

# HUTT CITY COUNCIL

## DOG CONTROL POLICY 2015

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# HUTT CITY COUNCIL DOG CONTROL POLICY 2015

## OVERVIEW

Under the Dog Control Act 1996, Council is responsible for dog control within Hutt City. Council has many powers under that Act (for example the power to declare dogs to be dangerous or menacing dogs).

The purpose of this policy is to let the Hutt City Community know how Council will approach carrying out its functions and powers under that Act.

In Hutt City Council's Annual Plan 2014 - 2015 it is noted that dog control is necessary to achieving a clean, healthy, attractive and sustainable environment. Council has established resident satisfaction targets concerning dog control.

The aim of this policy is to balance the needs of two general groups:

- Those people who own a dog(s). In this regard Council aims to encourage responsible dog ownership and support the needs of dog owners, for example by establishing exercise areas for dogs; and
- The general public. In this regard Council needs to support the right for people to move freely around within the city without experiencing danger, distress or nuisance from dogs, for example by establishing areas within the city where dogs are prohibited or restricted.

Council has undertaken a review of the current Hutt City Dog Policy 2005 to ensure that its approach to dog control meets the needs of dogs and their owners balanced against the needs of the wider community. This has been done in accordance with the requirements of the Dog Control Act 1996.

## DOG CONTROL ACT 1996

The Dog Control Act 1996 requires each territorial authority to adopt a Dog Control Policy for its district. In adopting a policy, a territorial authority must have regard to -

- the need to minimise danger, distress, and nuisance to the community generally; and
- 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
- 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
- the exercise and recreational needs of dogs and their owners.

In the policy, territorial authorities are required to:

- a. specify the nature and application of any bylaws made or to be made to give effect to the Policy; and
- b. identify any public places where dogs are to be prohibited under a bylaw; and
- c. identify any particular public places, in which dogs (other than working dogs) are to be required by a bylaw to be controlled on a leash; and
- d. identify those areas or parts of the district in respect of which dogs will not be prohibited or required to be controlled on a leash; and
- e. identify any places that are to be designated by a bylaw as dog exercise areas; and
- f. include such other details as the territorial authority thinks fit including, but not limited to:
  - i. fees or proposed fees; and

- ii. owner education programmes; and
- iii. dog obedience courses; and
- iv. the classification of owners; and
- v. the disqualification of owners; and
- vi. the issuing of infringement notices.

Every statement or publication of a policy adopted under this section is required to identify any land within the district that is included in:

- i. a controlled dog area or open dog area under section 26ZS of the Conservation Act 1987; or
- ii. a national park constituted under the National Parks Act 1980; and

may contain such other information and advice in relation to dogs as the territorial authority thinks fit.

The territorial authority must give effect to a policy adopted under this section by making the necessary bylaws and may not have in place any bylaws that are inconsistent with the policy.

This Policy has been divided into three sections. Part 1, Dog Control, sets out such matters as how dog exercise and prohibition areas are established. Part Two sets out Dog Owners Responsibilities and Part Three deals with Administration and Enforcement.

# 1. DOG CONTROL

## 1.1 OVERVIEW

- 1.1.1 In order to meet the reasonable needs of dog owners and promote animal welfare, to clearly identify to the public where dogs may and may not be exercised, and to minimize danger, distress and nuisance to the community generally and to safeguard the welfare of children the Council will designate specified dog exercise areas and specified dog prohibition areas.
- 1.1.2 Dogs not under the control of their owners or a person in charge, will be prohibited from all public places at all times. The Council will put signposts at public places where dogs are prohibited or permitted during specified times.

## 1.2 DOG PROHIBITION AREAS

- 1.2.1 In order to minimise danger, distress and nuisance to the community generally and to safeguard the welfare of children, areas within Hutt City will be designated as dog prohibition areas. Dogs will not be permitted to enter or remain in these areas. This is the responsibility of the dog's owner.
- 1.2.2 Dog prohibition areas are set out in the Hutt City Council Dog Control Bylaw 2015 (the Bylaw) and can also be established by ordinary Council resolution under the Bylaw. They are set out on the Council website at [huttcity.govt.nz](http://huttcity.govt.nz). Dog Prohibition areas will be clearly identified to the public. Areas where dogs are not permitted include playing fields and children's playgrounds within Council's parks and reserves.
- 1.2.3 Dog owners can have their dogs on any public places that are not specified prohibited public places or specified dog exercise areas, as long as the dogs are under proper control by being secured effectively by a leash, chain or lead.
- 1.2.4 The matters that Council must have regard to under the Bylaw in making a decision to establish or disestablish a dog prohibition area are as follows:
- a. the need to minimise danger, distress, and nuisance to the community generally;
  - 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;
  - 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;
  - d. the exercise and recreational needs of dogs and their owners;
  - e. impact on wildlife areas;
  - f. whether it is necessary to consult with the public to gauge community views on a proposed dog exercise area;
  - g. any other information considered by the Council to be relevant.

