

**Chairperson and Members**  
TE WHAKAMINENGA O KĀPITI

2 OCTOBER 2018

Meeting Status: **Public**

Purpose of Report: For Decision

**REVIEW OF THE KĀPITI COAST DISTRICT COUNCIL DOG CONTROL BYLAW AND DOG CONTROL POLICY**

**PURPOSE OF REPORT**

- 1 This report seeks Te Whakaminenga o Kāpiti's feedback on:
  - 1.1 the draft Kapiti Coast District Council Control Dog Control Bylaw 2018 (draft 2018 Bylaw, see Appendix 1);
  - 1.2 the draft Kapiti Coast District Council Control Dog Control Policy 2018 (draft 2018 Policy, see Appendix 2); and
  - 1.3 five sites that could potentially be developed at a later date as off-leash, dog exercise areas.
- 2 Requests that Te Whakaminenga o Kāpiti makes a recommendation to Kāpiti Coast District Council on whether to adopt the draft 2018 Bylaw and the draft 2018 Policy.

**DELEGATION**

- 3 Te Whakaminenga o Kāpiti may consider this matter under the Memorandum of Partnership.

**BACKGROUND**

- 4 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.
- 5 Section 159 of the Local Government Act 2002 (LGA) requires that Council review the current 2008 Bylaw by 11 December 2018.<sup>1</sup> Because the 2009 Policy supports the 2008 Bylaw, a review of the 2008 Bylaw triggers a review of the 2009 Policy.
- 6 While undertaking this review, the Local Government Act 2002 (LGA 2002) requires Council to consider whether the bylaw:
  - 6.1 continues to be the most appropriate way of addressing dog related issues while providing for dog owners;
  - 6.2 is still the most appropriate form of bylaw; and/or

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<sup>1</sup> 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.

- 6.3 gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).

## ISSUES AND OPTIONS

- 7 This section provides information on:

- 7.1 The purpose of the Dog Control Bylaw and Dog Control Policy;
- 7.2 The review process;
- 7.3 The proposed changes to the 2013 Bylaw; and
- 7.4 The determinations required in Section 155 of the LGA 2002.

## Purpose of the Dog Control Bylaw and Dog Control Policy

- 8 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.
- 9 The key matters currently covered in the 2008 Bylaw are:
  - 9.1 General provisions for dog owners;
  - 9.2 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;
  - 9.3 Minimum standards for the welfare of dogs;
  - 9.4 Dog control for prevention of public nuisance;
  - 9.5 Limits on the number of dogs per premise in urban areas, unless the owners have received a permit to keep additional dogs;
  - 9.6 General provisions for dogs in season;
  - 9.7 Requirements for dogs classified as dangerous or menacing; and
  - 9.8 Other relevant information, including dog registration fees and summary of offences.
- 10 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.
- 11 When adopting the Policy on dogs, the Council was required to give regard to the following matters:
  - 11.1 The need to minimise danger, distress, and nuisance to the community generally;
  - 11.2 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;

- 11.3 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
- 11.4 The exercise and recreational needs of dogs and their owners.
- 12 The 2009 Policy specifies the nature and application of the Bylaw, classifies where dogs shall be given access, and includes the following sections:
  - 12.1 Classification of owners;
  - 12.2 Registration system and fees;
  - 12.3 Education – Awareness Programmes;
  - 12.4 Dog Obedience Courses;
  - 12.5 Dog Welfare;
  - 12.6 Issuing of infringement notices;
  - 12.7 Dog Shelter;
  - 12.8 Neutering requirements;
  - 12.9 Classification of dogs;
  - 12.10 Permits and;
  - 12.11 Micro chipping requirements.

## Review process

- 13 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.
- 14 In order to identify issues, perceived or real problems, and/or suggested improvements to the 2008 Bylaw and 2009 Policy, Council officers:
  - 14.1 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;
  - 14.2 conducted a Residents, Ratepayers and Stakeholders Survey; and
  - 14.3 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.
- 15 Council officers also undertook a legal review to:
  - 15.1 ensure that the current 2008 Bylaw and 2009 Policy achieved the objectives as outlined in Sections 10 and 20 of the DCA 1996; and
  - 15.2 determine if there were any ambiguities or inconsistencies between the two that required amendments.

- 16 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.

### Proposed changes to the 2008 Bylaw and the 2009 Policy

- 17 The pre-consultation review identified several ways in which the existing Dog Control Policy and Dog Control Bylaw could be improved.
- 18 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:
- 18.1 Improved provisions for dogs in open spaces, whilst also ensuring that areas of intense public use and/or sensitive wildlife habitats are protected;
  - 18.2 Improved provisions for dog welfare;
  - 18.3 Improved guidance on dangerous and menacing dogs; and
  - 18.4 Improved definitions for different types of dog owners.

#### Dogs in Open Spaces

- 19 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:
- 19.1 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.
  - 19.2 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.
  - 19.3 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.
  - 19.4 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.*

- 20 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:
- 20.1 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);
  - 20.2 Introduce the concept of Sensitive Sites in the draft 2018 Bylaw and draft 2018 Policy to be defined as “an important habitat for wildlife (flora and fauna) vulnerable to harmful disturbance by dogs, or a culturally significant area that is vulnerable to harmful disturbance by dogs”.
  - 20.3 Identify specific sites as Sensitive Sites in Schedule 2 of the Bylaw;
  - 20.4 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
  - 20.5 Install additional signage at these Sensitive Sites to ensure that their usage rules are clear to all dog owners.

### **Dog Welfare**

- 21 After discussions with key stakeholders such as Helping You to Help Animals (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.
- 22 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**

- 23 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.
- 24 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.
- 25 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**

- 26 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.

- 27 Based on discussions with Animal Management Officers, there is also a proposal to amend the definition of Approved Dog Owners so that:
- 27.1 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;
  - 27.2 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
  - 27.3 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**

- 28 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**

- 29 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.
- 30 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.
- 31 Council officers would like to take this opportunity to get public feedback on these five proposed sites:
- 31.1 Kaiwaru Trig Forest, Waikanae Park;
  - 31.2 Mazengarb Park Reserve;
  - 31.3 Nga Whakangutu Reserve, Pingao Lane;
  - 31.4 91 Mazengarb Road; and
  - 31.5 Maui Pomare Road Reserve.

### **Section 155 of the Local Government Act 2002 determinations**

- 32 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.

- 33 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.
- 34 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.
- 35 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.
- 36 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.

## Special Consultative Procedure

- 37 The LGA 2002 requires that the community be consulted on the adoption, review or amendment of a bylaw. Accordingly, the Council is using the special consultative procedure, which requires a formal submission process.
- 38 The formal submission process opened on 7 August 2018. It closed on 14 September 2018, and Council will hold hearings on 25 October 2018.

## CONSIDERATIONS

### Policy considerations

- 39 This review involves the preparation of a revised Kapiti Coast District Council Dog Control Policy.
- 40 Should Council adopt a new Dog Control Policy, other work will be carried out to assist in implementation. This primarily includes:
  - 40.1 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;
  - 40.2 Updating application forms and pamphlets as required; and
  - 40.3 Improving signage as required.

### Legal considerations

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

### Financial considerations

- 43 The review has been carried out within existing budgets.
- 44 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

- 45 While tāngata whenua maintain an interest in promoting better care and control of dogs across the District, no tāngata whenua considerations specific to this bylaw review were identified in the pre-consultation phase.
- 46 However on 14 June 2018 at the Strategy and Policy Committee meeting a report on the review of Dog Control Policy and Bylaw was presented.
- 47 Bill Carter, the Māori representative of this Committee requested consideration for inclusion of definition of sites of cultural significance in sensitive areas.
- 48 This change was incorporated in to the definition of sensitive sites and now includes culturally significant areas that are vulnerable to harmful disturbance by dogs.
- 49 However, to ensure that no tāngata whenua considerations are overlooked, this report is presented to Te Whakaminenga o Kāpiti to ensure that feedback is collected and incorporated into this bylaw review.
- 50 An information paper was sent to Te Whakaminenga o Kāpiti on 19 September 2018. This paper included:
  - 50.1 A similar overview on the purpose of the bylaw, the legislative requirements to review, the review process, and the proposed amendments; and
  - 50.2 The Statement of Proposal that was released for public consultation on 7 August 2018.
- 51 The information paper also requested Te Whakaminenga o Kāpiti members consider the following questions:
  - 51.1 Do you agree with the proposed amendments to the Dog Control Bylaw 2008 and Dog Control Policy 2009, particularly in regards to:
    - i. Dogs in public places.
    - ii. Dogs in open spaces, including sensitive sites.
    - iii. Dog welfare including minimum standards of care, diseased dogs and limitation on the number of dogs.
    - iv. Dangerous and menacing dogs.
    - v. Dog owners.
  - 51.2 Do you have a preference on the five areas that have been identified as possible future dog exercise areas? The proposed sites are:
    - i. Kaiwaru Trig Forest – Waikanae Park
    - ii. Nga Whakangutu Reserve, Pingao Lane – Peka Peka
    - iii. Mazengarb Park Reserve – Paraparaumu
    - iv. 91 Mazengarb Road – Paraparaumu



v. Maui Pomare Road Reserve – Nikau Valley

- 51.3 Is there anything you would like to see added or removed from the draft Dog Control Bylaw and Policy 2018
- 51.4 Is there any more feedback you would like to provide in relation to the review of the Dog Control Bylaw 2008 and Dog Control Policy 2009?

