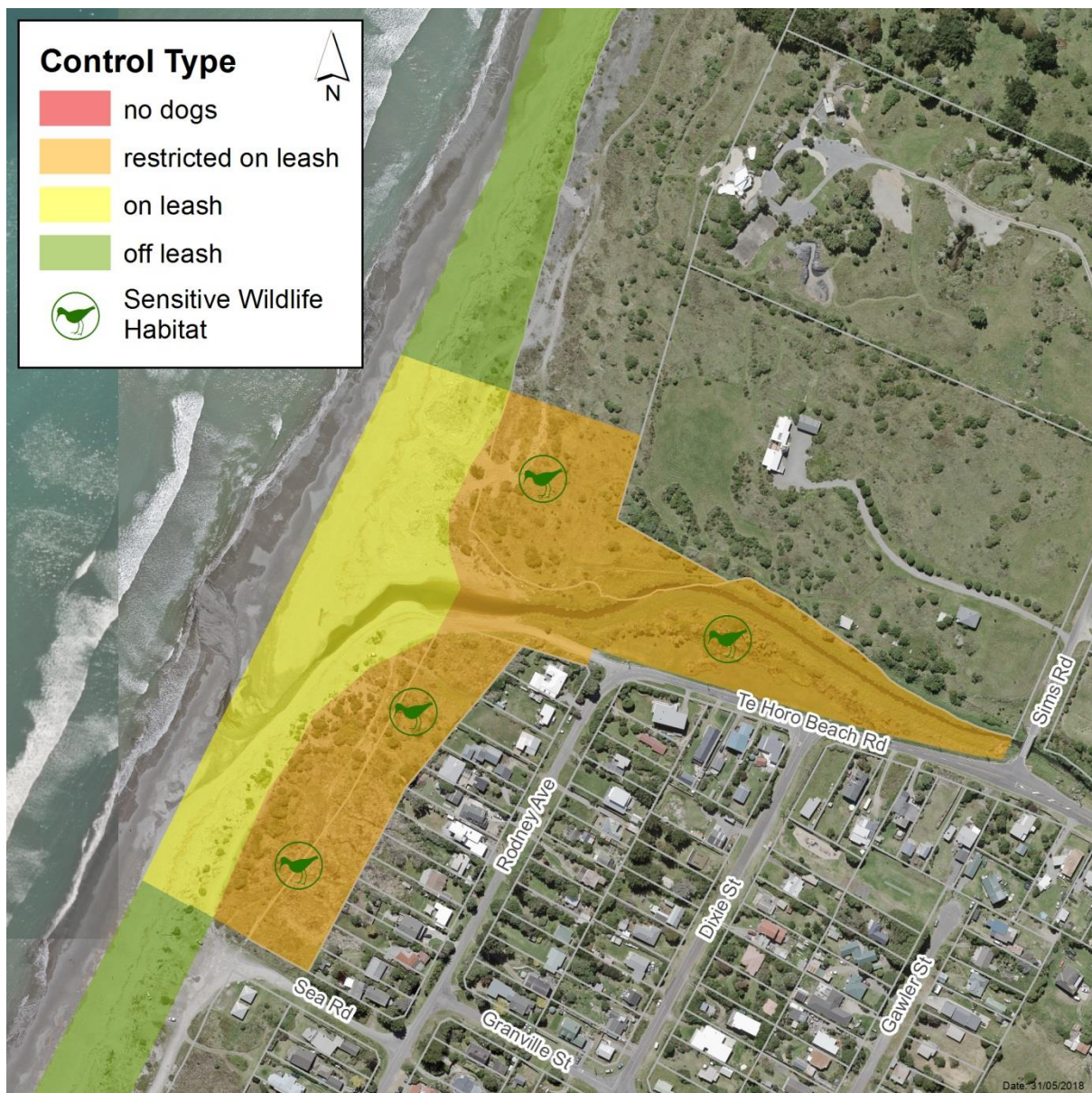
7. Barry Hadfield Nikau Scenic Reserve



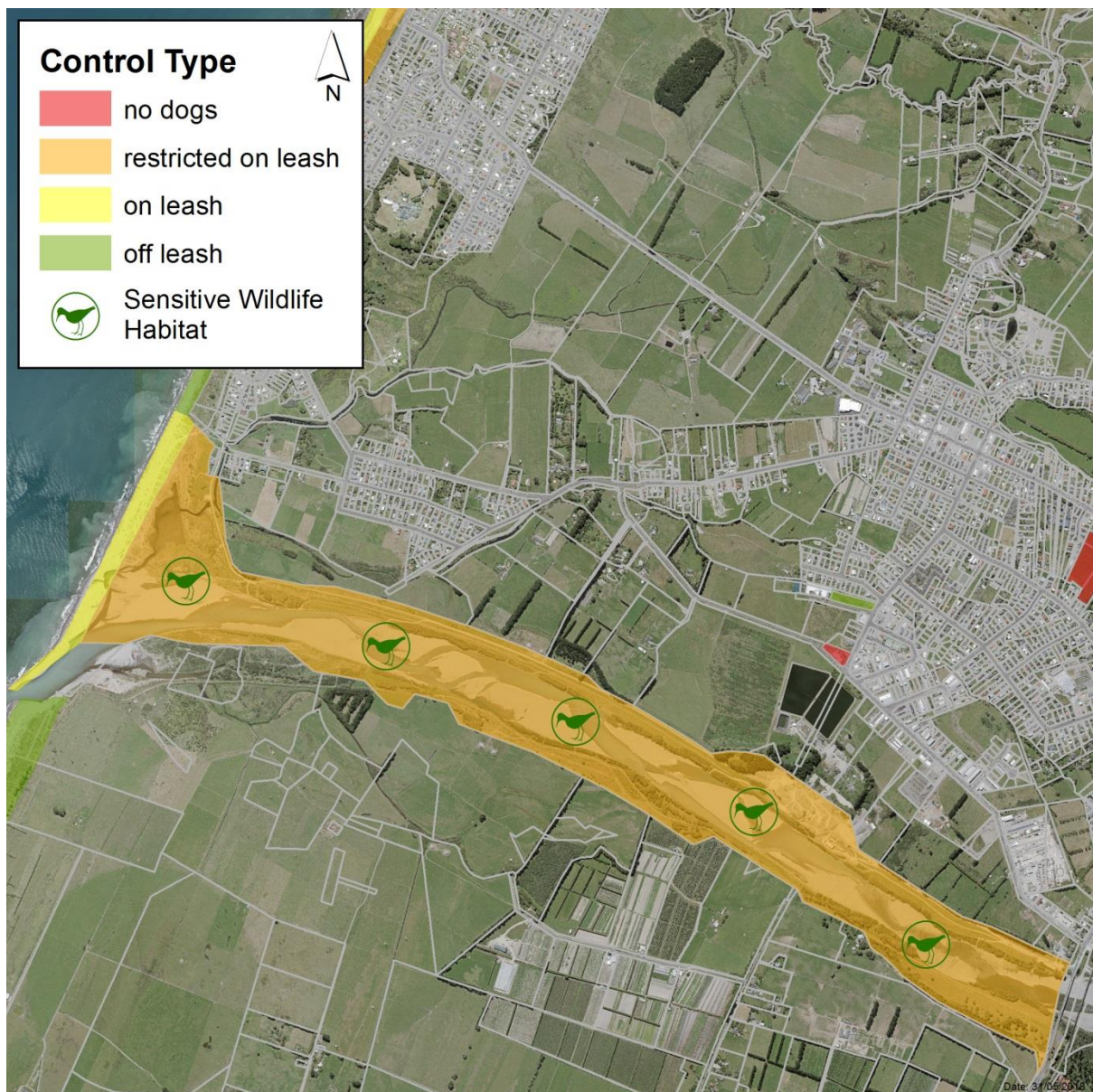
8. Estuary of Te Kowhai Stream



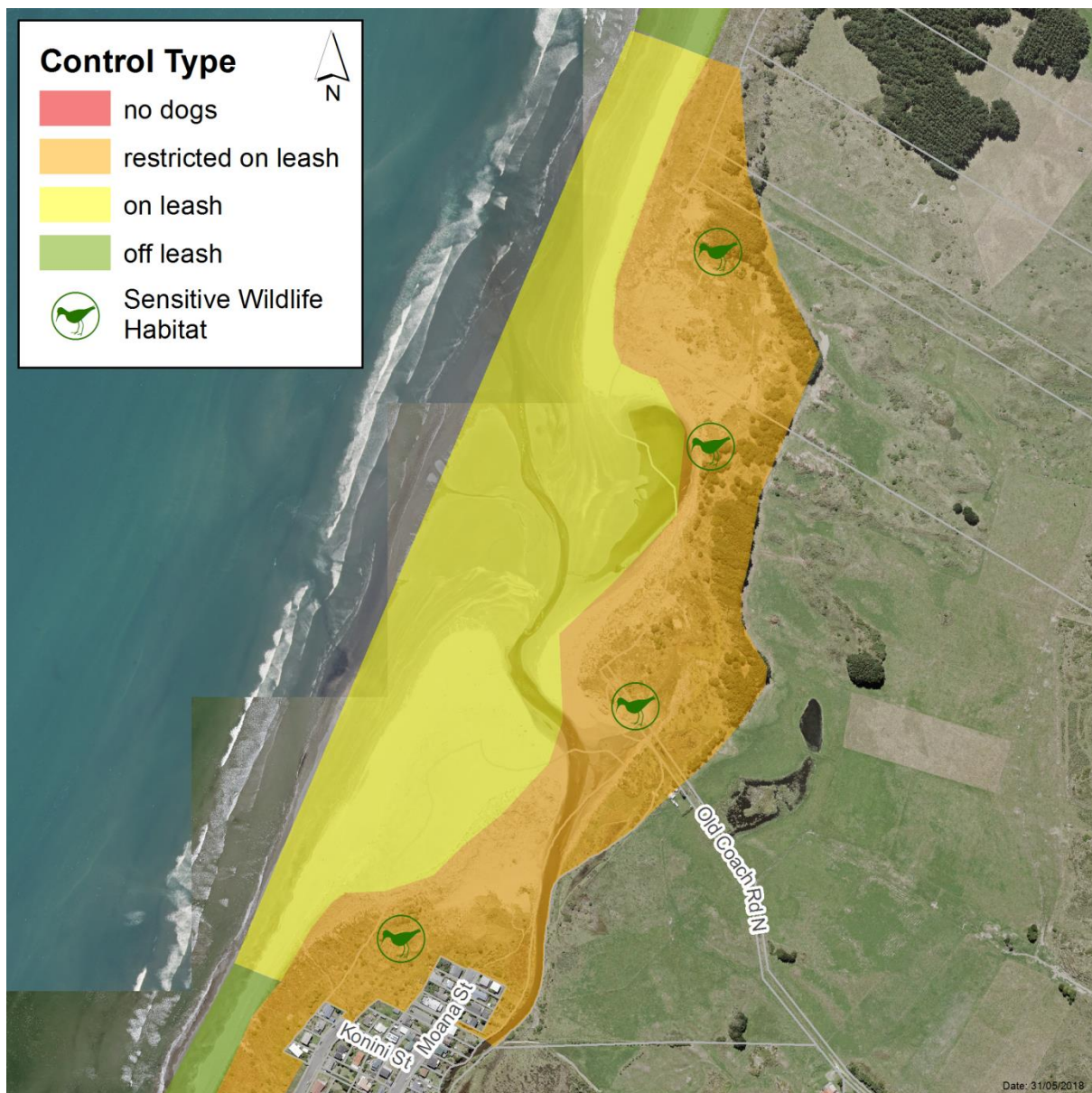
9. Estuary of Mangaone Stream



10. Ōtaki Estuary and River mouth



11. Estuary of Waitohu Stream



APPENDIX 5: MAPS OF POTENTIAL OFF-LEASH, DOG EXERCISE AREAS

1. Kaiwaru Trig Forest, Waikanae Park

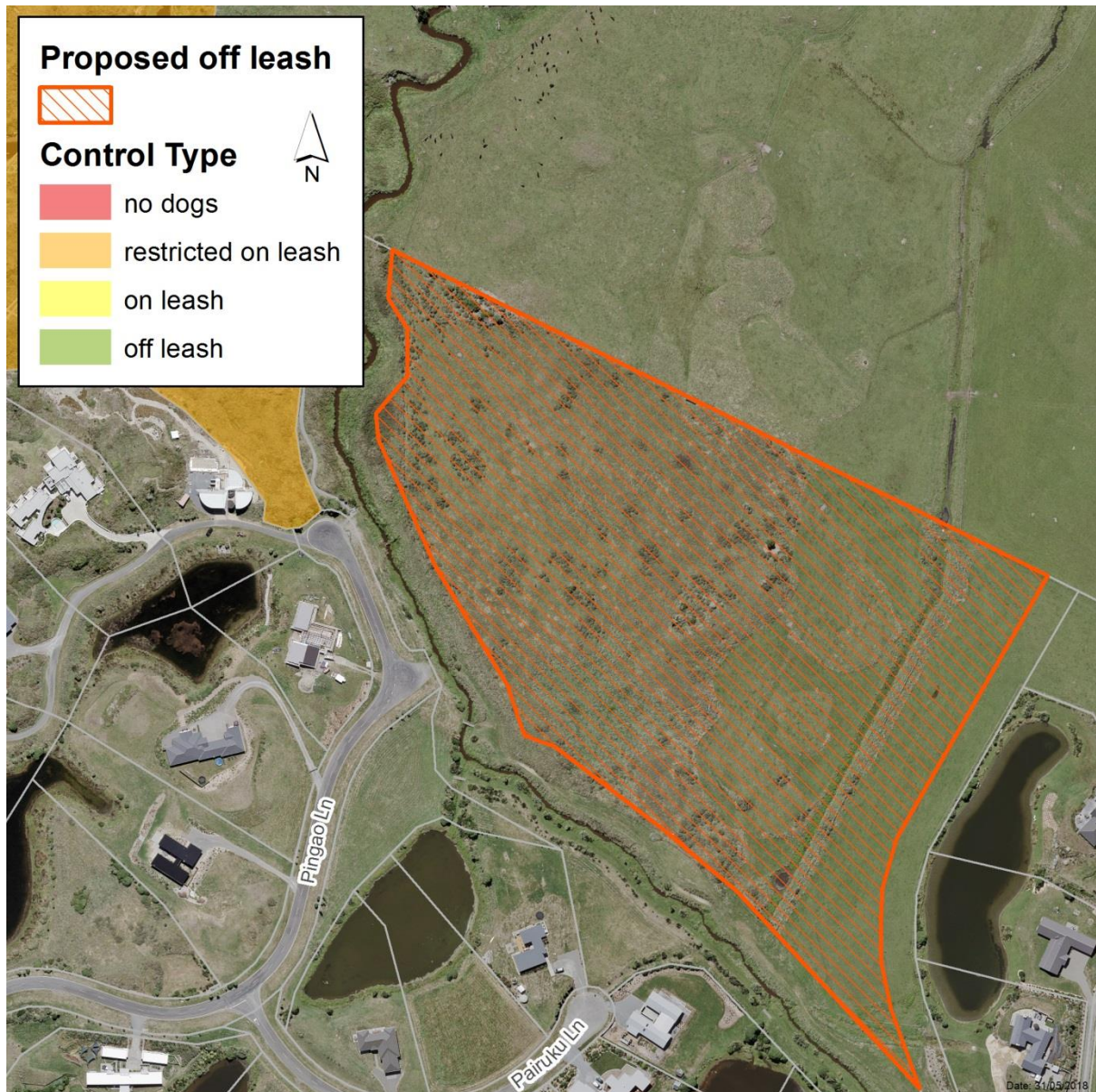


2. Mazengarb Park Reserve & Mazengarb Drain Walkway, Paraparaumu



3. Nga Whakangutu Reserve, Pingao Lane

An area within the Reserve could be set aside as a Dog Exercise Area. The exact location would be decided in consultation with neighbours and potential users.

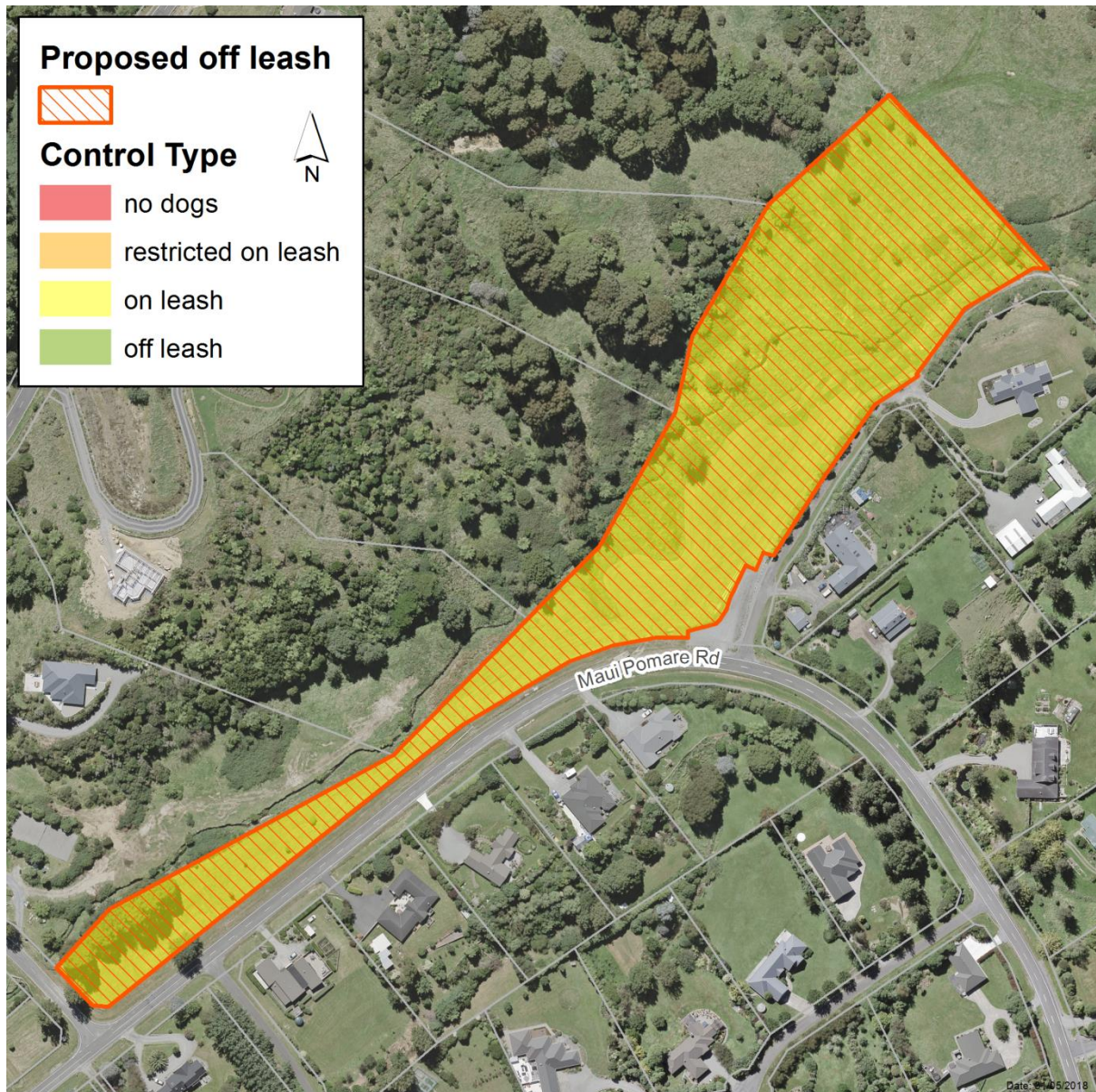


4. 91 Mazengarb Road, Paraparaumu



5. Maui Pomare Road Reserve

An area within the Reserve could be set aside as a Dog Exercise Area. The exact location would be decided in consultation with neighbours and potential users.



APPENDIX 6: OFFICIAL SUBMISSION FORM



Review of Dog Control Bylaw and Policy

Admin only:

Date received	Submission number

2018 Review of Dog Control Bylaw and Policy

Please refer to the current 2008 Bylaw; 2018 draft proposed Bylaw; current 2009 Policy and 2018 draft proposed Policy.

Submissions Close 4.00 pm, Friday 14 September 2018

How to lodge your submission:

Online: consult.kapiticoast.govt.nz click on title goes here

You can also email, post or deliver your submission as follows:

Email: kapiti.council@kapiticoast.govt.nz

Post: Kāpiti Coast District Council
Private Bag 60-601,
PARAPARAUMU 5254

Deliver: Paraparaumu Service Centre, 179 Rimu Road,
Waikanae Service Centre, Mahara Place
Ōtaki Service Centre, 81-83 Main Street

If hand-writing, please write your contact details in clear BLOCK CAPITAL letters

Submitter details					
Is this an individual submission?		Yes		No	
If this submission is on behalf of an organisation, please state the name of the organisation:					
Organisation:					
Title (tick one)		Mr		Mrs	
		Other (please specify)			
First Name:					
Last Name:					
Address (*indicate your preference for response)					
*Address:					
*Email:					
Phone number:				Mobile:	

Statement of Proposal

Do you want to speak to the council about your submission at the consultation hearings?	Yes	No
Signature of submitter (or person authorised to sign on behalf of the submitter)		
Date:2018		
(Note: A signature is not required if you make your submission online or by email)		

Please refer: Current 2008 Bylaw; 2018 Draft Proposed Bylaw; current 2009 Policy; and 2018 Draft Proposed Policy.		