## 1.3 DOG EXERCISE AREAS

- 1.3.1 In order to meet the reasonable needs of dog owners and promote animal welfare and also to clearly identify to the public where dogs may and may not be exercised, the Council will designate specified dog exercise areas.

1.3.2 Designated dog exercise areas are established by ordinary Council resolution under the Hutt City Council Dog Control Bylaw 2015. They are set out on Councils website at [huttcity.govt.nz](http://huttcity.govt.nz). It is important to have a number of exercise areas available within Hutt City for dogs to be exercised. These are clearly signposted and include most Council parks and reserves, the Hutt River banks and drainage reserves in Wainuiomata.

1.3.3 The matters that Council must have regard to in making a decision to establish or disestablish a dog exercise area are as follows:

- h. (the need to minimise danger, distress, and nuisance to the community generally;
- i. 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;
- j. 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;
- k. the exercise and recreational needs of dogs and their owners;
- l. impact on wildlife areas;
- m. whether it is necessary to consult with the public to gauge community views on a proposed dog exercise area;
- n. any other information considered by the Council to be relevant.

## 1.4 DESIGNATION OF EXERCISE AND PROHIBITION AREAS AND MAPS

1.4.1 Dog exercise areas and dog prohibition areas will be clearly signposted.

1.4.2 Owners or anyone in control of a dog being exercised within such a dog exercise area must carry their dogs leash and not allow the dog to foul the area. However, no offence will be committed against the bylaw if such people remove the droppings immediately.

1.4.3 Owners of dogs that enter or remain in a dog prohibition area will be liable for prosecution for a breach of the Bylaw.

## 1.5 DEPARTMENT OF CONSERVATION LAND

Under the Conservation Act 1987, the Minister of Conservation can, by notice in the Gazette, declare any part or parts of land managed and administered by the Minister or Department to be either a controlled dog area or an open dog area.

To identify such areas within the Lower Hutt district, please refer to the Department of Conservation website: [www.doc.govt.nz](http://www.doc.govt.nz)

# 2. OWNER RESPONSIBILITIES

## 2.1 OVERVIEW

2.1.1 Council recognises the importance of owner responsibility and education and wishes to have in place policies and measures that support responsible dog owner status and send clear signals as to the preferred way that owners should carry out their responsibilities as dog owners. The measures that Council will have in place to support and promote responsible dog owner behaviour are as follows:

- Pamphlets will be available and, when appropriate, distributed to dog owners explaining their obligations and rights, and the provisions of the Dog Control Bylaw;
- Closer links and partnerships will be sought with dog training and obedience clubs to formally recognise their role in effective owner education and dog obedience;
- In order to support dog owners in fulfilling their responsibilities, the Council's Animal Control Officers will be available to give dog owners advice on all matters relating to the keeping and control of dogs;
- A fee rebate is available to dog owners who qualify as responsible dog owners under Council's criteria set out below;
- Council will actively enforce the bylaws and the Dog Control Act.

## 2.2 OWNER OBLIGATIONS, EDUCATION AND DOG OBEDIENCE

2.2.1 In addition to the requirements of any other Act or of any regulations or bylaws regulating the control, keeping, and treatment of dogs, the Dog Control Act 1996 requires every owner of a dog -

- a. To ensure that the dog is registered in accordance with this Act, and that all relevant territorial authorities are promptly notified of any change of address or ownership of the dog:
- b. To ensure that the dog is kept under control at all times:
- c. To ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter:
- d. To ensure that the dog receives adequate exercise:
- e. To take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means:
- f. To take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person:
- g. To take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife:
- h. To take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person:
- i. To comply with the requirements of this Act and of all regulations and bylaws made under this Act.

## 2.3 RESPONSIBLE DOG OWNER STATUS

2.3.1 Council will encourage responsible dog ownership by formally recognising "responsible dog owner" status, dog ownership education programmes and dog obedience courses. Responsible dog owner status will qualify owners for significantly lower registration fees under the Act. The Council will also recognise alternative methods of demonstrating competence in dog ownership by owners showing to Animal Control Officers that they are able to control their dogs on a leash, off a leash and in other situations.