## Strategic considerations

- 52 *Toitū Kāpiti* includes an aspiration for strong, safe communities. The Dog Control Bylaw and Policy helps in the attainment of this aspiration because it seeks to enhance the safety of the public and allow the responsible enjoyment of public places in our District Significance and Engagement

## Significance policy

- 53 The Dog Control Policy and the Dog Control Bylaw are deemed to have low level of significance in accordance with Council's Significance and Engagement Policy; however the community has 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

- 54 Council officers have:
- 54.1 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;
  - 54.2 conducted a Residents, Ratepayers and Stakeholders Survey; and
  - 54.3 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.
- 55 The special consultative procedure opened on 7 August 2018 and closed on 14 September 2018.

## Engagement planning

- 56 Engagement has been planned in two phases:
- 56.1 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).
  - 56.2 The second stage of engagement began with the release of the Statement of Proposal calling for submissions on 7 August 2018 and closing on 14 September 2018.

57 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:

- 57.1 Targeted: identifying and alerting key stakeholders (e.g. owners of licensed premises);
- 57.2 Digital: Council webpages, Objective (Council's online consultation platform), and social media updates; and
- 57.3 Media: releases and/or advisories, and public ads and notices.

## Publicity

58 Council is using a variety of communication channels to publicise the consultation, 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.

59 Once the 2018 bylaw has been adopted, Council will:

- 59.1 notify the public about the adoption of the bylaw;
- 59.2 audit signage across the district and replace signs as required; erect new signage around sensitive sites and playgrounds and
- 59.3 include information on the changes in the Dog Control Bylaw and Policy through Councils communication channels.

## RECOMMENDATIONS

60 That Te Whakaminenga o Kāpiti:

- 60.1 Provide feedback on the Draft Kapiti Coast District Council Dog Control Bylaw 2018;
- 60.2 Provide feedback on the Draft Kapiti Coast District Council Dog Control Policy 2018;
- 60.3 Provide feedback on the potential sites for off-leash, dog exercise areas;
- 60.4 Recommend to Council the adoption of the Draft Kapiti Coast District Council Dog Control Bylaw 2018; and
- 60.5 Recommend to Council the adoption of the Draft Kapiti Coast District Council Dog Control Policy 2018.

**Report prepared by**

**Approved for  
submission**

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## **ATTACHMENTS**

- |            |   |
|------------|---|
| Appendix 1 | Draft Kapiti Coast District Council Dog Control Bylaw 2018  |
| Appendix 2 | Draft Kapiti Coast District Council Dog Control Policy 2018 |
| Appendix 3 | Proposed off-leash, dog exercise areas                      |

**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 Kāpiti 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 Kāpiti Coast District Council was affixed hereto, pursuant to resolution of the Council on [insert date] in the presence of:

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K Gurunathan  
**Mayor**

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[Elected Member]  
**Councillor**

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

### 4. INTERPRETATION

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

**ACCESS CORRIDOR**

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

**ANIMAL MANAGEMENT OFFICER**

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

**AUTHORISED OFFICER**

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

- (a) Includes any council enforcement officer; and

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

**APPROVED OWNER**

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

**BEACH**

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

**CHILDREN'S PLAYGROUND**

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

**CONTINUOUS CONTROL /  
ON-LEASH**

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

**CONTINUOUS CONTROL /  
OFF-LEASH**

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

**COUNCIL**

Means the Kāpiti Coast District Council or any Committee, Community Board, or an officer authorised 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**

Kāpiti Coast District.

#### **DIRECT CONTROL OF A DOG OFF-LEASH**

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

|  |  |
|--|--|
| <b>DOG CONTROL ACT</b>   | Dog Control Act 1996 or any Act passed in amendment or substitution thereof including any regulations made under authority of the Act.   |
| <b>DOG EXERCISE AREA</b>   | 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. (Refer above for the definition of 'direct control of a dog off-leash'.)                    |
| <b>DOG PARK</b>  | 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. (Refer above for the definition of 'direct control of a dog off-leash'.)                   |
| <b>DISEASED DOG</b>  | A dog infected with parvovirus, hepatitis or any other contagious disease.   |
| <b>DOG RANGER / HONORARY DOG RANGER</b>  | Officer appointed under section 12 of the Dog Control Act 1996   |
| <b>DUNES</b>   | 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.   |
| <b>FORESHORE</b>   | 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.             |
| <b>KAPITI COAST DISTRICT COUNCIL APPEALS HEARING COMMITTEE ("the Committee")</b> | 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 the requirement of “continuous control”.

**LICENCE**

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

**LIVESTOCK/STOCK**

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

**MEDICAL EXEMPTION**

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

**MENACING DOG**

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

- (a) any observed or reported behaviour of the dog; or

- (b) any characteristics typically associated with the dog's breed or type.

(Section 33A of the Dog Control Act 1996)

**MICROCHIPPED DOG**

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

**MUZZLE**

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

**NEUTERED DOG (de-sexed)**

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

**NO DOG AREA**

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

**OFF-LEASH AREA**

An area designated for domesticated dogs where they can play and socialise 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. (Refer above for the definition of leash/lead.) (Some on-leash areas may have additional restrictions, where dogs must remain on formed pathways and walking tracks. Refer to the definition of on-leash restricted area.)

**ON-LEASH RESTRICTED AREA**

An area where dogs are permitted, provided they are under continuous leash control and remain on

formed pathways and walking tracks. (Refer above for the definition of leash/lead.)

**OTHER OWNER**

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

**OWNER**

Every person who:

- (a) Owns the dog
- (b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage or distress, or for the sole purpose of restoring a lost dog to its owner; or
- (c) The parent or guardian of a person under the age of 16 years who:
  - i. Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
  - ii. Is a member of the parent or guardian's household living with and dependent of the parent or guardian.

**PERIPHERY**

The outside perimeter of the total area of the sports playing fields. If the playing field is a fenced hard-surfaced sports court (e.g. netball court or tennis court), the periphery is outside the fencing.

**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 Kāpiti 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.

**RESTRICTED AREA**

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

**SENSITIVE SITES**

An important habitat for wildlife (flora and fauna) vulnerable to harmful disturbance by dogs, or a culturally significant area that is 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 Kāpiti 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 Kāpiti Coast District Council by completing and submitting the prescribed form.
- 5.3 Where an owner of a dog is under the age of 16 years at the time of registration of the dog, the prescribed application form shall be completed by a parent or guardian in whose household the owner is living, and upon whom the owner is dependent.

**6. CONTROL OF DOGS IN PUBLIC PLACES**

**General provisions:**

- 6.1 An owner of a dog(s) must always carry an appropriate leash when walking their animal in any notified off-leash areas.
- 6.2 An owner of a dog(s) whilst walking in an off-leash area must keep the dog(s) under their direct control at all times.
- 6.3 The owner shall not allow any dog to enter onto any public place (not designated a dog off-leash area as stipulated in Schedule 3 or 4 of this Bylaw) and remain there without being under continuous leash control.
- 6.4 Any dog found in a public place (not designated a dog off-leash area as stipulated in Schedule 3 or 4 of this bylaw) while not being on a lead is considered to be uncontrolled and may be seized and impounded by any dog control officer, dog ranger, or honorary dog ranger.
- 6.5 The owner shall ensure that no dog is allowed to roam free or be at large on any private land or premises without the express or implied permission of the occupier or person in charge of the land or premises.
- 6.6 No owner shall cause or permit a diseased dog to enter any public place.

- 6.7 If a dog is impounded for wandering for the fourth time within any two-year period, the dog may be classified as menacing based on observed or reported behaviour in accordance with Section 33A(1)(b)(i) of the Dog Control Act.

**Dog on-leash area:**

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

**Dog off-leash area:**

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

**No dog area:**

- 6.10 No owner shall cause or permit his/her dog(s) or any dog(s) within his/her charge to enter in or remain in any of the no dog areas as defined in Schedules 1 and 4 of this bylaw, except where (i) the dog is securely confined within a vehicle, or caged if on the open tray or deck of a vehicle, or (ii) the Kāpiti Coast District Council Parks and Recreation Manager or equivalent position has given permission.

**Access corridors:**

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

**Sensitive sites:**

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

**Dogs on, in or behind vehicles:**

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



- 6.14 No owner is to exercise a dog by running or walking it behind or beside a vehicle.

**Exemptions:**

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

**7. DOG WELFARE**

**General provisions:**

- 7.1 No person shall allow any dog to be kept in a manner that does not comply with the following minimum standards:
- (a) When contained or tethered, dogs must have constant access to water and dog food, appropriate to their needs, that is palatable to the dog, not harmful to health, and available in quantities sufficient to maintain vital bodily functions;
  - (b) Dogs must not be contained or tethered in a way that causes them injury or distress, and any tether must be at least two meters in length;
  - (c) Collars must fit comfortably without damaging the skin or restricting breathing;
  - (d) Dogs must be provided with sheltered and dry sleeping quarters;
  - (e) Measures must be taken to enable dogs to keep warm in cold weather 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 euthanised;
- (m) The coats of long-haired dogs must be groomed and/or clipped at a frequency that will prevent suffering and distress due to matting or infestation by parasites; and
- (n) Claws must be clipped when necessary to avoid penetration of the skin and/or foot pads.