Question 1: Do you support the proposed change and clarification of dogs on sports fields?		
Please indicate	Yes	No
Comments		
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.		
Question 2: Do you agree with the reclassification of Mahara Place (from a no dog area to a dogs on-leash area)?		
Please indicate	Yes	No
Comments		
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.		
Question 3: Do you agree with the creation and definition of Sensitive Wildlife Habitats?		
Please indicate	Yes	No
Comments		
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.		

Question 4: Do you agree with the proposed Sensitive Wildlife Habitat Sites?		
Please indicate	Yes	No
Comments		
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.		

Question 5: Do you agree with the proposed changes to dog welfare?		
Please indicate	Yes	No
Comments		
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.		

Question 6: Do you agree with the proposed changes to minimum standards of care for dogs?		
Please indicate	Yes	No
Comments		
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.		

Question 7: Do you agree with the proposed changes for classification of approved dog ownership?		
Please indicate	Yes	No
Comments		
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.		

Statement of Proposal

Included in the review of the current 2008 Dog Control Bylaw and 2009 Dog Control Policy we are consulting on the possible future development of dog exercise areas. We would like to hear your view on each identified area and to rate your most to least preferred option.

Question 7: Should we have more Dog exercise areas?		
Please indicate	Yes	No
Comments		
<p>Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.</p>		

Question 8: Should we have less Dog exercise areas?		
Please indicate	Yes	No
Comments		
<p>Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.</p>		

The proposed sites are:

- Kōwhiri Trig Forest, Waikanae Park
- Nga Whakangutu Reserve, Pungap Lane
- Mātangaroa Park Reserve
- 91 Mātangaroa Road
- Maui Ropara Road Reserve

Comments
<p>Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.</p>

Statement of Proposal

Question 9: Please rate 1 – 5, most being 1 and least being 5.	
<div style="border: 1px dashed black; padding: 10px;"> <p>Kaiwaka Trig Forest, Waikanae Park</p> <p>Nga Whakangutu Reserve, Pungap Lane</p> <p>Matangari Park Reserve</p> <p>91 Matangari Road</p> <p>Mauiri Boma Road Reserve</p> </div>	
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.	

