

Chairperson and Committee Members
OPERATIONS & FINANCE COMMITTEE

17 AUGUST 2017

Meeting Status: **Public**

Purpose of Report: For Information

ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2016-17

PURPOSE OF REPORT

- 1 To report on the administration of Kāpiti Coast District Council Dog Control Policy 2009 and practices for 2016/17. This is required by Section 10A of the Dog Control Act 1996. The report must be notified through public notice in local paper and a copy forwarded to the Secretary for Local Government.

DELEGATION

- 2 The Operations and Finance Committee has the delegation to consider and adopt this report under Part B.2 (7.3) of the Governance Structure which reads:

Animal Control

7.3 Authority to consider and adopt an Annual Report on Dog Control Policy and Practices in the District under section 10 and 10A of the Dog Control Act 1996.

BACKGROUND

- 3 Section 10A of the Dog Control Act 1996 (the Act) as amended in 2003 requires Territorial Local Authorities to report on their Dog Control Policies and Practices as follows:
 - (1) *A territorial authority must, in respect of each financial year, report on the administration of:*
 - (a) *its dog control policy adopted under section 10; and*
 - (b) *its dog control practices.*
 - (2) *The report must include, in respect of each financial year, information relating to:*
 - (a) *the number of registered dogs in the territorial authority district;*
 - (b) *the number of probationary owners and disqualified owners in the territorial authority district;*
 - (c) *the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made;*
 - (d) *the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made;*
 - (e) *the number of infringement notices issued by the territorial authority;*

- (f) *the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints;*
 - (g) *the number of prosecutions taken by the territorial authority under this Act.*
- (3) *The territorial authority must give public notice of the report—*
- (a) *by means of a notice published in—*
 - (i) *1 or more daily newspapers circulating in the territorial authority district; or*
 - (ii) *1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and*
 - (b) *by any means that the territorial authority thinks desirable in the circumstances.*
- (4) *The territorial authority must also, within 1 month after adopting the report, send a copy of it to the Secretary for Local Government.*
- 4 This report details the information required by Section 10A of the Dog Control Act 1996 as amended in 2003.

Dog Control Policy

- 5 The Council adopted its Dog Control Policy in November 2009 (refer Appendix 1).

ISSUES AND OPTIONS

Council's Dog Control Policy Objectives

- 6 The objectives listed in this section were developed as part of the Dog Control Policy 2009 to ensure that Council consistently and effectively fulfils its responsibilities under the Act. The following objectives have been based on the provisions of the Act.

Objective 1

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

Objective 2

To prohibit or restrict specific breeds 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 the exercise and recreational needs of dogs and their owners.

Objective 6

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

Council's Dog Control Practices

- 7 To meet the Dog Control Policy objectives, Council employs the following practices:
 - a. Council employs an Animal Management Team within the Regulatory Services Group. The team is staffed with a Team Leader, four full-time Animal Management Officers and one part-time Animal Management Assistant.
 - b. This year the Animal Management Team introduced a five week seven day roster to meet the demand of the community. Staff provide district-wide service between 7.00am to 7.00pm, Monday to Friday inclusive and between 8.00am to 5.00pm on Weekends and public holidays. This includes and is not limited to a response to any urgent or threatening dog attack within one hour of receipt of complaint, responding to wandering dogs within 24 hours, and conducting preventative patrolling to reduce dog-related incidents.
 - c. An external contractor provides after hours animal management between 7.00pm to 7.00am Monday to Friday and between 5.00pm to 8.00am for weekend call out service. The external contractor responds to urgent and threatening attacks, urgent stock control issues, and they manage found dogs.
 - d. The team were issued with mobility devices and a mobile eft-pos machine. They now have better access to national dog data base and work flow tracking system (MagiQ). Mobility allows staff to catch, process, take payments and release while out in the field.
 - e. The Animal Shelter has had further improvements to its fencing to prevent escape under and over the compound.
 - f. The Customer Service Team provides administration support to the Animal Management team.
 - g. This year the Animal Management Team contributed to two staged events in the district including "Dogs n Togs" at the Waikanae pool and "Paws n the Park"
 - h. The Animal Management Team regularly liaises with Wellington SPCA, HUHA, Housing New Zealand and Police.
 - i. This year the Animal Management Team secured funding as part of the Government de-sexing initiative for menacing dogs. Staff continue to work with those dog owners to ensure all known menacing dogs are de-sexed. At date of writing report, 16 dogs have been de-sexed.
 - j. This year Council invested time improving Quality Assurance Processes relating to Animal Management. This has provided for a more robust and consistent service which ensures all aspects of the Dog Control Act 1996 are administered correctly.