**Dog housing / kenneling outside:**

- 7.2 Every dog owner must provide his or her dog with suitable housing or kenneling<sup>1</sup> 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

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<sup>1</sup> Outdoor kenneling is not required if the dog primarily lives inside. If the dog is left outside for periods of time, the dog must be able to access suitable housing, either inside or out.

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:

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

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

- 7.3 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 For every dog infected by a disease set out in clause 7.4 the owner must notify the Council immediately upon confirmation from a registered veterinarian.

**Dogs in motor vehicles:**

- 7.6 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 minimise or remove the likelihood of nuisance or hazard or injury to health.

**Dog faeces:**

- 8.3 When a dog defecates in a public place or on land or premises other than that occupied by the owner, the owner shall immediately remove the faeces and dispose of such faeces in a sanitary manner.
- 8.4 All dog owners are required when walking a dog in a public place to carry a bag or container or other receptacle for the use of removing dog faeces.
- 8.5 It is an offence not to pick up your dog's faeces or carry an appropriate bag or receptacle. It is not a requirement that an animal management officer sight the offence being committed. If there is sufficient evidence based on a member of the public witnessing the event, Council may infringe under the DCA 1996.

**9. LIMITATION ON THE NUMBER OF DOGS**

- 9.1 No more than two (2) dogs of greater age than three (3) months shall be kept on or within any premises, other than in areas zoned rural in the Kapiti Coast District Plan, unless an application for the premises is made by the owner or occupier of the premises, and subsequently approved by an animal management officer and 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 Kāpiti Coast District Council to conduct such a business within the Kāpiti 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 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 Kāpiti 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 Kāpiti Coast District, it will be a requirement for the dog to be neutered within one (1) month of residing in the Kāpiti 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 Kāpiti 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 Kāpiti 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 Kāpiti 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:

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

|       |   |          |
|-------|---|----------|
| 54A   | Failure to carry leash in public                    | \$100.00 |
| 55(7) | Failure to comply with barking dog abatement notice | \$300.00 |
| 72(2) | Releasing dog from custody                          | \$750.00 |

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## **SCHEDULE ONE**

### **1. Inland no dog areas**

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

- a) MacLean Park Recreation Reserve (dogs are allowed on-leash along the footpaths, as these are access corridors)
- b) Marine Gardens Recreation Reserve, Raumati
- c) All public swimming pools under Council control (Paraparaumu, Waikanae & Ōtaki), unless specified (i.e. Dogs in Togs) as per clause 6.1 of this bylaw
- d) Otaihanga 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 Haruātai 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 Kāpiti 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 on-leash areas**

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

- a) All commercial retail zones as described in the Kapiti Coast District Plan
- b) 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 sites (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 sites – dog on-leash areas**

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

## **3. Access corridors**

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

Some examples include, but are not limited to;

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

## **SCHEDULE THREE**

### **1. Inland dog 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 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 a dog 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 a dog on-leash area).
- 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) Waimeha Stream Estuary
  - d) Te Kowhai Stream Estuary
  - e) Mangaone Stream Estuary
  - f) Ōtaki River Estuary
  - g) Waitohu Stream Estuary
- 2. Summer Beach Dog Zones 10am-7pm (see Maps 1-7)**
  - 2.1 Between 10am – 7pm from 01 December to the end of daylight savings, the following beach foreshore areas are no dog areas:
    - a. Takitimu Road, Raumati Beach to the Wharemauku Stream, Raumati Beach
    - b. Rua Road, Paraparaumu Beach to the Kapiti Boating Club, Paraparaumu Beach
    - c. Waikanae Boating Club to the beginning of the Waimeha Stream Sensitive Site, Waikanae Beach.
  - 2.2 Between 10am – 7pm from 01 December to the end of daylight savings the following beach foreshore areas are dog on-leash areas:
    - a. Karaka Street, Ōtaki Beach to the Ōtaki Surf Club, Ōtaki Beach
    - b. From 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 dog off-leash areas.

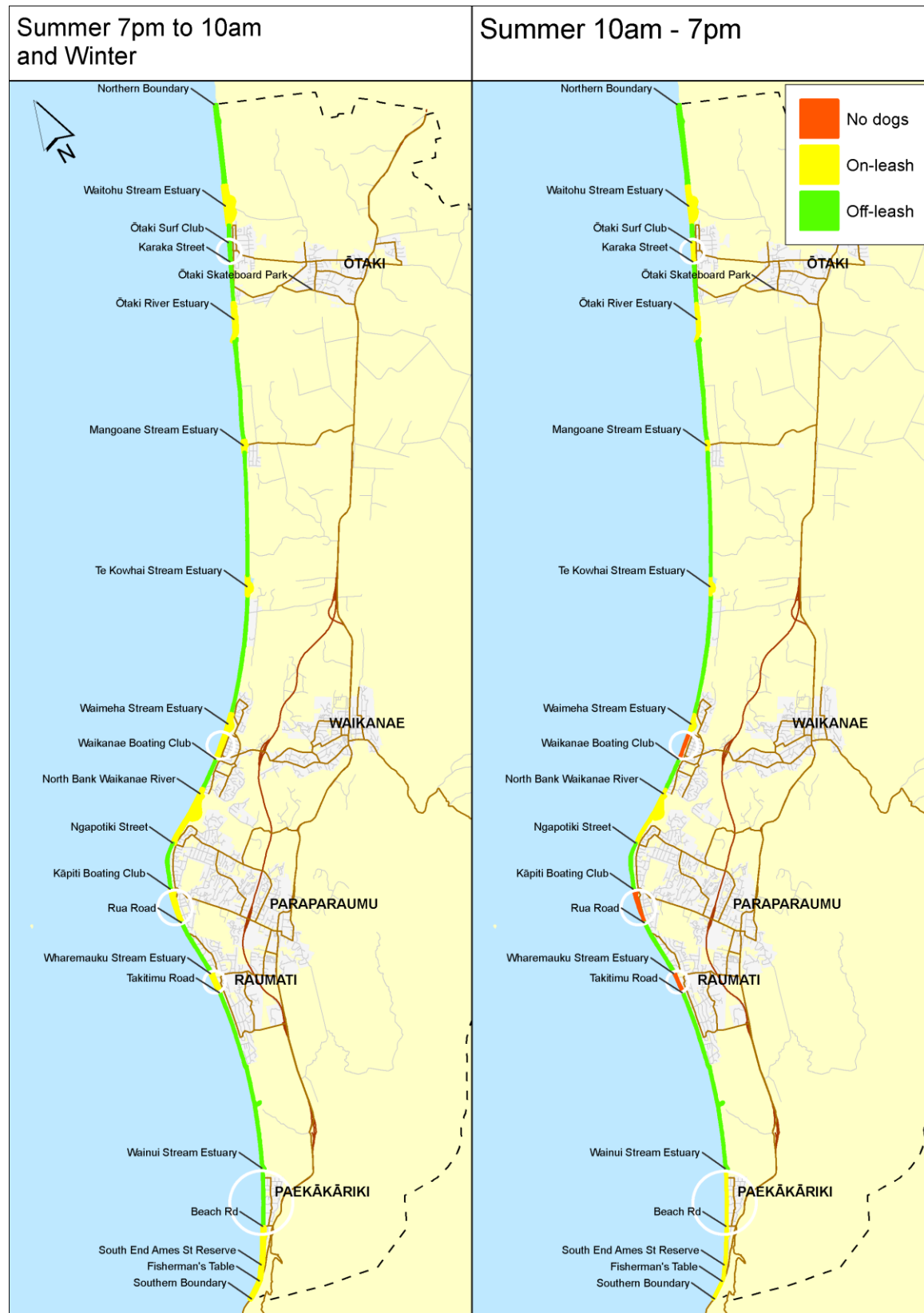
**3. Summer Beach Dog Zones 7pm – 10am, and all day during winter**

(See Maps 1-7)