Question 10: If there was an increased cost to providing some or all of the proposed scots , would you be prepared to have an increase in registration fees to cover increased costs?		
Please indicate	Yes	No
Comments		
<div style="border: 1px dashed black; height: 40px;"></div>		
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.		

Do you have any general feedback on the proposed changes?

Comments
<div style="border: 1px dashed black; height: 40px;"></div>
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.



KAPITI COAST DISTRICT COUNCIL DOG CONTROL BYLAW 2008

1	Title, Commencement and Application	2
2	Dog Control Bylaw Validation.....	2
3	Objective	3
4	Interpretation	3
5	General Provisions	6
6	Access Zones	6
7	Dog Welfare	7
8	Dog Control.....	8
9	Limitation on the Number of Dogs.....	9
10	Bitches in Season	9
11	Dog Faeces.....	10
12	Compulsory De-sexing of Menacing Dogs	10
13	Fees	10
14	Other Relevant Information	10
15	Summary of Offences.....	11
16	Kāpiti Coast District Council General Bylaw	12
	SCHEDULE ONE	13
	SCHEDULE TWO	15
	SCHEDULE THREE	18
	SCHEDULE FOUR.....	20

1 Title, Commencement and Application

- 1.1** This Bylaw may be cited as the Kapiti Coast District Council Dog Control Bylaw 2008 and shall come into force on 22 December 2008.
- 1.2** This Bylaw applies to any part of the Kapiti Coast District.
- 1.3** This Bylaw replaces the Kapiti Coast District Council Dog Control Bylaw 1997.

2 Dog Control Bylaw Validation

- 2.1** The Kapiti Coast District Council Dog Control Bylaw 2008 was approved at a meeting of the Kapiti Coast District Regulatory Management Committee held on 11 December 2008 after completion of the Special Consultative Procedure.
- 2.2** Amendments to the Kapiti Coast District Council Dog Control Bylaw 2008 were approved at a meeting of the Kapiti Coast District Regulatory Management Committee held on 18 June 2009 after completion of an additional Special Consultative Procedure.
- 2.3** The common seal of the Kapiti Coast District Council was affixed hereto, pursuant to a resolution of the Council on 9 July 2009 in the presence of:

.....
Jenny Rowan
Mayor

.....
Pat Dougherty
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) & (b) of the Local Government Act 2002.
- 3.3** Nothing in this Bylaw shall derogate from any provision of, or the necessity for compliance with:
- i. the Dog Control Act 1996 or any Act passed in amendment or substitution thereof;
 - ii. the Impounding Act 1955 or any Act passed in amendment or substitution thereof;
 - iii. any other relevant Acts or Acts passed in amendment or substitution thereof;
 - iv. any other relevant bylaws or District Plan requirements; and
 - v. 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:

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 shingle, 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 control by its owner or a responsible person
Council	Kapiti Coast District Council
Dangerous Dog	Any dog classified by Council as a dangerous dog in accordance with section 31 of the Dog Control Act 1996
Disqualified Owner	A disqualified owners is one classified as such under section 25 of the Dog Control Act 1996
District	Kapiti Coast District

Direct Control of a Dog	An owner or person responsible for a dog or dogs must keep the dog/s within his/her direct vision and range of voice at all times, and must be able to promptly place a leash on the dog/s under their control should it/they pose a nuisance or cause distress to any other persons, stock, poultry, domestic animal or protected wildlife
Dog Control Act	Dog Control Act 1996 or any Act passed in amendment or substitution thereof
Dog Control Officer	Officer appointed under section 11 of the Dog Control Act 1996
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 sea, 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
Honorary Dog Ranger	Any person appointed as a Dog Ranger in an honorary capacity who is warranted by Council under section 12 of the Dog Control Act 1996
Kapiti Coast District Dog Owners Objections Subcommittee (the Panel)	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 2007-2010 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. For dogs on footpaths 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 (see also "on leash or lead")
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 Dog Owners Objections Subcommittee upon the production of a certificate from a registered veterinary surgeon. When a dog is granted such a Medical Exemption, the Panel may require the dog be subject to other conditions to ensure public safety is not jeopardised

Menacing Dog	Any dog classified as such by Section 33A of the Dog Control Act 1996
Microchip	As defined in 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
On leash or lead	A dog is controlled on a leash or lead (as defined under “leash or lead” above) only when the leash or lead is attached properly to a secure collar or harness on the dog and the other end of the leash or lead is firmly held by the owner/responsible person
Owner	The Registered Owner of a dog or dogs
Premises	Any property associated with a household unit or a commercial property
Probationary Owner	A probationary owner is one classified as such under Section 21 of the Dog Control Act 1996
Public places	As defined by Section 2 of the Dog Control Act 1996
Recreational Reserve	Grassed areas that are unmarked and not used as a sports field and areas reserved for wildlife
Responsible Person	Any person who, for the time being, is in charge of a registered dog (other than the registered owner) or an unregistered dog
Sports Field & Playing Fields	All grassed areas marked and defined as a sports field
Working Dog	As defined under Section 2 of the Dog Control Act 1996

5 General Provisions

- 5.1 The registered owner or responsible person shall comply with the provisions of the Kapiti Coast District Council Dog Control Bylaw 2008 and the Dog Control Act 1996.
- 5.2 Every person who applies to register a dog shall comply with the requirements of Section 36 of the Dog Control Act 1996.
- 5.3 Where an owner of a dog is under the age of 16 years at the time of applying for registration of that 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.
- 5.4 This Bylaw shall have no effect in respect of any land for the time being included in:
- i. a controlled dog area or open dog area under Section 26ZS of the Conservation Act 1987; or
 - ii. a National Park constituted under the National Parks Act 1980.

6 Access Zones

- 6.1 **No Dog/s Area:** No owner or responsible person 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/s Areas as defined in Schedules 1 and 4 of this Bylaw except where the dog is securely confined within a vehicle, or caged if on the open tray or deck of a vehicle.
- 6.2 **Dog/s On-Leash Area:** No owner or responsible person 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 Dog/s On-Leash Areas as described in Schedules 2 or 4 of this Bylaw except where the dog/s is/are under continuous leash control.
- 6.3 **Dog/s Off-Leash Area:** Dogs may be exercised off-leash in any area identified as an Dog/s Off-Leash Area in Schedules 3 or 4 of this Bylaw, provided the dog is kept under direct control by the owner or responsible person at all times.
- 6.4 **Access Corridors:** Access Corridors are specifically provided to allow dogs and their owners access through otherwise No Dog/s Areas to Dog/s On-Lead or Dog/s Off-Leash Areas. No owner or responsible person 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 Access Corridors as described in Schedule 2 of this Bylaw except where the dog is under continuous leash control.

6.5 Exemptions: Where it is appropriate the restrictions set out in clauses 6.1, 6.2, 6.3 and 6.4 do not apply to¹:

- i. working dogs being actively used for this purpose; and
- ii. a dog classified as having a medical exemption.

7 Dog Welfare

7.1 Dog Accommodation: The owner or responsible person shall provide adequate shelter for all dog/s in their care.

7.1.1 The kennel or place of confinement shall be kept in a clean and sanitary condition and situated not closer than 3 metres to any dwelling on a neighbouring property, or not closer than 1 meter where a lesser distance is agreed to by the neighbouring property owner. This permission can be withdrawn at any time providing the neighbour can show the dogs are committing a nuisance or a new neighbour moves in.

7.1.2 The kennel shall be of weatherproof material with a floor which allows easy cleaning.

7.1.3 The kennel shall be constructed on dry ground and in the case of a kennel without other means of confinement, provide a fixed chain of no less than 2 meters which allows the dog free movement in the kennel.

7.1.4 The kennel shall be of sufficient size to enable the dog to stand and move about freely and fully stretch out.

7.1.5 Where the dog is restrained on a long chain or chained to a slide wire or similar extension the chain shall not be able to become entangled with posts, tree trunks or other fixed objects, or the chain of another dog similarly restrained.

7.2 Dog Feeding: The owner or responsible person shall provide clean drinking water at all times and adequate quantities of suitable dog food at least once per day for all dog/s in their care.

7.3 Dogs on or in Vehicles: No owner or responsible person shall allow a dog or dogs to ride on the open tray or deck of a vehicle unless such dog or dogs 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.

¹ Section 75 of the Dog Control Act 1996 automatically exempts any disability assist dog accompanying and assisting a person with a disability from any bylaw prohibitions.

- 7.3.1 The restriction in clause 7.3 shall not apply to a working dog so long as the vehicle is in a rural area and the dog is actively working at the time.
- 7.3.2 No owner or responsible person shall keep or leave a dog or dogs in a motor vehicle unless:
- they can show that the dogs are confined within the vehicle so that it/they cannot cause danger or distress to any person or other animal;
 - have access to water and adequate ventilation; and
 - the dog or dogs are not left in circumstances that could lead to danger or discomfort to the animal.
- 7.4 Diseased Dogs:** No owner or responsible person shall cause or permit his/her dog/s which is/are mangy or diseased to enter any public place.

8 Dog Control

- 8.1** The owner or responsible person 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, or by rushing at and frightening, harassing, or intimidating such persons.
- 8.2** An owner or person responsible for a dog/s must always carry an appropriate leash when walking their animal in any notified off-leash areas.
- 8.3** An owner or person responsible for a dog/s whilst walking in an off-leash area must keep the dog/s under their direct control at all times.
- 8.4** If, in the opinion of the Council, the keeping of any dog or dogs on any premises has become a nuisance or injurious to health, by notice in writing, Council may require:
- i. the owner or occupier of such premises to keep such dog or dogs restrained or otherwise contained during specific periods; and/or
 - ii. the owner or occupier to build appropriate fencing on the premises to keep such dogs restrained or otherwise confined.
- 8.5** The owner or responsible person 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.

-
- 8.6** 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.
- 8.7** Any owner of a dog impounded for the third time within any two year period may be required to neuter the said dog as per the conditions for neutering defined within Section 33EB of the Dog Control Act 1996.
- 8.8** The owner or responsible person 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.

9 Limitation on the Number of Dogs

- 9.1** No owner or occupier of premises shall without first obtaining a permit for that purpose from Council, keep or harbour or allow the keeping or harbouring of more than two dogs of an age greater than 3 months on those premises.
- 9.2** Clause 9.1 shall not apply to:
- i. working dogs in their normal working environment as long as such dogs are kept on such property for working purposes;
 - ii. guide, hearing or seeing-eye dogs as long as the dogs are kept on such premises for one or more of these specific reasons;
 - iii. 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;
 - iv. any person who lives on a property which is greater than one acre in size;
 - v. any breeder of dogs who has resource consent issued by Kapiti Coast District Council to conduct such a business with the Kapiti Coast District;
 - vi. veterinary premises; and
 - vii. premises set up for the specific purpose of caring for dogs.

10 Bitches in Season

- 10.1** The owner or responsible person having possession or control of a bitch in season shall keep it confined on the owners 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 owners property, then the bitch shall be exercised only under continuous control in Dog/s On-Leash Areas.
- 10.3** When it is necessary to take the bitch in season from the owners property the bitch must be completely confined in a cage or vehicle while being transported to or from a secure location.

11 Dog Faeces

- 11.1** When a dog defecates in a public place or on land or premises other than that occupied by the owner, the owner or responsible person shall immediately remove the faeces and dispose of such faeces in a sanitary manner.
- 11.2** 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.