- k. Information in relation to animal management services is on the Council website page. Information in relation to dog registration is communicated via letter and through radio, local newspapers and social networking sites. Information is also freely available on request from the Customer Service Centres at Paraparaumu, Waikanae and Ōtaki and via the 0800 animal management number. The dog registration process is constantly under review to provide an efficient service that is customer centric.
- l. A procedure is in place for special permits to be issued to owners who wish to have more than two dogs on a residential property. The application procedure for these permits ensures that the keeping of dogs does not create a nuisance for other residents.
- m. A strong emphasis is placed on the registration of dogs. If owners fail to register their dogs within a set period after the due date a follow-up process is triggered which further reminds dog owners to register their dogs before they are issued with an infringement notice.
- n. Dog registration fees are reviewed annually and are structured to encourage owners to have their dogs de-sexed. A discounted "Approved Owner" rate is also available for owners who can demonstrate responsible dog ownership and meet set criteria.
- o. Council classifies as menacing those dogs belonging to the breed or type listed in Schedule 4 of the Dog Control Amendment Act 2003. Those breeds or types of dogs currently listed are as follows:
 - o Breed of Dog: Brazilian Fila, Dogo Argentine, Japanese Tosa, with Perro de Presa Canario added to Schedule 4 in 2011.
 - o Type of Dog: American Pit Bull Terrier
- p. Council where appropriate and after due process, may classify a dog as either dangerous or menacing if a substantiated serious complaint is received about the reported or observed behaviour of the dog (classified by nature).
- q. Dogs classified as menacing by breed or nature are required to be neutered/spayed within one month after receipt of the notice of classification. Strong emphasis is put on this regulation to assist in the reduction of the number of dogs that pose a safety risk to the community.
- r. The Kāpiti Coast District Council Dog Control Bylaw 2008 provides for dogs and their owners to generally have access to public places which allows for their reasonable exercise needs whilst ensuring that danger, distress and nuisance to the rest of the community is minimised. Three basic categories of Dog Access Zone are provided for in the Bylaw:
 - **Prohibited zone:** Dogs not allowed under any circumstances;
 - **On leash zone:** Dogs allowed only when under leash control;
 - **Exercise zone:** Dogs off leash, but in view and under direct voice control.

Statistical Information

- 8 The Animal Management Team received 2806 service requests during this financial year. Of the service requests received 1624 (58%) were complaint related. The remaining 1182 (42%) service requests included micro chipping, dog registration and impound queries, lost and found dogs, dead dogs, dog track requests and information/education requests. The requests are generally received through the Customer Service Centre and electronically recorded as a service request. During after-hours the Palmerston North Call Centre receives requests and forwards on all urgent and threatening incidents requiring immediate attention to the after-hours external contractor. Initial action is completed by an after-hours contractor and followed up on the next business day by the Animal Management Team.
- 9 The Animal Management Team received 94 **non urgent dog attack** service requests, 75 requests related to attacks on livestock and other animals, and 19 requests related to attacks on people. Therefore (20%) of all non-urgent dog attacks were people-related incidents.
- 10 The Animal Management Team received 32 **urgent dog attack** service requests, 19 requests related to attacks on livestock and other animals, and 13 requests related to dog attacks on people. Therefore (40%) of all urgent dog attacks were people-related incidents.
- 11 The Animal Management Team received 102 **non urgent dog threatening** service requests, 44 requests related to threats to livestock and other animals, and 58 requests related to threats to people. Therefore (57%) of all non-urgent dog threats were people-related incidents.
- 12 The Animal Management Team received 9 **urgent dog threatening** service requests, 3 requests related to threats to livestock and other animals, and 6 requests related to threats to people. Therefore (67%) of all urgent dog threats were people-related incidents.
- 13 The Animal Management Team has experienced a slight reduction in dog attacks compared to previous years. They have focused on working collaboratively with dog owners to improve control of their dogs and prevent escalating behaviours that can lead to attacks. The Animal Management Team are working to prevent attacks based on business intelligence and focuses on known dog owners with problematic dogs, and known high risk locations.
- 14 The following table details the statistical information relating to Animal Management (Dogs and Owners) during 2016/17; with comparative figures for the previous two years. In total there is currently one (1) probationary owner. There are currently seven (7) disqualified owners. There are three (3) dogs classified as dangerous, two (2) of which were classified this year. There are 122 dogs classified as menacing, 49 of which were classified this year.