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



## MAP 1: Beach hours



## MAP 2: Ōtaki Dog Access Areas



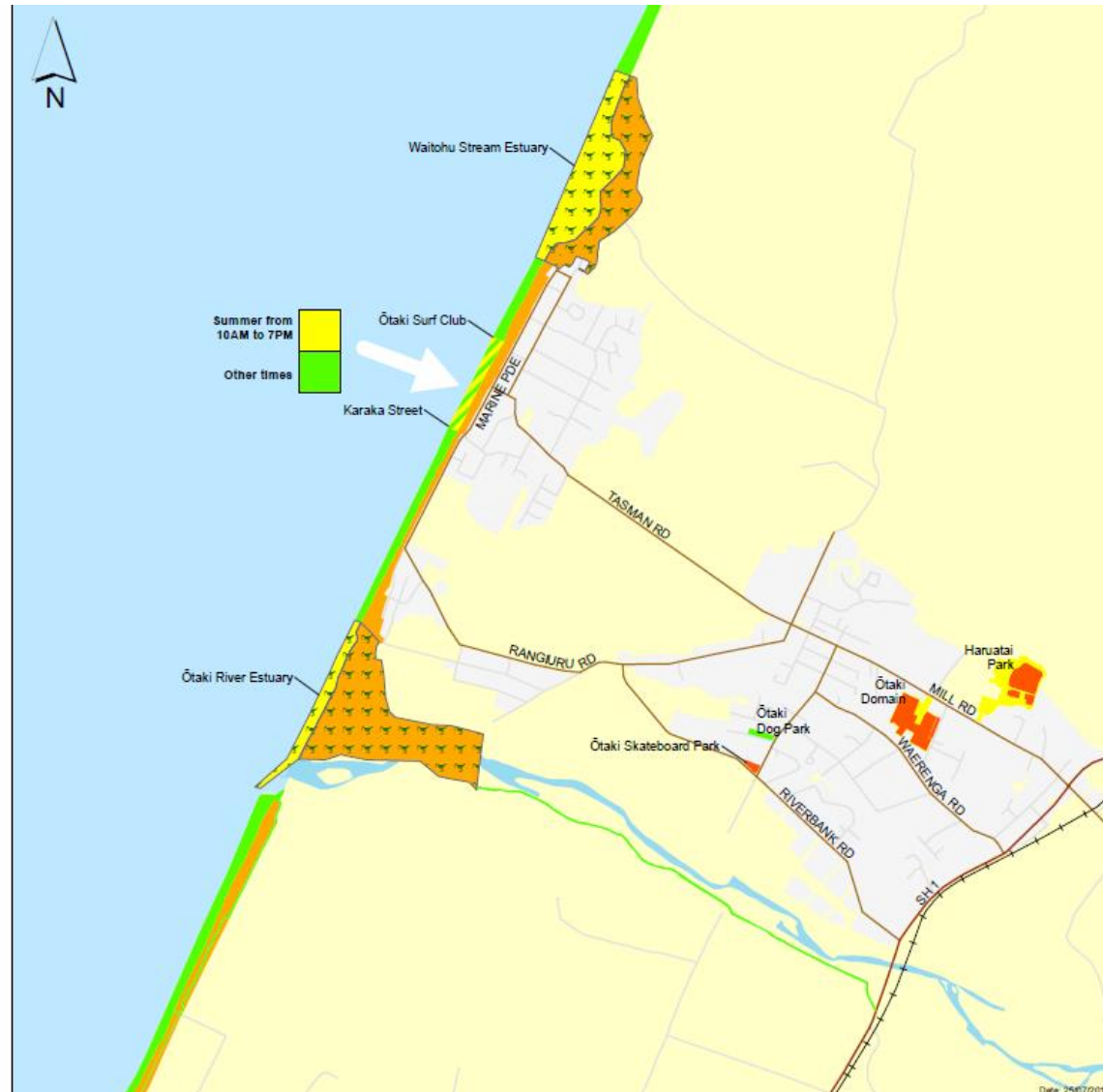
### ŌTAKI DOG ACCESS AREAS



#### Legend

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

**DISCLAIMER:** While the map provides a specific indication of dog restrictions in certain parks, reserves and public areas within the District, the map does not cover every single open space. Please refer to the Schedules of the Dog Bylaw 2018 which provide a general statement on the dog restricted status of all public places, parks and reserves in the District that are not covered within these maps.



## MAP 3: Te Horo – Peka Peka Dog Access Areas



### TE HORO - PEKA PEKA DOG ACCESS AREAS



#### Legend

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

**DISCLAIMER:** While the map provides a specific indication of dog restrictions in certain parks, reserves and public areas within the District, the map does not cover every single open space. Please refer to the Schedules of the Dog Bylaw 2018 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.



Date: 25/07/2018

## MAP 4: Waikanae Dog Access Areas



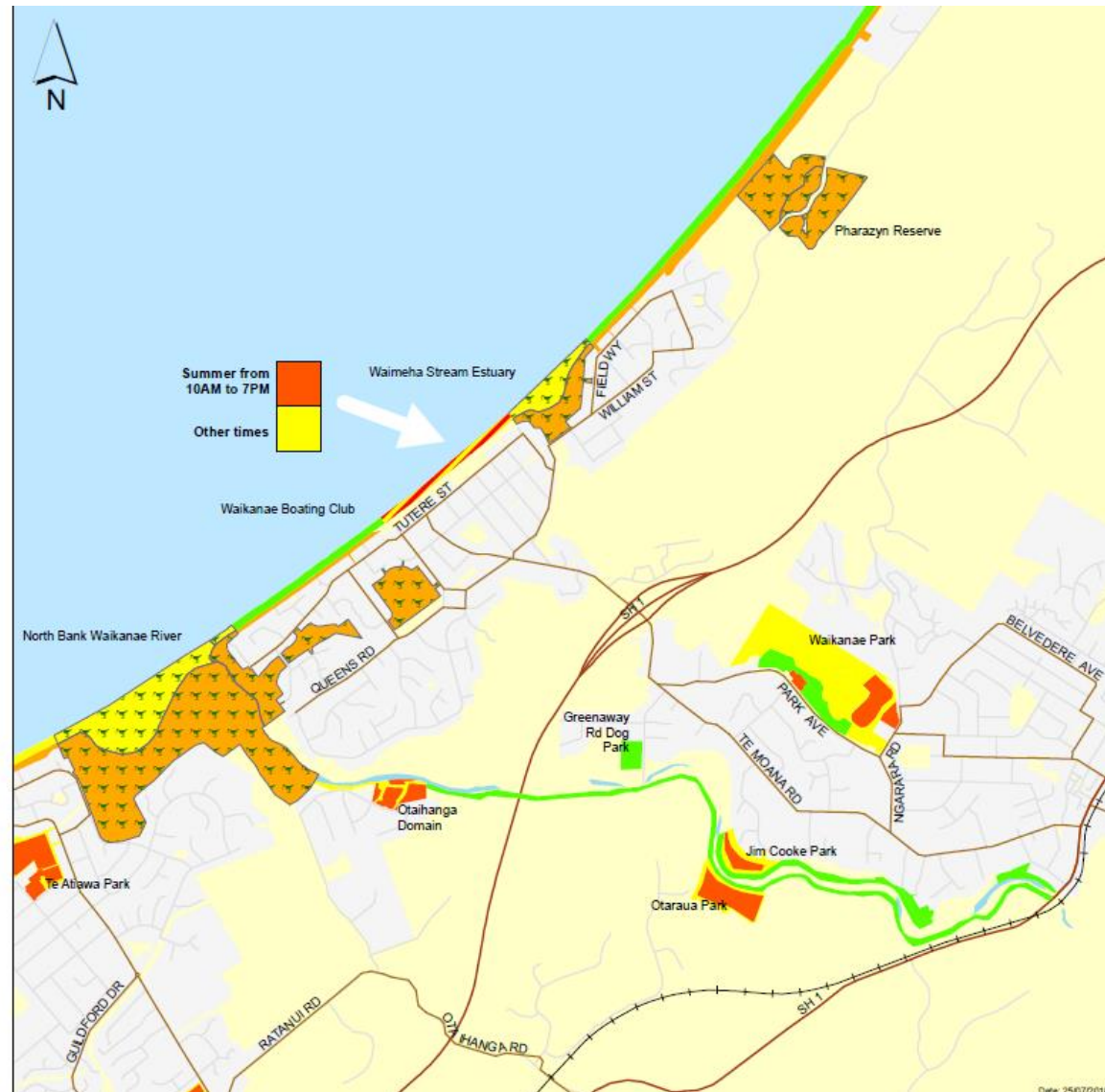
### WAIKANAЕ DOG ACCESS AREAS



#### Legend

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

**DISCLAIMER:** While the map provides a specific indication of dog restrictions in certain parks, reserves and public areas within the District, the map does not cover every single open space. Please refer to the Schedules of the Dog Bylaw 2018 which provide a general statement on the dog restricted status of all public places, parks and reserves in the District that are not covered within these maps.