12 Compulsory De-sexing of Menacing Dogs

- 12.1** Any dog classified as menacing in accordance with section 33A and or 33C of the Dog Control Act 1996 must be neutered as per section 33EB of the Dog Control Act 1996.
- 12.2** Any dog classified as menacing as per section 33A and or 33C by any other territorial authority must be neutered as per section 33EB of the Dog Control Act 1996 when that dog transfers into the Kapiti Coast Territorial Authority area.

13 Fees

- 13.1** 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.

14 Other Relevant Information

- 14.1** It is the responsibility of all registered owners or responsible persons to make themselves fully conversant with the Dog Control Act 1996 and any later amendments.

- 14.2** The Act 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.
- 14.3** The Kapiti Coast District Council requires all dog owners and responsible persons to fully comply with the obligations defined in this Act, and will actively enforce any breaches.

15 Summary of Offences

- 15.1** In accordance with Schedule 1, Section 20(5) of the Dog Control Act 1996 it is an offence to breach any provision of this Bylaw or any notice duly issued pursuant to this Bylaw.
- 15.2** Any person found breaching this Bylaw will be issued with an infringement notice which carries an infringement fee of \$300 as per schedule one of the Dog Control Act 1996, and or, be prosecuted and upon summary conviction liable to a fine not exceeding \$20,000 as per Section 242(4) of the Local Government Act 2002.
- 15.3** An injunction preventing a person from committing a breach of this Bylaw can be authorised under Section 20 of the Dog Control Act 1996 and granted in accordance with Section 162 of the Local Government Act 2002.

Summary of Commonly Enforced Offences²

- 15.4** Schedule 1, Section 20(5), of the Dog Control Act 1996 makes any dog owner liable to a fine not exceeding \$300 who fails to comply with any conditions listed in this bylaw, this includes for example:
- failing to leash a dog or dogs in an 'On-Leash Area; and
 - failing to remove a dog or dogs faeces in a public place.
- 15.5** Schedule 1, Section 54A of the Dog Control Act 1996 makes any dog owner liable to a fine not exceeding \$100 who fails to carry a leash in public.
- 15.6** Schedule 1, Section 53(1) of the Dog Control Act 1996 makes any dog owner liable to a fine not exceeding \$200 who fails to keep their dog under control.

² For a full list of Dog Control Act 1996 infringement offences and fees see Schedule 1, Section 20 of the Dog Control Act 1996.

16 Kāpiti Coast District Council General Bylaw

- 16.1** The provisions of the Kāpiti Coast General Bylaw 2010 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

SCHEDULE ONE

1. INLAND No Dog/s Areas

The following public places are classified as No Dog/s Areas as defined under Clause 6.1 of this Bylaw. Dogs are not permitted in these zones as all times unless otherwise specified or unless specifically exempted (see section 6.5 of this Bylaw).

- a) Maclean Park Recreation Reserve (Paraparaumu).
- b) Marine Gardens Recreation Reserve (Raumati).
- c) All public swimming pools under Council control (Raumati, Waikanae & Otaki).
- d) Otaihanga Domain.
- e) All areas classed as native reserves (unless specifically named or highlighted in the maps accompanying this Bylaw as a dog accessible area).
- f) Within 10 metres of all children's playgrounds.
- g) Otaki Domain.
- h) The playing field at Haruati Park, Otaki.
- i) All playing/sports fields under Council's control when a sporting or training event is being held.
- j) Mahara Place shopping area (see Map 1 below for details).

MAP 1: Waikanae Commercial Area _ No Dog Area



No Dog/s Area

- k) Crown land and the adjacent beach and foreshore areas at the northern end of Kapiti Island.
- l) The area known as the Mataihuka Walkway east of State Highway One in Paraparaumu, at all times.
- m) All coastal dune areas except via signposted beach access ways or specified areas within Queen Elizabeth Park (see Schedule 3f for details).
- n) Waimea lagoon and immediate surrounds (see Map 2 below).

MAP 2: Waimea lagoon _ No Dog Area



SCHEDULE TWO

1. INLAND Dog/s On-Leash Areas

The following public places are categorised as Dog/s On-Leash Areas as defined under clause 6.2 of this Bylaw. Dogs must be under continuous control (restrained on a leash) at all times in Dog/s On-Leash Areas.

- a) All commercial Retail Zones as described in the Kapiti Coast District Plan, except those described as No Dog/s Areas in Schedule 1.
- b) The whole of State Highway 1 throughout the length of the district except for working dogs in the process of controlling stock.
- c) All recreational reserves within the district of the Kapiti Coast District Council, except those specifically specified in Schedules 1 or 3.
- d) All public footpaths, streets and roads within the District (urban and rural).
- e) Waikanae Estuary Scientific Reserve. This includes the Waimanu Reserve, the riverbank and walking track on the northern side of the Waikanae River opposite the Waikanae Estuary Scientific Reserve, and the foreshore and beach areas fronting the Waikanae Estuary Scientific Reserve on the seawards side south to Ngapotiki Street (see Map 3).
- f) All cemeteries under Council control.
- g) 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.
- h) Wharemauku Stream/Paraparaumu Airport walkway from Rimu Road through to Te Oti Street, Paraparaumu Beach or Weka Park, Raumati Beach.
- i) The stop-bank track on the north side of the Otaki River from State Highway One east to Crystals Bend.
- j) The periphery of all playing/sports fields when a sporting or training event is **not** being held.
- k) The cross country and pony club paddocks adjacent to Waikanae Park (see Map 6).
- l) The Waikanae Riverbank Walkway on the north side of the Waikanae River from the western edge of Jim Cooke Park to the Waikanae Estuary Scientific Reserve.
- m) Kaitawa Reserve, Paraparaumu.
- n) Edgewater Park, Waikanae
- o) The Waitohu Reserve, Otaki Beach (see Map 4).
- p) The Ames Street Reserve, Paekakariki, and the foreshore and beach areas fronting the Reserve (see Map 5).

2. Dog Access Corridors

Specified Dog Access Corridors allowing access through or around otherwise No Dog/s Areas as defined in section 6.4 of this Bylaw. These Corridors remain Dog/s On-Leash Areas at all times.

- a) Along road going through the Otaihanga Domain in order to access the Otaihanga foot bridge and the walkway on the north bank of the Waikanae River, or the pathway marking the start of the river bank walkway on the south side of the Waikanae River (an Dog/s Off-Leash Area).

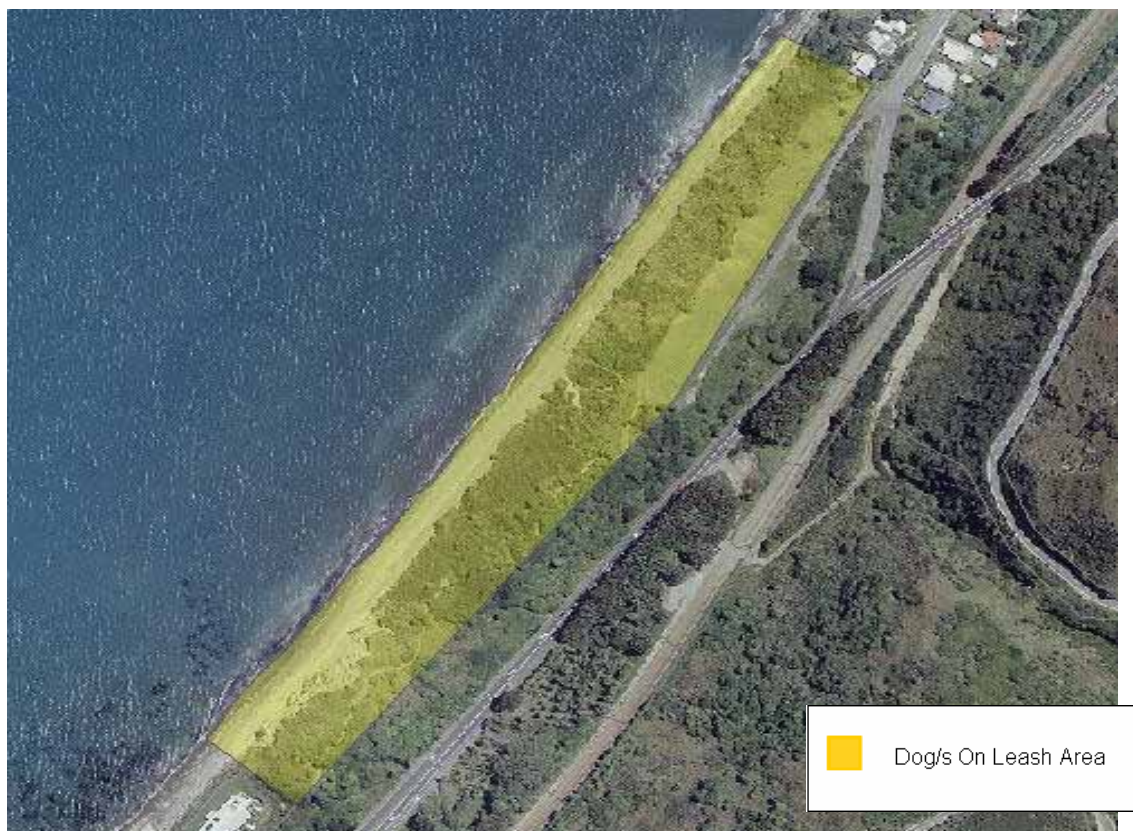
MAP 3: Waikanae Estuary Scientific Reserve and Surrounds



MAP 4: Waitohu Reserve, Otaki Beach



MAP 5: Ames Street Reserve, Paekakariki



SCHEDULE THREE

1. INLAND Dog/s Off-Leash Areas

The following public places are categorised as Dog/s Off-Leash Areas as defined under section 6.3 of this Bylaw:

- a) The stop-bank track on the south side of the Otaki River from 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/s On-Leash Area requirements in these areas).
- b) The stop-bank track on the north side of the Otaki River from State Highway One west to the Otaki River Mouth.
- c) The equestrian showground adjacent to Waikanae Park when an organised event is not being held (see Map 6).

