



Kaikoura District Council Dog Control Policy 2006

INTRODUCTION TO POLICY

The Kaikoura District Council has prepared this dog policy to meet the requirements of the Dog Control Act 1996. The Dog Control Act 1996 has given new responsibility to both dog owners and the Kaikoura District Council. The purpose of the Act is to make better provision for the control of dogs and damage caused by dogs. As a way of achieving the purpose of the Act, every territorial authority is required to develop a dog policy. This document is the dog policy for the Kaikoura District.

REQUIREMENTS OF POLICY

The dog policy is required under section 10 of the Dog Control Act 1996 to contain the following features;

- Information on proposed bylaws to be made under the Act
- Identification of public places where dogs are to be prohibited
- Identification of public or other places in which dogs are to be controlled on a leash.
- Identification of public or other places where prohibition or leashing is not required.
- Identification of areas to be designated by a bylaw as dog exercise areas.
- Identification of land which is either a controlled dog area or open dog area under the Conservation Act 1987, or a National Park under the National Park Act 1980.

The policy may contain other information and advice which the Council considers appropriate. This may include details of policy in relation to; fees or proposed fees; the issuing of infringement notices; and other information and advice.

The Kaikoura District Council will prepare this dog policy using the special consultative procedure outlined in the Local Government Act 2002. This consultative procedure will give dog owners, and the community in general, an opportunity to give Council their views on the dog control policy before it becomes finalised. In preparing this policy the Kaikoura District Council had regard to;

- a) the need to minimize danger, distress, and nuisance to the community generally; and
- b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
- c) the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- d) the exercise and recreational needs of dogs and their owners.

FURTHER LEGAL REQUIREMENTS

The territorial authority must give effects to a policy adopted under this section –

- a) by making the necessary bylaws, which must come into force no later than the 60th day after the adoption of the policy; and
- b) by repealing, before the 60th day after the adoption of the policy, any bylaws that are inconsistent with the policy.

POLICY ONE

PROHIBITION OF DOGS

Dogs are prohibited within the following areas of the Kaikoura District at all times

- Takahanga Domain
- Gooches Beach Recreation Reserve (within 10 meters of play equipment)
- Recreation Reserve (next to Finz Restaurant, South Bay Parade)
- Bayview Street Park
- Churchill Street Park (within 10 meters of play equipment)
- Seal Colony car park and Peninsula walkway
- Jimmy Armers Beach and Recreation Reserve from November 1st – March 31st each year
- Walkway from Scarborough St to South Bay
- South Bay Domain (fenced off sports area only)
- Wildlife Reserve adjacent to Lyell Creek (Ludstone Road, opposite Kaikoura Motels)
- South Bay Commercial Boat Park, Moa Point and small craft marine facility area
- Garden of Memories
- Reservoir Site, Scarborough Terrace
- Kaikoura Cemetery
- Recreation Reserve, Gillings Lane
- Gillings Lane / Beach Road playground (within 10 meters of play equipment)

Explanation for Policy

Dogs should be prohibited from the above areas at all times. These areas are recognized to be high usage recreational areas where there is a need to minimize danger, distress and nuisance to the community generally. Other areas are available where dogs can be taken on a leash or where exercising dogs is actively promoted to meet the exercise and recreational needs of dogs and their owners.

POLICY TWO

DOG LEASH AREAS

*** *Leash means an adequate restraint not exceeding 2 meters in length and held by a person physically capable of restraining the dog.***

Dogs are permitted in the following areas of the District providing they remain on a leash

- West End (between State Highway 1 and Esplanade)
- Lydia Washington Walkway (West End to Deal Street)
- Annie Boyd Walkway (Torquay Street to Killarney Street)
- Takahanga Terrace to Killarney Street Walkway
- Peninsula Walkway (Torquay Street to Scarborough Street)
- Dempsey's Track (Torquay St to Scarborough Street)
- Churchill Street (West End to Scarborough Street)
- Beach Road (Mill Road to Ludstone Road/ Churchill Street intersection)

UNCONTROLLED DOGS

- Uncontrolled dogs will be impounded where appropriate
- Owners may be infringed for repeat offences
- Dogs impounded on more than three occasions within a continuous period of 24 months may be required to be neutered.

Explanation for Policy

In the above areas the recreational needs of dogs and their owners can be balanced with the safety of the community if dogs are kept on leashes. These areas are thought to have a more moderate level of recreational use than areas where dogs are prohibited. These are areas where dogs should be permitted to be exercised providing that they are under control.