## MAP 5: Paraparaumu Dog Access Areas



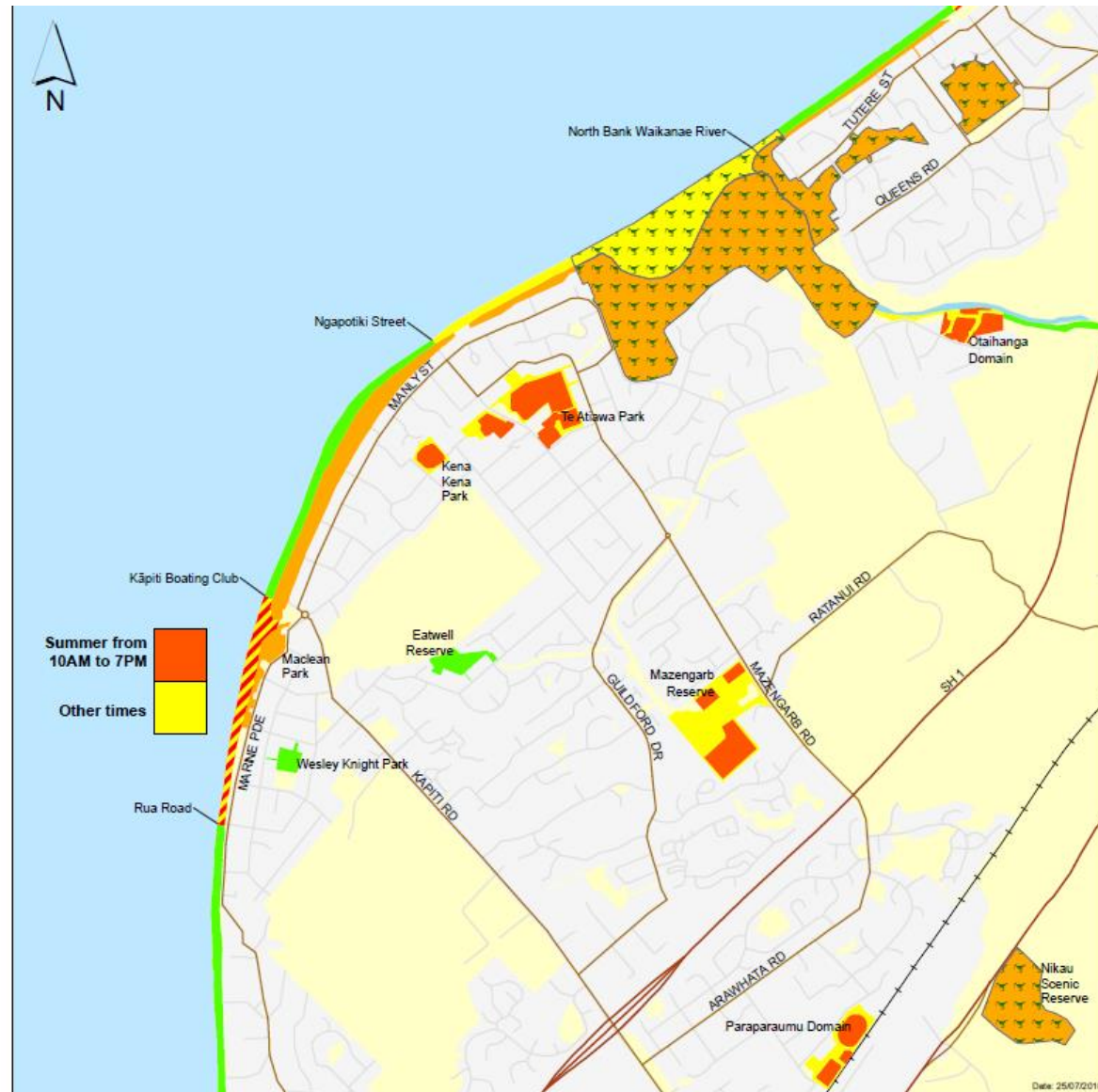
### PARAPARAUMU DOG ACCESS AREAS



#### Legend

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

**DISCLAIMER:** While the map provides a specific indication of dog restrictions in certain parks, reserves and public areas within the District, the map does not cover every single open space. Please refer to the Schedules of the Dog Bylaw 2018 which provide a general statement on the dog restricted status of all public places, parks and reserves in the District that are not covered within these maps.



## MAP 6: Raumati Dog Access Areas



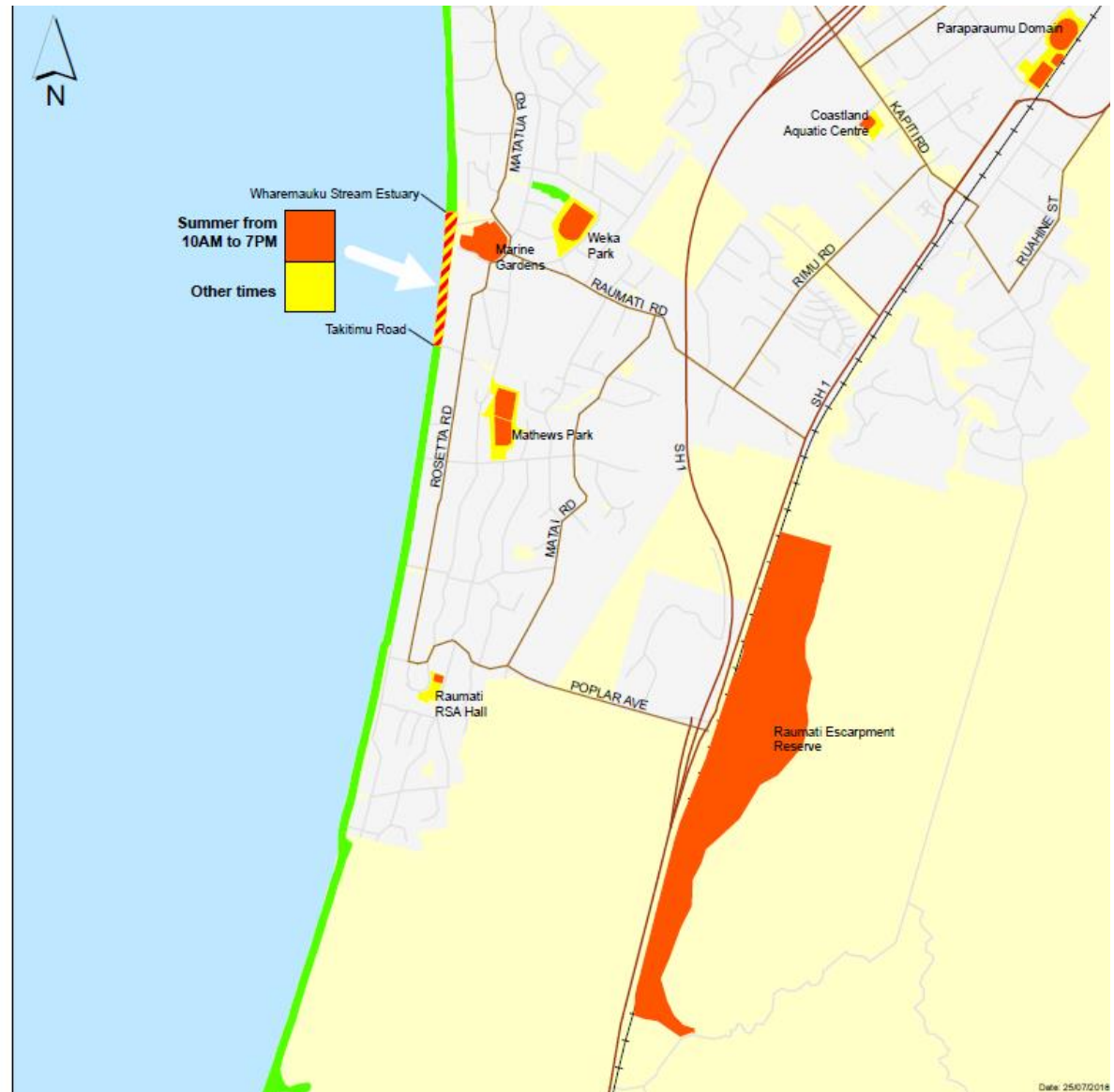
### RAUMATI DOG ACCESS AREAS



#### Legend

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

**DISCLAIMER:** While the map provides a specific indication of dog restrictions in certain parks, reserves and public areas within the District, the map does not cover every single open space. Please refer to the Schedules of the Dog Bylaw 2018 which provide a general statement on the dog restricted status of all public places, parks and reserves in the District that are not covered within these maps.