Map 6: Waikanae Park & Surrounds

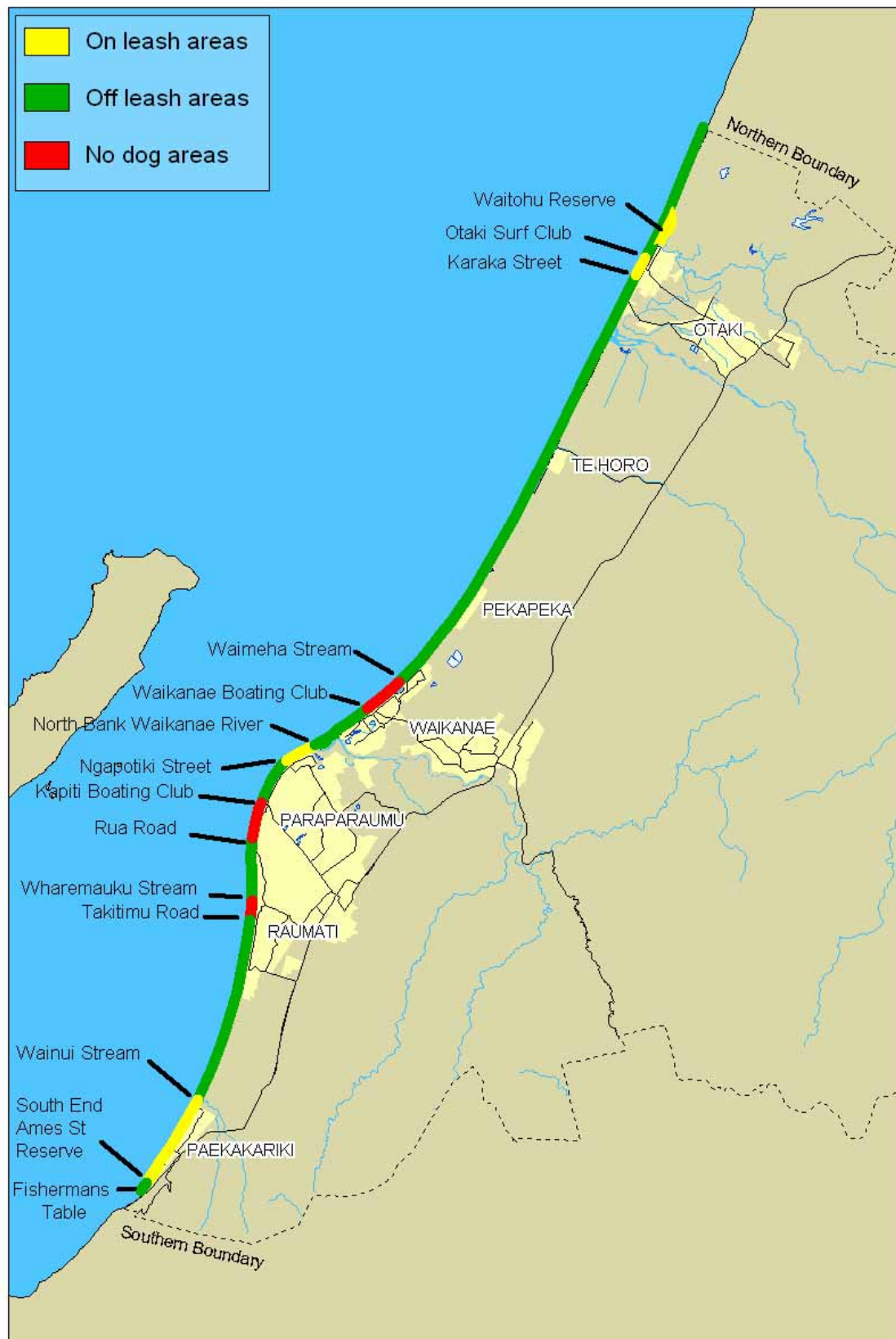


-
- d) The river bank walkway on the south side of the Waikanae River from the Otaihanga Domain to State Highway One.
 - e) The river bank walkway on the north side of the Waikanae River from the western edge of Jim Cooke Park to State Highway One, excluding Edgewater Park (which is a dog on-leash area).
 - f) Walking tracks, signed or marked areas in the coastal dunes of Queen Elizabeth Park.
 - g) Wesley Knight Park, Paraparaumu Beach (from 01 July 2010)
 - h) Eatwell Avenue Reserve, Paraparaumu Beach, via the main access off Gray Avenue. This Reserve reverts to an on-leash area when an organised event is being held in this space.
 - i) The western corner of Weka Park, Raumati Beach, between 9am and 3pm from Monday to Friday (at all other times the Park is on-leash).
 - j) Pukekawa Reserve, Waikanae (excluding the flat flood prone area between the bottom of the stop bank and the riverbank walkway).

SCHEDULE FOUR

1. **Throughout the year**, on every day of the week at all times of the day, the following beach areas are **ON LEASH** zones for dogs.
 - The beach foreshore from the southern end of the Ames Street Reserve to the northern end of the Ames Street Reserve
 - Waikanae Estuary Scientific Reserve. This includes the Waimanu Reserve, the riverbank and walking track on the northern side of the Waikanae River opposite the Waikanae Estuary Scientific Reserve, and the foreshore and beach areas fronting the Waikanae Estuary Scientific Reserve on the seawards side south to Ngapotiki Street
 - Waitohu Reserve, Otaki Beach
2. **Summer Beach Dog Zones 10am – 7pm** (See Map 7 for details)
 - (i) Between 10am – 7pm from 01 December to the end of daylight savings (currently the first Sunday in April) the following beach foreshore areas are **NO DOGS** zones:
 - Takitimu Road, Raumati Beach to the Wharemauku Stream, Raumati Beach
 - Rua Road, Paraparaumu Beach to the Kapiti Boating Club, Paraparaumu Beach
 - Waikanae Boating Club to the Waimeha Stream Mouth, Waikanae Beach
 - (ii) Between 10am – 7pm from 01 December to the end of daylight savings the following beach foreshore areas are **ON LEASH** dog zones:
 - Karaka Street, Otaki Beach to the Otaki Surf Club, Otaki Beach
 - From the northern end of the Ames Street Reserve to the Wainui Stream Mouth, Paekakariki
 - (iii) Between 10am – 7pm from 01 December to the end of daylight savings all beach foreshore areas outside of the zones listed in Section 1, Subsections 2(i) and 2(ii) of Schedule 4 of this Bylaw are **OFF LEASH** for dogs.

MAP 7: Summer 10am – 7pm Beach Dog Zones

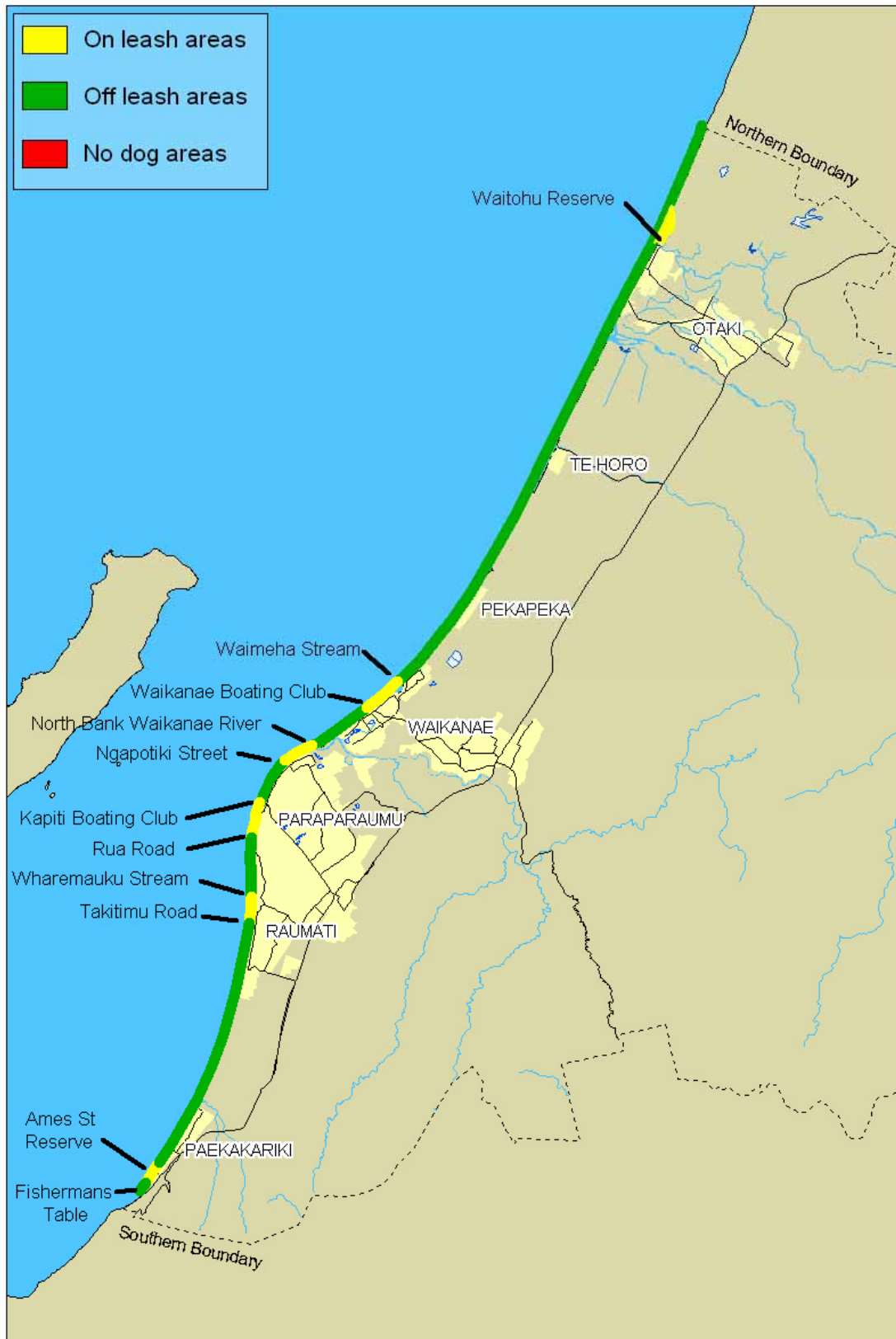


3. Summer Beach Dog Zones 7pm – 10am and all day during Winter

(See Map 8 over-page for details)

- (i) 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 **ON LEASH** dog zones:
- Takitimu Road, Raumati Beach to the Wharemauku Stream, Raumati Beach
 - Rua Road, Paraparaumu Beach to the Kapiti Boating Club, Paraparaumu Beach
 - Waikanae Boating Club to the Waimeha Stream Mouth, Waikanae Beach
- (ii) Between 7pm – 10am from 01 December to the end of daylight savings and all day during winter, all beach foreshore areas outside of the zones listed in Section 1 and Subsection 3(i) of Schedule 4 of this Bylaw are **OFF LEASH** for dogs.

MA P 8: Summer 7pm – 10am & Winter Beach Dog Zones



KAPITI COAST DISTRICT COUNCIL DOG CONTROL POLICY 2009

TITLE, COMMENCEMENT AND APPLICATION	2
DOG CONTROL POLICY VALIDATION	2
PURPOSE OF THIS POLICY	2
POLICY OBJECTIVES	3
POLICY CLAUSES	4
1. Classification of Owners	4
2. Registration.....	5
3. Registration Fees	6
4. Education – Awareness Programmes	7
5. Dog Obedience Courses	8
6. Dog Welfare	8
7. The Issuing of Infringement Notices.....	8
8. Dog Shelter.....	9
9. Neutering of Dogs	10
10. Dangerous and Menacing Dogs	10
11. Permits	12
12. Microchipping Dogs.....	12
13. Enforcement of Dog Control	13
14. Categories of Dog Control areas	14
15. Walking a dog in an Off-Leash Public Place	16
16. Dog Areas defined under the Conservation Act 1987 or National Parks Act 1980.....	16
17. Access Corridors	16
18. Exemptions	16
19. Kapiti Coast District Dog Restriction Zones.....	17
APPENDIX ONE	18

TITLE, COMMENCEMENT AND APPLICATION

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

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

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

DOG CONTROL POLICY VALIDATION

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

PURPOSE OF THIS POLICY

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

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

Council has the requirement to manage most of the provisions in the Act. This includes providing a dog control and impounding operation. Another obligation on

Council is to develop a policy on dogs within their area. This policy must include the following matters:

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

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

- the exercise and recreational needs of dogs and their owners
- the need to minimise danger, distress, and nuisance to the community generally
- the need to avoid the inherent danger or uncontrolled dogs in public places frequented by the general public, and
- the importance of enabling the public to use streets, and public amenities without fear of attack or intimidation by dogs.

POLICY OBJECTIVES

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

Objective 1

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

Objective 2

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

Objective 3

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

Objective 4

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

Objective 5

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

Objective 6

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

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

POLICY CLAUSES

1. Classification of Owners

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

Two are specified in the Dog Control Act 1996:

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

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

- *Approved Dog Owners*

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

- the dog is micro-chipped (where required by the Dog Control Act 2003); and
- in the last two years the dog hasn't been impounded, chased or returned home or been subject to any justified complaint; and
- the owners property and dog accommodation meet Council criteria for fencing, access, dog shelter and exercise areas; and
- the owner has been a recorded dog owner in the Kapiti Coast District for the last twelve months; and
- an approved owner processing fee and all registration fees have been paid; or
- an approved owner from another District; or
- a current registered member of the New Zealand Kennel Club.