POLICY THREE

AREAS IDENTIFIED AS NOT REQUIRING DOG PROHIBITION OR DOG LEASE AREAS

Dogs are permitted in every other area within the Kaikoura District except for;

- Areas specified in policy 1
- Areas specified in policy 2
- Any areas specified as **controlled or closed** areas under the Conservation Act 1987
- Any other areas where dogs are prohibited from or restricted from in any other statute or policy
- Any private land (except with consent of the landowner)

Explanation for Policy

These settlements have a small population and few recreation reserves. It would be unreasonable to prohibit dogs in these areas as dogs are less likely to cause distress, danger or nuisance to the community in general in these areas than in more densely populated areas. As the character of these townships is essentially rural in nature and there are a number of working dogs, it does not seem necessary to specify areas where dogs are required to remain on a leash.

POLICY FOUR

DOG EXERCISES AREAS

Dogs may be exercised in the following areas;

- South Bay Recreation Reserve (South Bay foreshore)
- South Bay Recreation Reserve (near start of walkway to the Seal Colony but excluding the walkway where dogs are prohibited)
- South Bay Domain (area planted in pine trees from corner of South Bay Parade to Kowhai River)
- Beach Foreshores (except Jimmy Armers Beach and South Bay Commercial Boat Park)
- River beds and the Queens Chain adjoining rivers (Esplanade Reserves or Strips)
- South Bay Domain (except the fenced sports ground area where dogs are prohibited)
- Recreation Reserve (rest area on south bank of the Kowhai River)
- Churchill Park (Dogs are prohibited within 10m of play equipment)

Explanation for Policy

Dog owners require areas which meet the exercise and recreational needs of both themselves and their dogs. These are considered to be areas where the danger, distress and nuisance caused to the community by persons exercising their dogs are minor. These areas are thought to be suitable dog exercise areas.

POLICY FIVE

REGISTRATION FEES

Dog registration fees as set in accordance with the Kaikoura District Council schedule of fees and are reviewed annually. A base registration fee is set for all dogs and a discount fee is available for the following categories of dog owners;

a) Responsible Dog Owners

Dog owners must apply for responsible dog owner status. In order to qualify for responsible dog owner status, dog owners will be inspected to ensure they qualify for approval. Owners will initially be invoiced the base registration fee and refunded for responsible dog owner discount if successfully approved. Once approved, responsible dog owner status remains in force unless cancelled. Owners will be charged a discounted responsible dog owner fee each year.

b) Owners of three dogs or more

Owners of three dogs or more will be charged a flat fee in accordance with the Kaikoura District Council schedule of fees. Owners of three dogs or more will not qualify for any additional discounts.

c) Owners of dogs which are neutered or spayed

Owners of dogs which are neutered or spayed will be charged a discounted fee in accordance with the Kaikoura District Council schedule of fees. Owners will initially be invoiced the base registration fee and refunded a neutered or spayed dog discount once evidence of the de-sexing has been provided. Once approved, owners will be charged a discounted registration fee each year.

d) Owners of Guide dogs

Owners of guide dogs will be charged a discounted fee in accordance with the Kaikoura District Council schedule of fees. Owners will initially be invoiced the base registration fee and guide dog discount given on application. Guide dog owners will be charged a discounted registration fee each year.

e) New owners of unclaimed dogs

New owners of unclaimed dogs will be charged a discounted registration fee set in accordance with the Kaikoura District Council schedule of fees. These dog owners will be charged a discounted registration fee each year.

If a dog falls into two of the above categories (i.e. they are spayed and their owners qualify for responsible dog owner status) only one discount will be given. This discount will be the larger of the two or more discounts available to the dog owner.

Explanation of Policy

The base registration fee is set and reviewed annually in accordance with the Kaikoura District Council schedule fees. Revenue from Dog registration is accounted for separately from Council revenue. Any credit balance left in the dog account at the end of the financial year will be transferred to the dog registration account the following financial year and used to reduce dog registration fees for that following year wherever possible. The fees schedule recognizes that owners of dogs which fall into the above categories should be entitled to a discounted registration fee. For responsible dog owners the discounted fee is aimed to act as an incentive for all dog owners to qualify for responsible status.

POLICY SIX

IMPOUNDING DOGS

Dogs will be impounded in accordance with section 52 of the Dog Control Act 1996. Impounding fees are set in accordance with the Kaikoura District Council fees schedule and are reviewed annually.

Claimed Dogs

All impounding fees and any outstanding registration fees shall be paid before the dog is released from the pound.

Owners of impounded dogs will be encouraged to de-sex their dogs.

Unclaimed Dogs

Unclaimed dogs will only be released from the pound to the new owners when the dog is registered and any registration fees are paid. Payment of impoundment fees will not be required for new owners of unclaimed dogs.

New owners of unclaimed dogs will be encouraged to de-sex their dog.

Explanation for Policy

The Act sets guidelines for the impoundment of dogs and provides a mechanism for the Council to charge impoundment fees. During impoundment the registration of the dog will be checked to ensure registration has occurred and to locate the dog owner. All outstanding registration fees are required to be paid before release from the pound. As an incentive to potential owners of unclaimed dogs a discounted registration fee is available. However, we consider it good practice that dogs are de-sexed before they are released to new dog owners in order to reduce the population of unwanted dogs.