## MAP 7: Paekākāriki Dog Access Areas



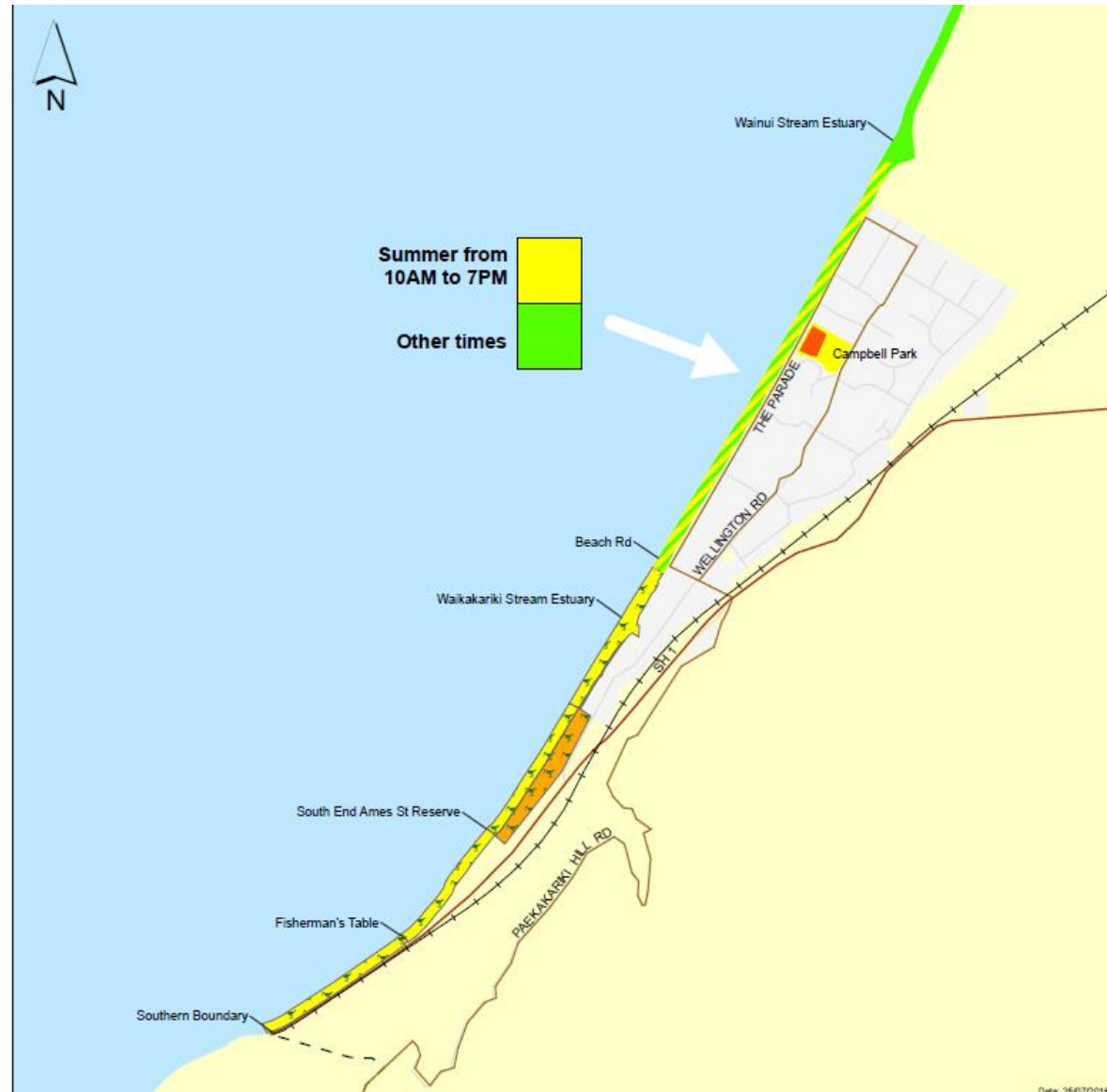
### PAEKĀKĀRIKI DOG ACCESS AREAS



#### Legend

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

**DISCLAIMER:** While the map provides a specific indication of dog restrictions in certain parks, reserves and public areas within the District, the map does not cover every single open space. Please refer to the Schedules of the Dog Bylaw 2018 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.



**DRAFT POLICY**

**KAPITI COAST DISTRICT COUNCIL DOG CONTROL POLICY 2018**

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August 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 Kāpiti 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 Kāpiti 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 Kāpiti 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

|                                       |   |
|---------------------------------------|---|
| <b>ACCESS CORRIDOR</b>                | Dog access corridors that allow access through or around otherwise no dog areas. These corridors remain dog on-leash areas at all times.  |
| <b>ANIMAL MANAGEMENT OFFICER</b>      | An officer appointed under section 11 of the Dog Control Act 1996. (Also known as a Dog Control Officer.)   |
| <b>AUTHORISED OFFICER</b>             | Means any person authorised by the Council to carry out any of the duties provided for under this bylaw or any Council bylaw; and<br>(a) Includes any Council Enforcement Officer; and<br>(b) Includes any agent licensed by Council to carry out a duty or operate a public place on Council's behalf. |
| <b>APPROVED OWNER</b>                 | An owner who meets the requirements of approved ownership set out in the Kapiti Coast District Council Dog Policy.  |
| <b>BEACH</b>                          | Any area along the Kāpiti 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.           |
| <b>CHILDREN'S PLAYGROUND</b>          | An outdoor recreation area for children, usually equipped with swings, slides, seesaws and other play equipment.  |
| <b>CONTINUOUS CONTROL / ON-LEASH</b>  | A dog is kept under continuous leash or lead control by its owner. (Refer below for the definitions of owner and leash.)  |
| <b>CONTINUOUS CONTROL / OFF-LEASH</b> | Refer below for the definition of 'direct control of a dog off-leash'.  |
| <b>COUNCIL</b>                        | Means the Kāpiti Coast District Council or any Committee, Community Board, or an officer authorised to exercise the authority of the Council.   |
| <b>DANGEROUS DOG</b>                  | 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**

Kāpiti Coast District.

**DIRECT CONTROL OF A DOG  
OFF-LEASH**

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

|  |   |
|--|---|
|  | (Refer below for the definitions of owner and leash.)   |
| <b>DOG CONTROL ACT</b>   | Dog Control Act 1996 or any Act passed in amendment or substitution thereof including any regulations made under authority of the Act.  |
| <b>DOG EXERCISE AREA</b>   | An area designated for domesticated dogs that is not fully enclosed, but where dogs that are under direct control can play and socialise off-leash. (Refer above for the definition of 'direct control of a dog off-leash'.)  |
| <b>DOG PARK</b>  | 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. (Refer above for the definition of 'direct control of a dog off-leash'.)  |
| <b>DISEASED DOG</b>  | A dog infected with parvovirus, hepatitis or any other contagious disease.  |
| <b>DOG RANGER / HONORARY DOG RANGER</b>  | Officer appointed under section 12 of the Dog Control Act 1996  |
| <b>DUNES</b>   | 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.  |
| <b>FORESHORE</b>   | 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.  |
| <b>KAPITI COAST DISTRICT COUNCIL APPEALS HEARING COMMITTEE ("the Committee")</b> | 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). |
| <b>LEASH OR LEAD</b>   | 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 the requirement of “continuous control”.

**LICENCE**

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

**LIVESTOCK/STOCK**

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

**MEDICAL EXEMPTION**

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

**MENACING DOG**

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

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

(Section 33A of the Dog Control Act 1996)

**MICROCHIPPED DOG**

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

|                                 |  |
|---------------------------------|--|
| <b>MUZZLE</b>                   | A humane fastening or covering device which prevents a dog from biting but allows normal breathing and drinking.   |
| <b>NEUTERED DOG (de-sexed)</b>  | A neutered dog is one which has been castrated or spayed. It does not include a dog which has been vasectomised.   |
| <b>NO DOG AREA</b>              | An area in which dogs are not permitted at all times, unless otherwise specified or specifically exempted.   |
| <b>OFF-LEASH AREA</b>           | An area designated for domesticated dogs where they can play and socialise off-leash. These can be fully enclosed dog parks, or not fully enclosed dog exercise areas.   |
| <b>ON-LEASH AREA</b>            | An area in which dogs are permitted at all times, provided they are under continuous leash control. (Refer above for the definition of leash/lead.) (Some on-leash areas may have additional restrictions, where dogs must remain on formed pathways and walking tracks. Refer to the definition of on-leash restricted area.)   |
| <b>ON-LEASH RESTRICTED AREA</b> | An area where dogs are permitted, provided they are under continuous leash control and remain on formed pathways and walking tracks. (Refer above for the definition of leash/lead.)   |
| <b>OTHER OWNER</b>              | A dog owner who is not an approved, disqualified or probationary owner.  |
| <b>OWNER</b>                    | Every person who: <ul style="list-style-type: none"><li>(a) Owns the dog</li><li>(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</li><li>(c) The parent or guardian of a person under the age of 16 years who:<ul style="list-style-type: none"><li>i. Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and</li></ul></li></ul> |

- ii. Is a member of the parent or guardian's household living with and dependent of the parent or guardian.

**PERIPHERY**

The outside perimeter of the total area of the sports playing fields. If the playing field is a fenced hard-surfaced sports court (e.g. netball court or tennis court), the periphery is outside the fencing.

**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 Kāpiti 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.

**RESTRICTED AREA**

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

**SENSITIVE SITES**

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

**Objective 4**

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

**Objective 5**

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

**Objective 6**

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

**Objective 7**

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

**POLICY GUIDELINES**

**6. CLASSIFICATION OF OWNERS**

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

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

**(a) Probationary owners**

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

6.3 The probationary classification has the following impacts:

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

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

**(b) Disqualified owners**

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

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

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

**(c) Approved dog owners**

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

- The dog is micro-chipped (where required by the Act);
- in the last two years the dog hasn't been impounded, chased or returned home or been subject to any justified complaint;
- the owner's property and dog accommodation meet Council criteria for fencing, access, dog shelter and exercise areas;
- the owner has been a recorded dog owner in the Kāpiti 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 Kāpiti District may apply to be an approved owner immediately. All other criteria outlined above must be met.

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

**(d) Other Owners**

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

**7. REGISTRATION**

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

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

**8. REGISTRATION FEES**

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

- 8.2 Registration fees cover signage, maintenance of current dispenser units, and any unforeseen costs associated with the removal of dog waste. Where the Council approves the establishment of new dog exercise areas, registration fees 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.
- 8.7 In instances where the yearly registration fee has been paid and the dog has died during the year, the owner must notify Council in writing that the dog has died. Council can refund part of the registration fee in accordance with Section 39 of the Dog Control Act 1996.

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

- All dogs are required to be registered in accordance with the Dog Control Act 1996.
- Dog registration fees will be set for neutered or spayed dogs, in accordance with section 37(2)(a) of the Dog Control Act 1996. This fee is to be:
  - a) less than the standard registration fee for other dog owners but greater than the approved dog owner fee; and
  - b) a sufficiently large concession on the standard registration fee to give a strong incentive to neuter or spay dogs.
- There is a reduced registration fee under section 37(2)(b) for working dogs (as defined in section 2 of the Dog Control Act 1996) and under section 37(2)(e) for dog owners who have been granted approved dog owner status by the Council.
- There are no registration fees for disability assist dogs as defined under section 2 in the Dog Control Act 1996.
- Council may impose a penalty for late registration fee payment.
- There is an increased registration fee for dogs classed as dangerous in accordance with section 31 of the Dog Control Act 1996.
- In instances where a dog has died and the owner would like to request a refund for part of the registration fee, the owner must notify Council in writing and Council will provide a refund in accordance with Section 39 of the Dog Control Act 1996.