- *Other Owners*

This includes all other owners not complying with, or whose property does not meet, the criteria for Approved Dog Owner Status, nor do they meet the category of Probationary or Disqualified Owners.

2. Registration

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

- Provide information to owners and potential owners about important rules for dogs and their obligation to register their dog.
- Monitor registration and take action against owners who fail to register their dog/s. This includes:
 - issuing or a warning or infringement notice;
 - impounding of unregistered dogs; and

- the requirement that all dogs be registered before they are released from the pound.

3. Registration Fees

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

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

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

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

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

Registration and fees are prescribed as follows:

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

4. Education – Awareness Programmes

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

Examples of awareness programmes and information include:

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

5. Dog Obedience Courses

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

6. Dog Welfare

Kapiti Coast District Council recognises the benefits of good and proper dog care.

Owners have an obligation to ensure that their dog:

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

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

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

7. The Issuing of Infringement Notices

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

Section of the Act	Infringement Offence Summary	Maximum fee set under the Act
18	Wilful obstruction of a dog control officer(s) of dog ranger(s)	\$750
19(2)	Failure or refusal to supply information or wilfully stating false particulars	\$750
19A(2)	Failure to supply information or wilfully providing false particulars about the dog	\$750
20(5)	Failure to comply with any bylaw authorised by section 20 of the Act	\$300
23A(2)	Failure to undertake dog education programme or dog obedience	\$300

Section of the Act	Infringement Offence Summary	Maximum fee set under the Act
	course (or both)	
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

8. Dog Shelter

The Council policy in relation to impounding and release of dogs is:

- a) Where a dog is claimed by its owner the dog will not be released from the shelter until all fees and charges have been paid or appropriate arrangements for payment made and all other requirements in accordance with the Dog Control Act 1996 are met.

- b) Where a dog is released from the Council's dog shelter to a new owner, the new owner is not required to pay a standard release fee, but is required to pay the cost of registration.
- c) Council will make every effort to re-home unclaimed dogs that pass a temperament test.

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

9. Neutering of Dogs

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

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

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

10. Dangerous and Menacing Dogs

Problems exist with a small section of the dog population, which pose a significant threat to the community through aggressive behaviour. These are the dogs that attack or threaten people or animals causing injury, damage or distress.

It is important that where dogs are identified (through their behaviour) as dangerous or menacing that the appropriate actions are taken to control them.

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

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

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

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

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

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

- Type of Dog: American Pit Bull Terrier

11. Permits

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

Special Licenses would also be required for:

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

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

12. Micro-chipping Dogs

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

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

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

- seizure for non-compliance; and
- prosecution

13. Enforcement of Dog Control

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

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

- (f) Bitches in season are to be appropriately confined so that they are unable to wander at large on any private or public place (section 20(1)(l) and section 20(1)(i) of the Act).
- (g) Native, indigenous or protected wildlife can be sensitive to threats by predators (including dogs) which can damage or cause distress to both wildlife populations and habitat. When it is identified that dogs will have a significant negative effect on wildlife or their habitats access for dogs may be restricted (section 20(1)(l) of the Act).
- (h) An owner of a dog which defecates in a public place or on any land other than that occupied by that person is required to remove the deposited faeces from that land or place immediately (section 20(1)(h)). (Note: the Dog Control Act 1996 also defines the owner as the person in charge.)
- (i) Dogs are prohibited from being closer than 10 metres from any children's playground equipment whether temporarily or permanently erected in any public place (section 20(1)(l) of the Act).
- (j) Dogs are prohibited inside the marked boundary of all sports fields at all times (section 20(1)(l) of the Act).
- (k) The Council will erect appropriate warning signs and install disposal bins at various locations to assist dog owners in complying with the bylaws (section 20(1)(l) of the Act).

14. Categories of Dog Control areas

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

- dogs and their owners are provided with access to public places which fairly represent the proportion of dog owners in the community;

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

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

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

There are times of the year when it may be inappropriate to allow access of dogs to certain zones. For example, in mid summer, during school holidays or when an organised event¹ is being held, it is reasonable to expect the most popular central beach or park and reserve areas to either be on-leash or no-dog zones.

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

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

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

15. *Walking a dog in an Off-Leash Public Place*

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

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

16. Dog Areas defined under the Conservation Act 1987 or National Parks Act 1980

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

17. Access Corridors

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

18. Exemptions

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

Dog Owners Objections Subcommittee² (the Panel). The Panel has the delegated authority to hear objections to any dog classified as dangerous or menacing or any owner classified as probationary or disqualified under the provisions of the Dog Control Act 1996.

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

19. Kapiti Coast District Dog Restriction Zones

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

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

APPENDIX ONE

Kapiti Coast District Dog Restriction Zone Maps

INDEX

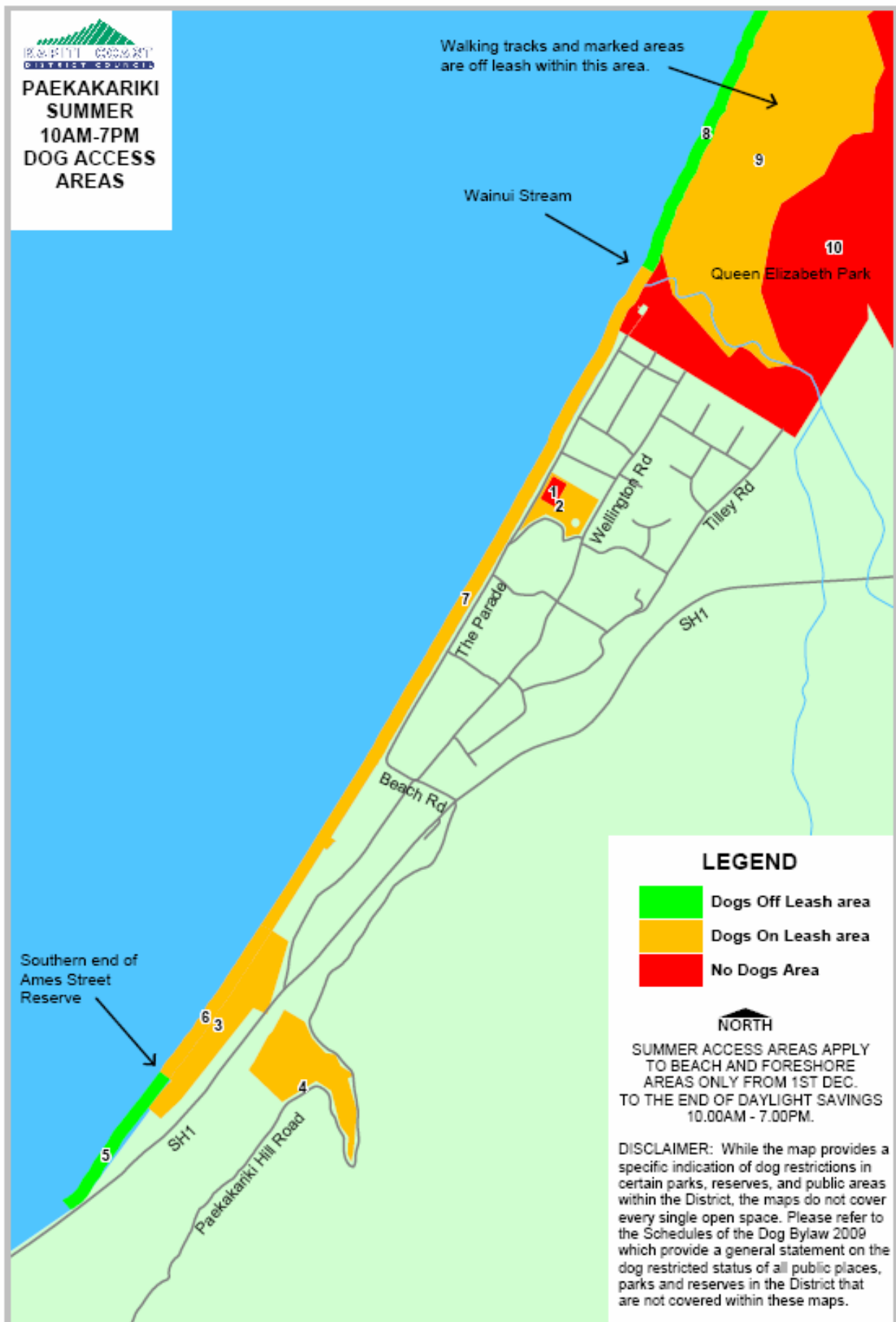
PAEKAKARIKI	
CODE	Location
1	Playing Field, Campbell Park, The Parade
2	Campbell Park, Wellington Road
3	Ames Street Reserve between State Highway One and the beach front
4	Between State Highway One and Paekakariki Hill Road
5	Beachfront from south of the District to southern end of the Ames Street Reserve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