POLICY SEVEN

ISSUE OF INFRINGEMENT NOTICES

Infringement notices will be issued in accordance with the Dog Control Act 1996 for the following offences without prior warning;

- s 18: Wilful obstruction of dog control officer or dog ranger. **Fine \$1000**
- s 19(2): Failure or refusal to supply information or willfully stating false particulars. **Fine \$1000**
- s 28(5): Failure to comply with effects of disqualification. **Fine \$1000**
- s 32(4): Fraudulent sale or transfer of dangerous dog. **Fine \$1000**
- s 41: False statement relating to registration. **Fine \$1000**
- s 46(4): Fraudulent attempt to procure replacement label or disc. **Fine \$1000**
- s 51(1): Removal or swapping of labels or discs. **Fine \$1000**
- s 62(1): Allowing dogs known to be dangerous to be at large unmuzzled. **Fine \$1000**

Infringement notices will be issued in accordance with the Dog Control Act 1996 for the following offences with prior warning;

- s 20(5): Failure to comply with any bylaw authorised by section 20. **Fine \$500**
- s 42: Failure to register dog. **Fine \$300**
- s 49(4): Failure to advise change of address. **Fine \$100**
- s 48(3): Failure to advise change of ownership. **Fine \$100**
- s 52(A): Failure to keep dog controlled or confined. **Fine \$300**
- s 53(1): Failure to keep dog under control. **Fine \$300**
- s 54(A): Failure to use or carry a lead in a public place. **Fine \$100**
- s 36 A: Failure to implant microchip transponder in dog. **Fine \$500**

Explanation for Policy

The first group of offences listed are thought to be serious in nature that an infringement notice should be issued without any prior warning. The second group of offences are recognized as requiring a warning before any further action is taken such as issuing an infringement notice.

POLICY EIGHT

NUMBER OF DOGS PERMITTED IN URBAN AREAS

Two dogs are permitted to be kept in residential areas with the Kaikoura Township and the outlying township settlements of: Oaro, Goose Bay, Peketa, Hapuku, Rakautara, Clarence and Kekerengu. An application shall be made for a licence for more than two dogs to be kept in these areas. Applications are not required for litters of puppies under the age of three months. Applicants will be required to demonstrate compliance with the responsible dog owner criteria as outlined in appendix one.

Explanation for Policy

The number of dogs kept in urban areas is required to be controlled due to the potential nuisance larger numbers of dogs may cause. Dog owners can keep more than two dogs in urban areas providing they qualify for responsible owner status.

POLICY NINE

CONTROLLED DOG AREA UNDER CONSERVATION ACT 1987

The following areas are specified as controlled dog areas under the Conservation Act 1987;

- No areas have been gazetted as controlled dog areas within the Kaikoura District

POLICY TEN

OPEN DOG AREA UNER THE CONSERVATION ACT 1987

The following areas are specified as open dog areas within the Kaikoura District.

- No areas have been gazetted as open dog areas within the Kaikoura District

POLICY ELEVEN

REMOVING DOG FAECES

The owner of any dog which defecates in a public place or on land or premises other than that occupied by the owner shall be required to immediately remove faeces.

A maximum fine for this offence will be \$200.

Explanation for Policy

Dog owners are required to remove any dog faeces that their dog deposits. The reason for this is that dog faeces is a nuisance and potential health hazard if deposited in public places.

This policy may be amended at any time subject to using the public consultation procedure specified in the Local Government Act 2002

APPENDIX ONE

Criteria for Assessment for Responsible Dog Owner Status

The following criteria shall be used to assess whether applicants qualify for responsible dog owner status;

- No dog owned by the applicant has been impounded, chased, or returned home by the Council Dog Control Staff or been the subject of any bone fide complaint in the last two years.
- All dog registration fees have been paid by the due date for the last two years (if applicable)
- The dog owner has not been prosecuted in the past for any dog related offences.
- The dog owner informs the Council in writing of the; purchase of, death, sale of, transfer of dogs to and from the owners property.
- The property is suitably fenced to ensure that dogs cannot escape.
- There is a dog free access to a door of the dwelling which is provided for authorised callers.
- All dogs owned by the applicant are registered in accordance with the Dog Control Act 1996 and kept and controlled in accordance with the Act and current Council bylaws
- The applicant has been a recorded dog owner and resided within the Kaikoura District for twelve months.
- The applicant collects any faecal matter (droppings) deposited by their dog(s) in any public place or on any land other than that occupied by the owner and deposits it in a suitable receptacle.
- The applicant notifies Council of any changes in residential address within the district within 14 days.
- The applicant can demonstrate to comply with any other matter specified by the Dog Control Officer.

Responsible dog owner applicants are required to apply using a form which can be obtained from the Council Offices, 34 Esplanade, Kaikoura. Assessment of responsible owner status will be made by inspection to the dog owner's property.
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