**9. 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 Kāpiti Coast District Council recognises the benefits of good and proper dog care.

Owners have an obligation to ensure that their dog:

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

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

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

## **12. SEIZE, IMPOUND & RETAIN**

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

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

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

12.4 Under the Act, Council can set fees for the impounding of dogs. Fees are set for seizure, sustenance and the euthanasia of the dog. These fees can be varied for registered and unregistered dogs and may be graduated for repeated impounding offences of the same dog.

12.5 All registration requirements, fees and shelter fees must be paid and the dog microchipped before a dog will be released from the shelter.

12.6 If a dog is impounded for wandering for the fourth time within any two-year period, the dog may be classified as menacing based on observed or reported behaviour in accordance with Section 33A(1)(b)(i).

### **13. DANGEROUS AND MENACING DOGS**

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

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

- be given notice of the dog's classification in writing; and
- be allowed to object to the classification and be heard; and
- comply with the requirements of the Act to keep the dog fenced in, muzzled when in public, and have the dog neutered; and
- not rehome the dog to any person without Council prior written approval; and
- advise any person in possession of the dangerous dog of the requirement to muzzle and leash the dog when in public; and
- ensure the dog is microchipped; and



- ensure the dog is confined to a secure section of the property that allows 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 Kāpiti 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 LICENCES<sup>1</sup>**

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.

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<sup>1</sup> Permits for boarding kennels are managed through resource consenting.

## 17. CATEGORIES OF DOG CONTROL AREAS

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

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

|  |  |
|--|--|
| <b>No-dog area</b><br>(Prohibited Zone)                  | Dogs not allowed under any circumstances.  |
| <b>On-leash area</b> (Controlled Zone)                   | Dogs allowed only when under a leash or lead control.  |
| <b>Off-leash area</b> (Exercise Zone)                    | Dogs allowed to run freely, but under direct voice and visual control at all times.  |
| <b>Dog park</b>  | A fully enclosed area for domesticated dogs to play, frolic and socialise with other dogs typically without a leash and under direct control.  |
| <b>Access corridors</b>                                  | An area designed to allow movement from one type of zone to another with a dog on lead.  |
| <b>Sensitive sites</b>                                   | Important habitat for wildlife (flora and fauna) vulnerable to harmful disturbance by dogs, or a culturally significant area that is vulnerable to harmful disturbance by dogs. Dogs allowed only when under lead control. |
| <b>Conservation Act 1987 and National Parks Act 1980</b> | 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. KĀPITI 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.

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**APPENDIX 1 – TABLE OF INFRINGEMENT OFFENCES**

| <b>Section of the Act</b> | <b>Infringement Offence Summary</b>  | <b>Maximum fee set under the Act</b> |
|---------------------------|--|--------------------------------------|
| 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                                |

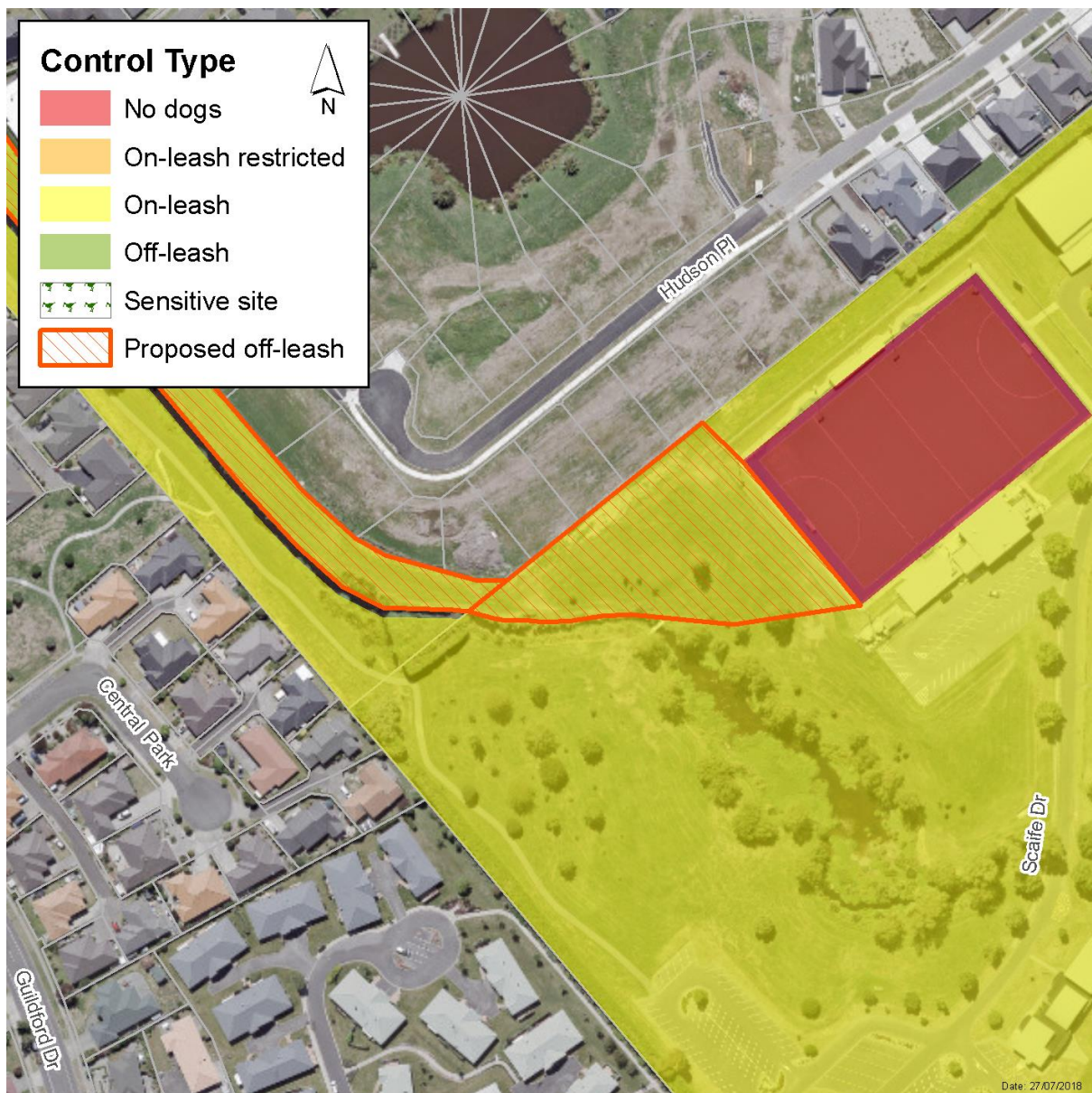
## Appendix 3: MAPS OF POTENTIAL OFF-LEASH DOG EXERCISE AREAS