2.3.2 Applications for Responsible Dog Owner Status may only be made between 1 February and 30 May in each year. In order to obtain Responsible Dog Owner Status, in addition to the obligations imposed on every dog owner by the Act, owners are required by Hutt City Council to:

- a. Make a written declaration that they will comply with the requirements for Responsible Dog Owner status and understand that any breaches of the Dog Control Act 2003 or City Bylaws will lead to the immediate cancellation of the Responsible Owner status for a period of 2 years;

- b. Register their dog(s) by 31 July in any registration year;
- c. Have their property fully fenced or the dogs penned or controlled in such a way that safe access to the front door is assured for people lawfully about their business and that the dog cannot escape from the property;
- d. Demonstrate that they have full control over their dogs both on and off a leash and in other situations. This can be proved by presentation of a certificate from an approved trainer that the dog and owner have passed a Grade 2 Dog Obedience Course or by a practicable demonstration to a Hutt City Animal Control Officer;
- e. The dog(s) are provided with a warm and dry, draft free kennel, given proper exercise and sufficient food daily and have access to a clean water supply at all times;
- f. Clean up after their dog if it fouls any public place or property owned by any other person and ensure it is leashed in public places when not being exercised under control in a designated dog exercise area;
- g. Notify Council of any changes of address, transfer of ownership or death of their dogs;
- h. Dogs need to have been registered with Hutt City Council for a period of 12 months prior to owners applying for responsible dog owner status.

## 2.4 PERMIT FOR 3 OR MORE DOGS

- 2.4.1 In order to minimise the potential nuisance and danger to the community caused by dogs, and to ensure that adequate provision is being made for the care and welfare of dogs, under the Bylaw a licence is required if occupiers of premises in the city wish to keep three or more dogs aged three months or more on their premises at any one time. This does not apply to rural working dogs.

## 2.5 OWNERS TO KEEP DOGS UNDER EFFECTIVE CONFINEMENT AND CONTROL

- 2.5.1 To enable the public, to the extent that is practicable, to use streets and public amenities without fear of attack or intimidation by dogs and to minimise nuisance to the community generally caused by dogs, dog owners must prevent their dogs from wandering by keeping them under proper control or under effective confinement, especially at night. This includes, to the extent possible -
- Keeping every bitch, while in season, confined or under control while being exercised;
  - Taking all practicable steps to stop their dog barking, howling or being aggressive; and
  - Cleaning up after their dogs defecate in any public place, or on land or premises other than the owner's. Droppings must be disposed of in an approved manner i.e. in a bin.

## 2.6 ACCESS TO FRONT DOOR

- 2.6.1 Safe access to a dog owner's front door is to be provided at all times, to people lawfully going about their business. Where the gate is locked to prevent access, this requirement does not apply.
- 2.6.2 The intention is to ensure that people entering a property are not attacked by aggressive or savage dogs. Owners must ensure that such dogs are penned, chained or contained in the rear yard.



## 2.7 DISABILITY ASSIST AND WORKING DOGS

2.7.1 The Act contains some specific exceptions for certain types of dogs. Section 75 of the Dog Control Act 1996 provides exclusion for a disability assist dog accompanying or assisting a person with a disability, or any person engaged in training such a dog may enter and remain:

- a. In any premises registered under regulations made pursuant to Section 120 of the Health Act 1956; or
- b. In any public place, subject to compliance with any reasonable condition imposed by the occupier or person having control of the premises or public place, as the case may be.

2.7.2 Under Section 2 of that Act Working Dogs are defined as:

- 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
  - v. 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
  - vi. kept by the Aviation Security Service under 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
  - vii. 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
  - viii. owned by a property guard as defined in the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in that Act, and kept solely or principally for the purpose of doing the things specified in that Act; or
  - ix. 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.

## 3. ADMINISTRATION AND ENFORCEMENT

### 3.1 REGISTRATION FEES

- 3.1.1 Fees under the Dog Control Act are set by Council resolution and notified in the Long Term Council Community Plan and on the Council's website: [huttcity.govt.nz](http://huttcity.govt.nz).
- 3.1.2 Council will fix reasonable dog registration fees to allow effective management and enforcement of the Dog Control Act 1996 and Council bylaws. All revenue received and retained under the Act will be used only for purposes authorised by or under the Act. The fee structure will recognise dog owners who are licensed as "responsible dog owners", or who have had their dogs neutered or spayed. Incentives will be available to encourage owners to register their dogs before July 31 each year.