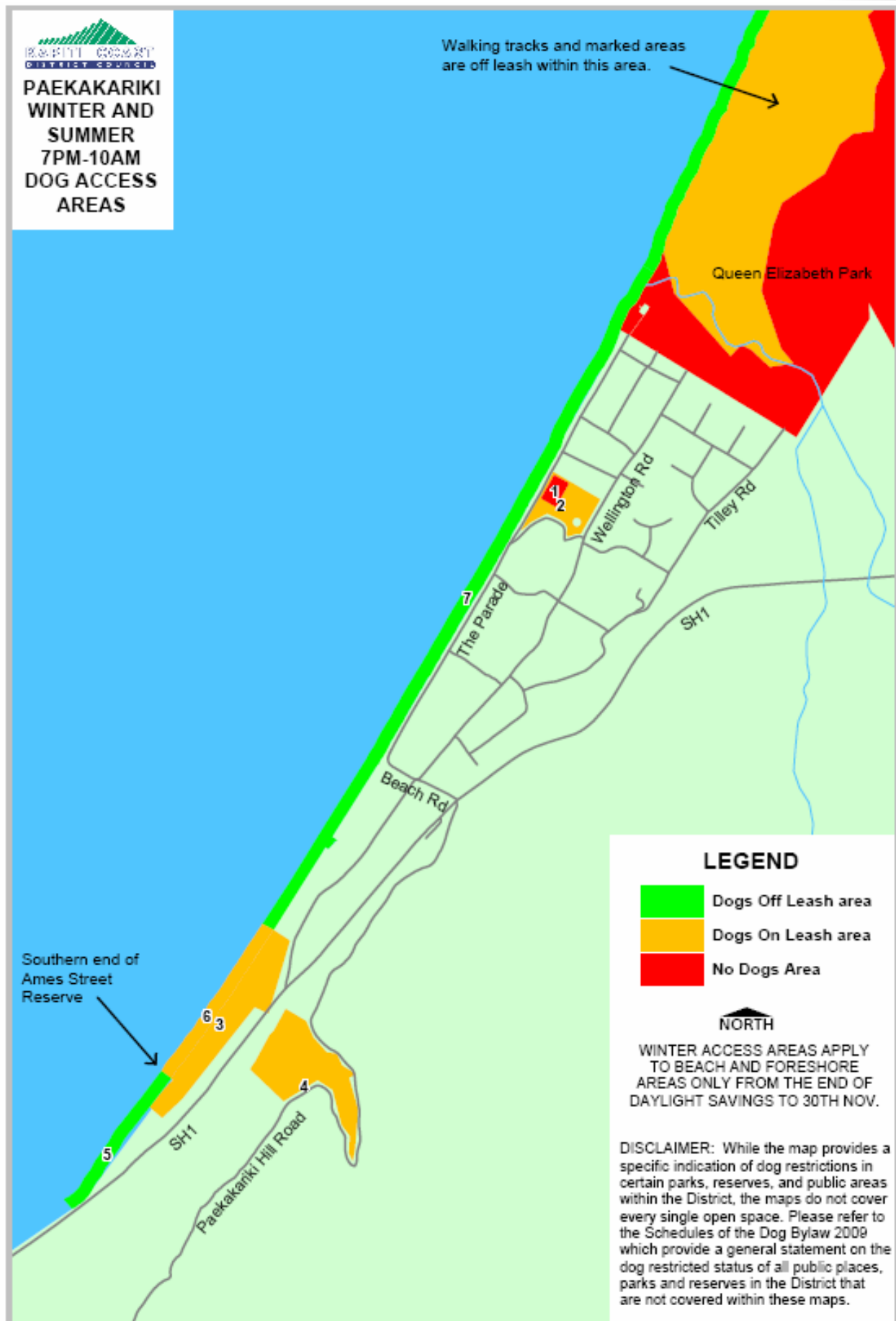
WAIKANAĒ

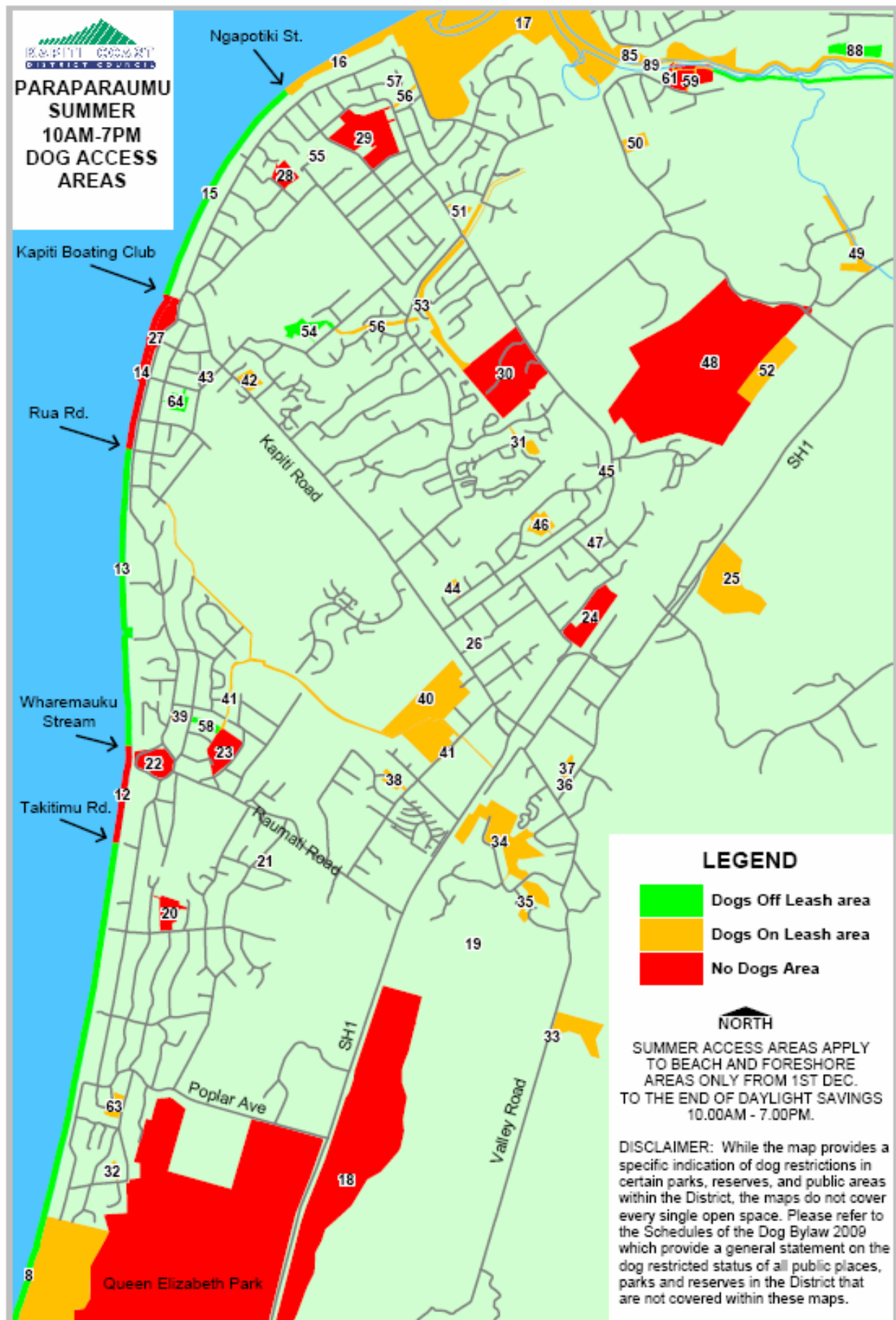
CODE	Location
17	Beachfront of the Waikanae River Mouth Scientific Reserve
61	Otaihanga Dog Access Corridor
65	Beachfront from the Waikane River to the Waikanae Boating Club Beach Access
66	Beachfront from the Waikanae Boating Club to the Waimaha Stream Mouth, Waikanae Beach
67	Beachfront between the Waimaha Stream Mouth and the Karaka Street Beach Access, Otaki Beach
68	Waima Lagoon and immediate surrounds
69	Hemi Matenga Reserve
70	65 Kakariki Grove Reserve
71	Motuiti Scenic Reserve, Ngaio Road
72	Russell Reserve, Ngarara Road
73	Wi Parata Reserve, Rimu Street
74	Reserve between Balmerino Grove and SH1
75	Road Reserve at end of Windsor Avenue
76	Waikanae Cemetery, Ngarara Road
77	Waikane Club Rooms car park and grassed reserve between the carpark and Park Avenue
78	Waikanae Park Sportsfield and Childrens Play Area, Ngarara Rd
79	Waikane Public Swimming Pools, Ngarara Rd
80	Waikanae Park Equestrian Area, Park Avenue (reverts to an on-leash area when an organised sporting or cultural event is being held)
81	Waikanae Pony Club Paddocks
82	Recreation Reserve on Waikane Beachfront
83	Jim Cooke Park (inside the marked boundary of the sportsfield is a no-dog area at all times)
84	Karu Reserve
85	Esplanade Reserve between Weggery Drive and the Waikanae River
86	Edgewater Park
87	Recreation Reserve between Maple Lane and River Glade
88	Pukekawa Reserve, Greenaway Road
89	Waikane Riverbank Walkway west of Jim Cooke Park (north side)
90	Between 12 and 14 Leybourne Avenue
91	Mahara Place
92	Waikane Riverbank Walkway east of Jim Cooke Park (north side)