### 1. Kaiwaru Trig Forest, Waikanae Park



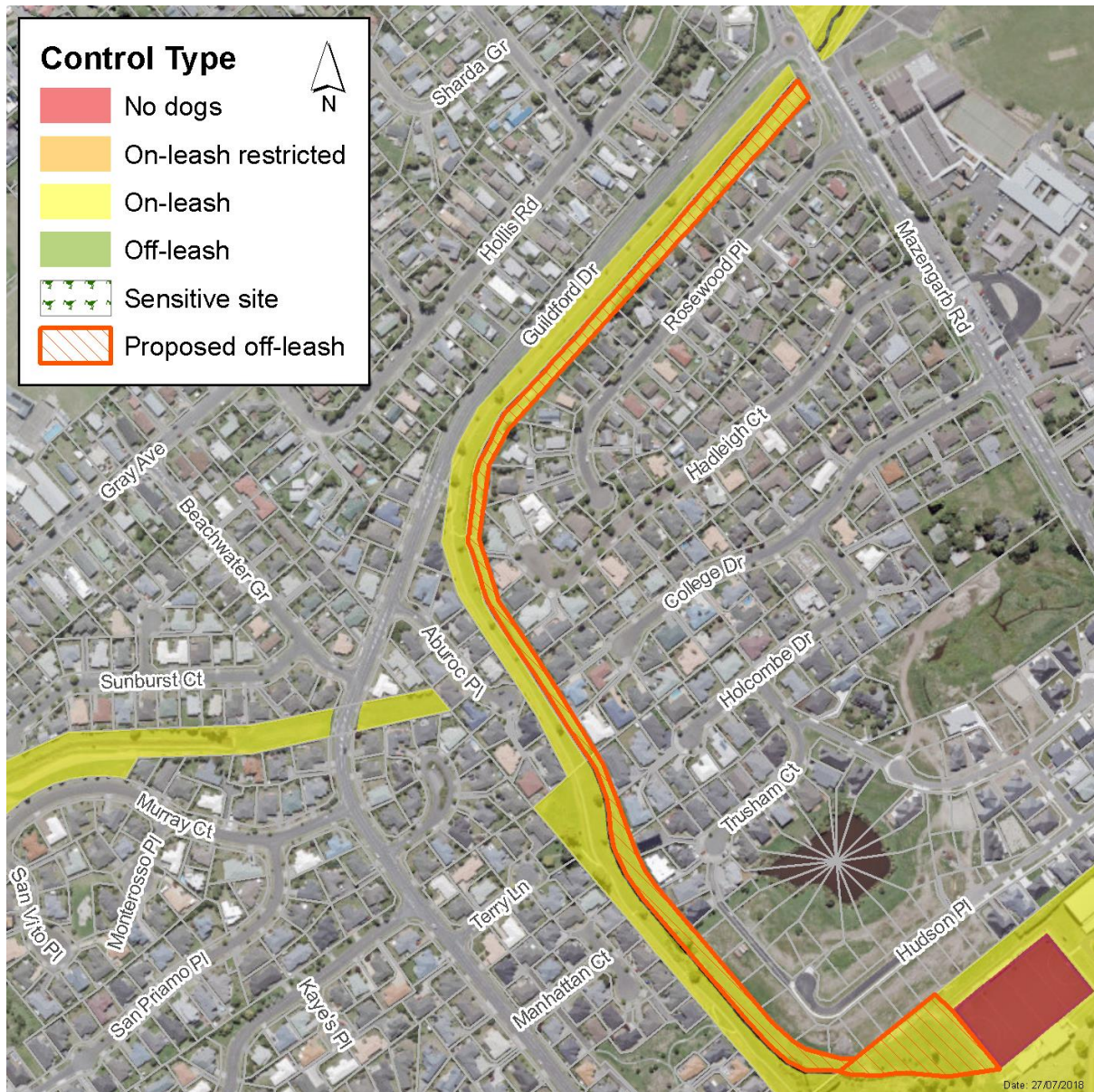


2a. Mazengarb Park Reserve





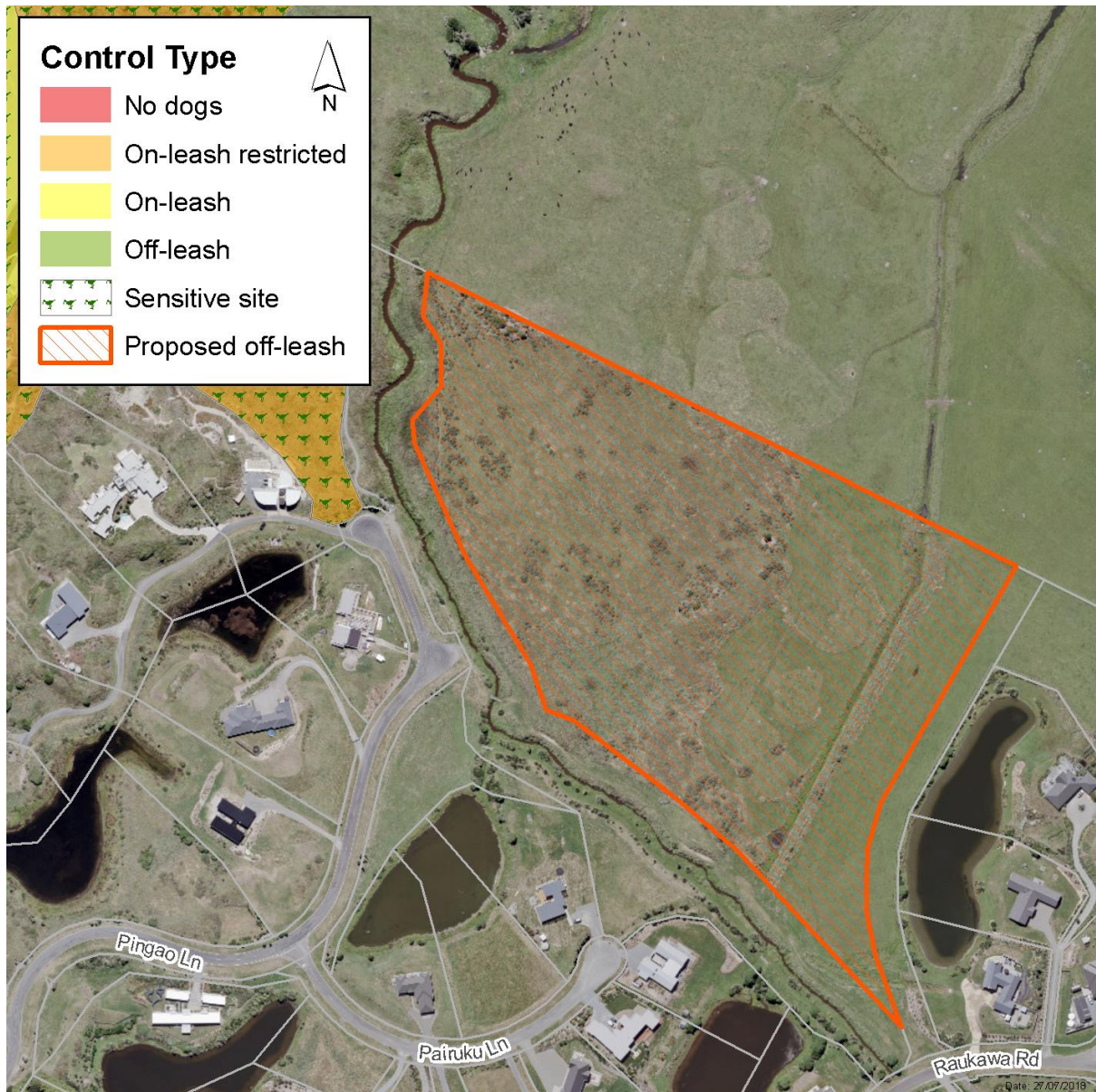
2b. Mazengarb Drain Walkway, Paraparaumu





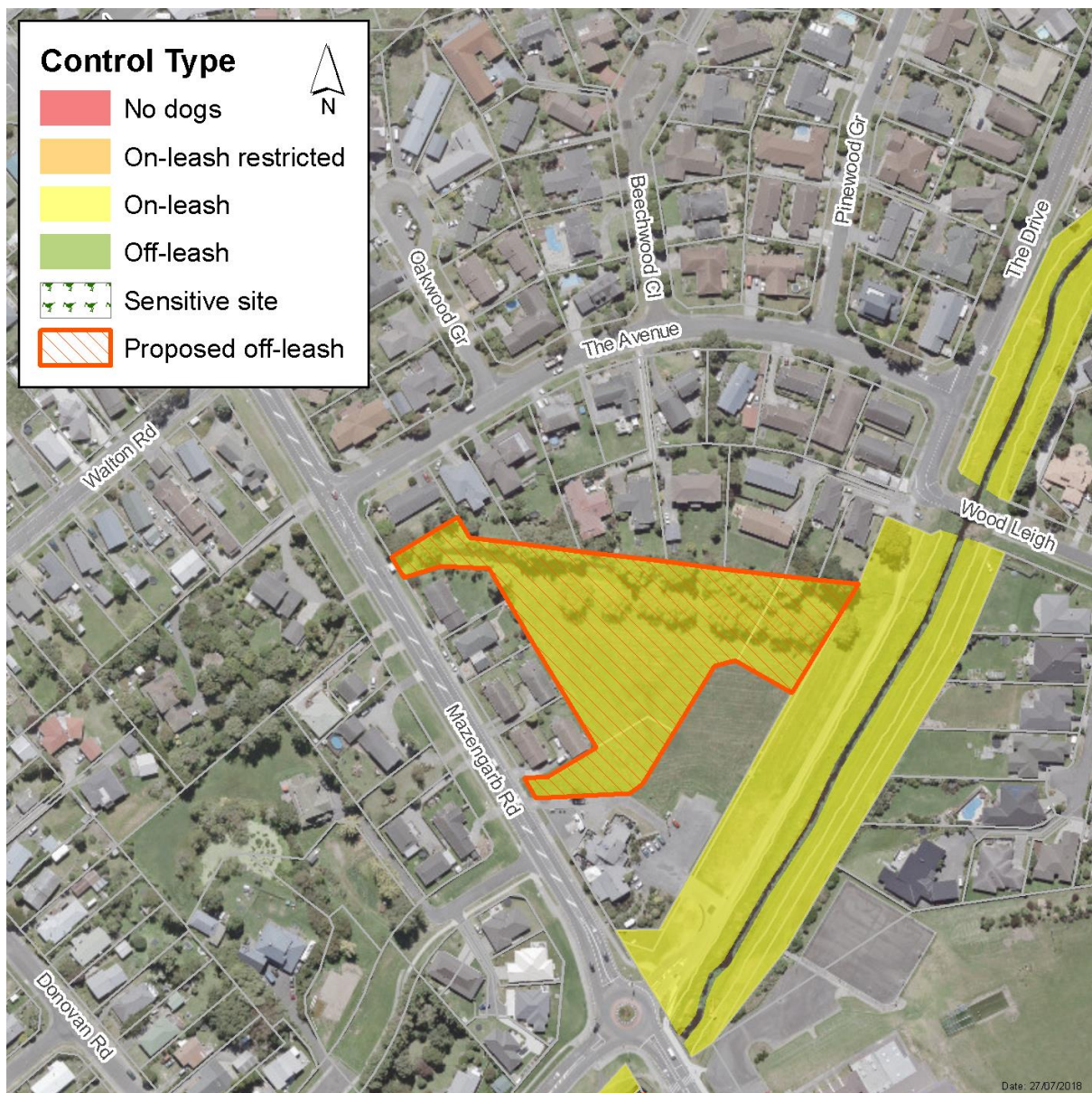
### 3. Nga Whakangutu Reserve, Pingao Lane

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.