### 3.2 ENFORCEMENT

- 3.2.1 The Act and Bylaw will generally be enforced by Hutt City Council Animal Control Officers. There are a range of possible enforcement tools including:
- Seizure of dog
  - Issue of infringement notices and fines
  - Prosecution with fines of \$ being possible
  - Declaring a dog menacing or dangerous
  - Prohibiting people from owning dogs
- 3.2.2 The Council aims to enforce the Dog Control Act 1996 and the Dog Control Bylaw in order to meet the objects of that Act. To that end, the Council will undertake prosecutions for breaches of the bylaw, and issue infringement notices for offences specified in the First Schedule to the Act. Recovery of unpaid infringement fees will be sought through the Summary Proceedings Act 1957, in the courts.
- 3.2.3 In addition to powers of prosecution and issuing infringement notices, the Council has a number of other powers under the Act which will also be carried out with the aim of safeguarding the public and minimising nuisance caused by dogs and ill-treatment of dogs.
- 3.2.4 To enable the public, to the extent that is practicable, to use streets and public amenities without fear of attack or intimidation by dogs, dogs found roaming in any public place or on another person's property, whether or not they are wearing collars or properly registered, will be impounded.
- 3.2.5 In addition, where the Council receives complaints, Animal Control Officers may take appropriate action including seizing a dog that is not being properly provided for.

### 3.3 PROBATIONARY OWNERS

- 3.3.1 The Council notes that the Act establishes disincentives for owners who are issued with repeat infringement notices under the Dog Control Act. Such behaviour can affect that person's ability to register future dogs and so impact on their ability to lawfully own dogs in the future.
- 3.3.2 Section 21 of the Dog Control Act 1996 provides for the classification of a dog owner as a probationary owner. This applies where that person has been convicted of any offence against the Act (except an infringement offence), or has committed three or more infringement offences within a continuous period of two years.

- 3.3.3 Under the Act “Probationary Owner “status will last for 24 months. Probationary owners will not be allowed to register any dog unless they were the registered owner of the dog at the time of the offence.
- 3.3.4 Probationary owners will be required to pay a 50 percent surcharge over and above all dog control fees.

### **3.4 DISQUALIFICATION OF OWNERS**

- 3.4.1 Dog owners will be disqualified from owning a dog under Section 25 of the Dog Control Act 1996 if they are convicted of an offence (not being an infringement offence) against the Act while a probationary owner at the time of the offence. Disqualified owners will not be allowed to own a dog for up to five years after the offence.

### **3.5 MENACING DOGS – REQUIREMENT TO BE NEUTERED**

- 3.5.1 Dog Control Act 1996 provides that a territorial authority must classify as menacing any dog that the territorial authority has reasonable grounds to believe belongs wholly or predominantly to 1 or more breeds or types listed in Schedule 4 of the Act.
- 3.5.2 These breeds are currently Brazilian Fila, Dogo Argentino, Japanese Tosa, and Americal Pit Bull Terrier. In addition a territorial authority may classify a dog as menacing under the Act in relation to the dog’s behaviour. An owner of a dog that is classified as menacing may object to this classification and has the right to be heard. The territorial authority may require that the owner of a menacing dog is required to produce evidence that the dog has been neutered or that it is not in a fit condition to be neutered by the specified date.
- 3.5.3 It is Council policy in all cases where dogs are classified as menacing because of their breed (ie because they are one of the breeds of dogs specified in the 4th Schedule to the Act) or behaviour to require evidence that the dog has been neutered or is unfit to be neutered by the specified date.

### **3.6 BARKING DOGS**

- 3.6.1 Where a dog control officer has received a complaint and has reasonable grounds for believing that a nuisance is being created by the persistent and loud barking or howling of any dog, the officer may:
- Enter the premises to inspect.
  - Serve written notice requiring the nuisance to be reduced to a reasonable level, or
  - Remove the dog from the land or premises.
- 3.6.2 Owners may appeal to the Council within seven days against these notices. Where a notice has been served and the dog causes a nuisance by barking, the dog control officer may remove the dog from the premises.

### **3.7 DOGS ATTACKING PEOPLE OR ANIMALS**

- 3.7.1 Where a dog control officer observes or believes a dog has attacked a person or animal, the officer may:
- At the time, seize the dog if it is at large; or
  - If the dog continues to be a threat to the safety of people or animals, seize the dog.
- 3.7.2 The matter may also be taken to court, where the dog control officer might ask that the dog be destroyed and that penalties be imposed.

## 3.8 DANGEROUS DOGS

3.8.1 Where a dog is declared a "dangerous dog" under the Act, the dog must be muzzled at all times while in a public place and neutered or spayed within one month of the classification. The dog must also be kept in a secure area within the property and the owner must pay a higher registration fee.