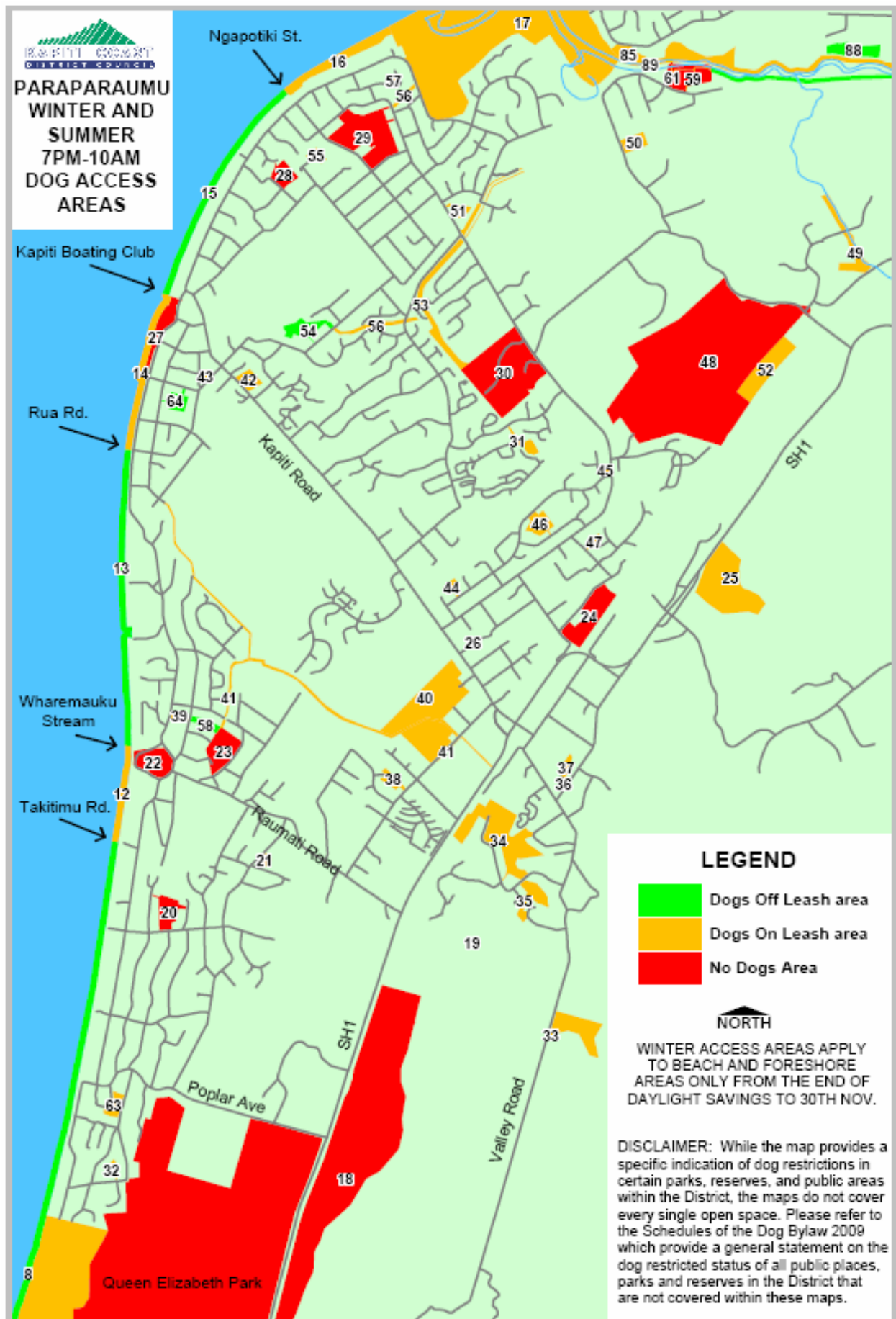
OTAKI

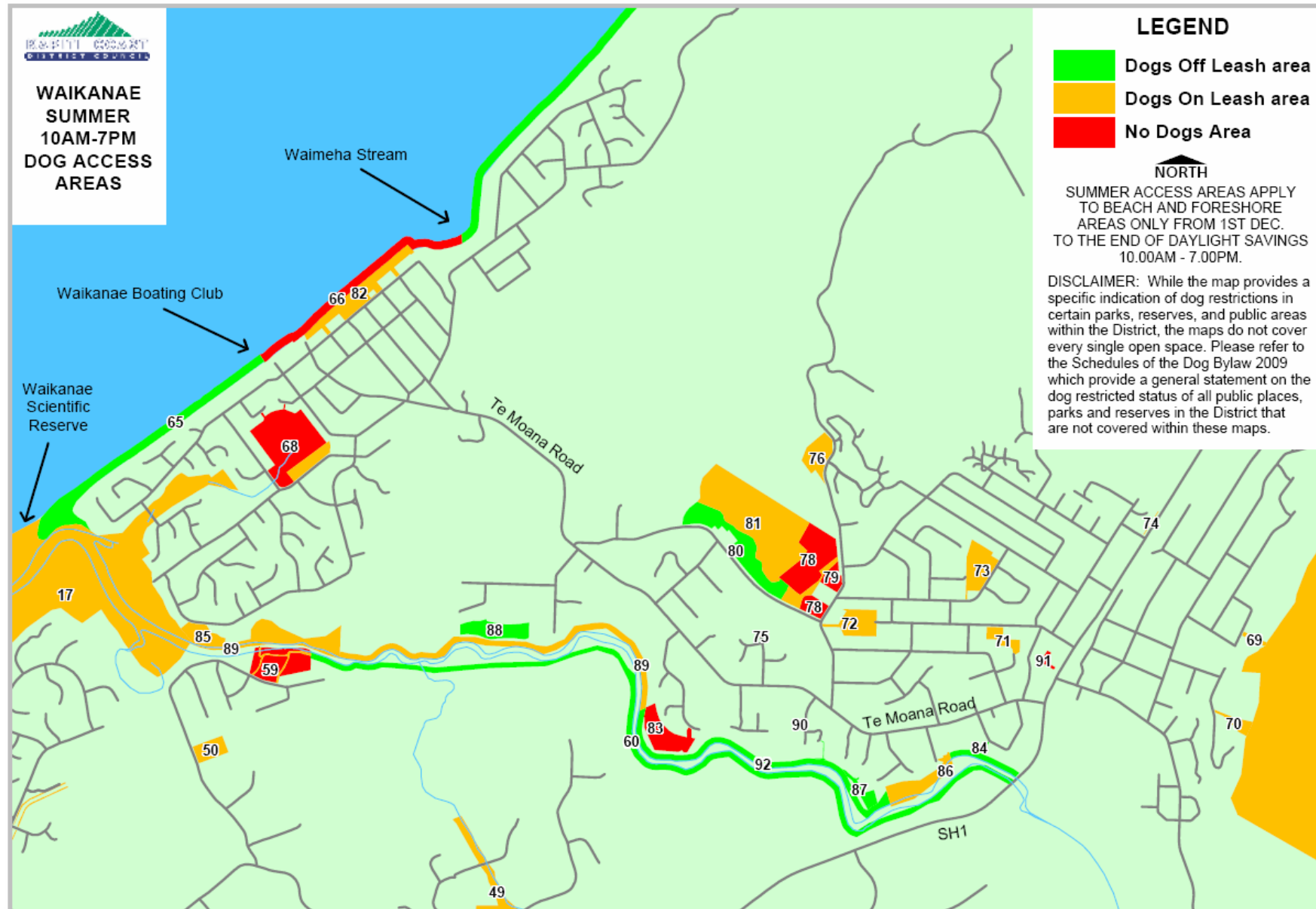
CODE	Location
93	Waitohu Stream Reserve
94	Otaki Domain (inside the marked boundary of the sportsfield is no dog area at all times)
95	Otaki Skate Park, corner of Aotaki St and Riverbank Road
96	Otaki Cemetery, Lupin Road
97	239 State Highway One
98	Reserve area on the intersection Oriwa Crescent and Aratika Crescent
99	Haruatai Park (inside the marked boundary of the sportsfield is no dog area at all times)
100	Beachfront between Karaka Street and the Otaki Boating Club
101	Beachfront between the Otaki Boating Club and the northern limit of the District.
102	Council owned land adjacent to Treatment Plant
103	Riverbank walkway on north side of the Otaki River between SH1 and Otaki Beach
104	Riverbank walkway on north side of the Otaki River between SH1 and Crystals Bend
105	Riverbank walkway from the south side of the Otaki River between SH1 and Katihiku Marae.

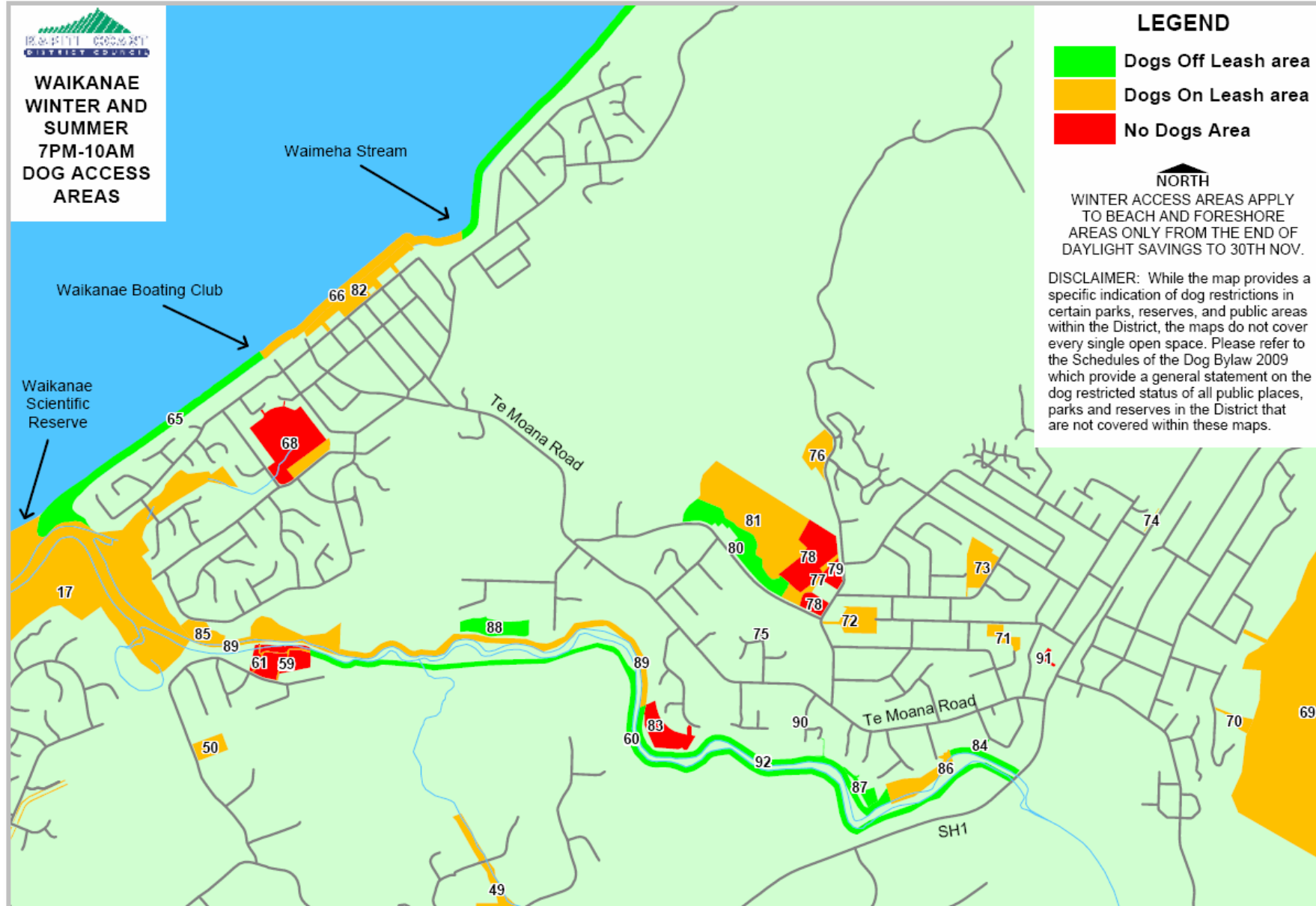


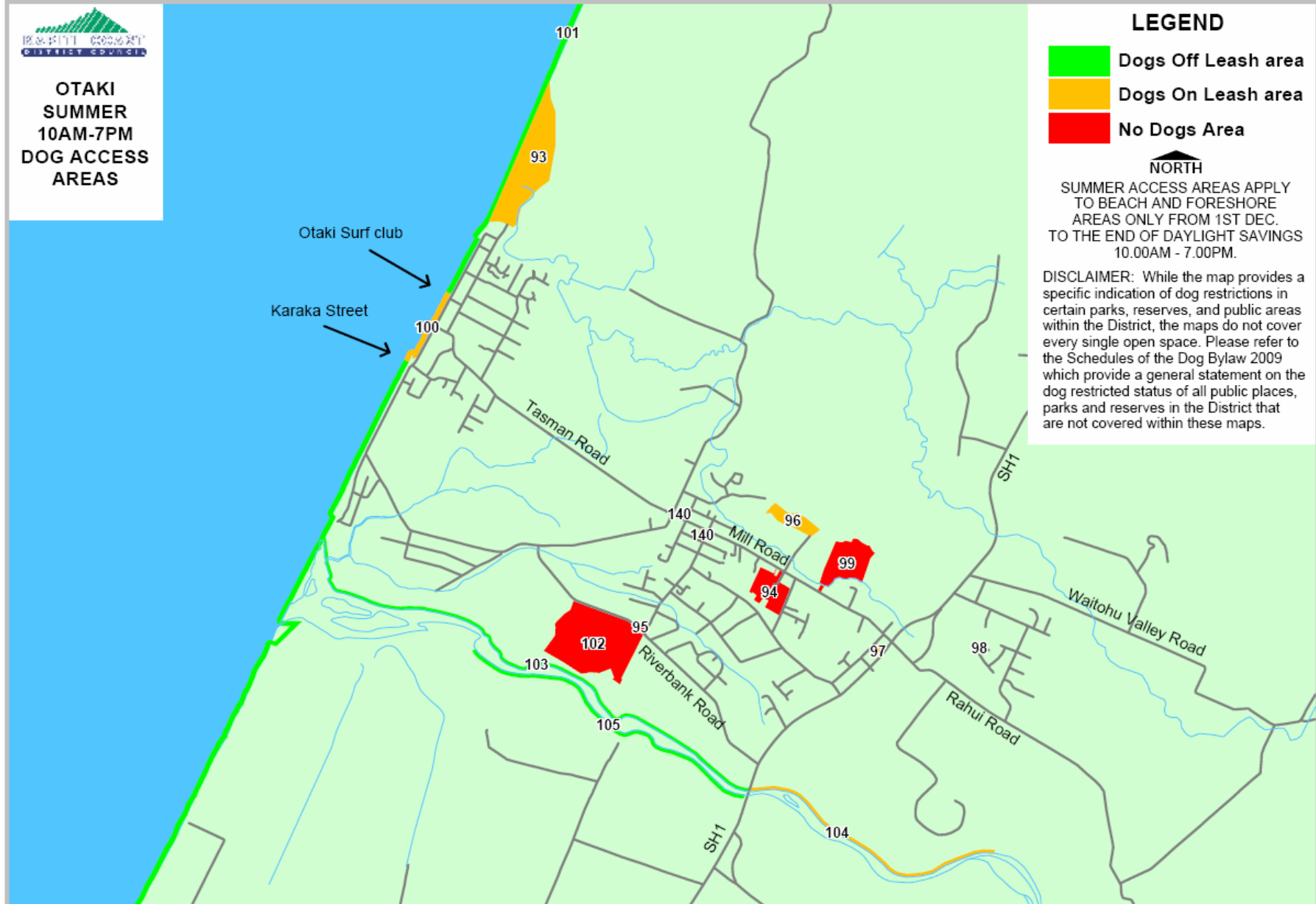














**OTAKI
WINTER AND
SUMMER
7PM-10AM
DOG ACCESS
AREAS**

LEGEND

- Dogs Off Leash area
- Dogs On Leash area
- No Dogs Area



WINTER ACCESS AREAS APPLY
TO BEACH AND FORESHORE
AREAS ONLY FROM THE END OF
DAYLIGHT SAVINGS TO 30TH NOV.

DISCLAIMER: While the map provides a specific indication of dog restrictions in certain parks, reserves, and public areas within the District, the maps do not cover every single open space. Please refer to the Schedules of the Dog Bylaw 2009 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.