Of the total number of dogs classified as menacing in Kāpiti, 78 of these are classified by breed (64%) as specified in the Dog Control Act 1996. Of the dogs classified as Menacing this year 34 (70%) were classified as menacing by breed, consistent to previous years. The remainder are classified by deed (generally by attack).

STATISTICAL INFORMATION	<u>2016/17</u>	<u>2015/16</u>	<u>2014/15</u>
Dogs & Owners			
Total dogs registered as at 7 June 2017 (classifications below included in total dogs)	7356	7298	7,065
Probationary owners classified in that year	0	1	2
Disqualified owners classified in that year	0	3	4
Dogs classified that year as Dangerous	2	1	1
Dogs classified that year as Menacing	49	32	97
Complaints			
Dog Attacks (person, livestock, other animals)	126	128	118
Dog Threatening (person, livestock, other animals)	111	138	140
Wandering	646	684	627
Barking	565	611	726
Fouling	24	18	22
Complaints about Stock	152	162	159
Total	1624	1746	1,792
Infringements Issued			
Barking abatement	0	3	1
Willful obstruction/refusal to supply information	4	10	4
Failure to implant microchip	60	30	97
Failure to register dog	27	62	196
Failure to keep a dog under control	6	9	17
Failure to keep dog controlled or confined	28	49	-
Failure to comply with the effects of a classified dog	2	11	4
Failure/Refusal to supply information	3	3	-
Bylaw Breaches (not on lead)	-	4	-
Falsely notifying death of a dog	-	0	-
Total	130	178	319
Prosecution			
Section 18, willful obstruction of Dog Control Officer	-	-	-
Section 32 (2) , failure to comply with effects of Dangerous classification	-	-	-
Section 33 EC (1) , failure to comply with effects of Menacing classification	-	-	-
Section 52(a), failure to control on land or premises	-	-	-
Section 53(1), failure to control	-	-	-
Section 57(A), rushing in a public place	-	-	-
Section 57(2) being an owner of a dog which committed an attack	-	-	-
Section 58 being an owner of a dog which committed a serious attack	-	-	-
Total	Nil	Nil	Nil
Prosecution Outcomes			
Dog surrendered to council prior to court	-	-	-
Guilty & Order for Destruction of Dog	-	-	1
Guilty & Dog returned to owner	-	-	-
Not Guilty	-	-	-
Outstanding still before Court	-	-	-
Total	0	0	1

STATISTICAL INFORMATION	<u>2016/17</u>	2015/16	2014/15
Impounding			
Impounded dogs returned to owner	332	392	384
Impounded dogs euthanized	50	53	57
Impounded dogs surrendered to SPCA or re-homing organisations including Animal Rescue	32	44	32
Total	414	489	473

CONSIDERATIONS

Policy considerations

15 There are no policy considerations.

Legal considerations

16 This report is in accordance with Section 10 of the Dog Control Act 1996.

Financial considerations

17 The operating costs were met within existing budgets.

Tāngata whenua considerations

18 There are no Tāngata whenua considerations.

SIGNIFICANCE AND ENGAGEMENT

Significance Policy

19 This matter has a low level of significance under Council policy.

Consultation already undertaken

20 No consultation is required.

Publicity

21 Public notice of this report must be given by means of a notice published in one or more daily newspapers circulating in the district or one or more other newspapers with equivalent circulation to the daily newspapers circulating in the district. It will also be published on the Council website.

Other considerations

- 22 A copy of this report will be forwarded to the Secretary for Local Government.

RECOMMENDATIONS

- 23 That the Committee receives report RS-17-208 (Annual Report on Dog Control Policy and Practices 2016-2017).

Report prepared by	Approved for submission	Approved for submission
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Animal Management Team Leader	Group Manager Community Services	Group Manager Regulatory Services

ATTACHMENT

Appendix 1: Kāpiti Coast District Council Dog Control Policy 2009

KAPITI COAST DISTRICT COUNCIL DOG CONTROL POLICY 2009

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TITLE, COMMENCEMENT AND APPLICATION

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

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

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

DOG CONTROL POLICY VALIDATION

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

PURPOSE OF THIS POLICY

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

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

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

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

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

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

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

POLICY OBJECTIVES

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

Objective 1

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

Objective 2

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

Objective 3

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

Objective 4

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

Objective 5

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

Objective 6

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

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

POLICY CLAUSES

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:

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

- o 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) or 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	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.















