

Dog Control Policy



1. INTRODUCTION

The Dog Control Act 1996 requires territorial authorities to develop dog control policies that:

- minimise danger, distress and nuisance caused by dogs to the community generally
- 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
- enables, to the extent that is practicable, people to use streets and public amenities without fear of attack or intimidation by dogs
- provide adequate opportunities to fulfil the exercise and recreational needs of dogs and their owners.

The Gore District Council will create a bylaw pursuant to the Dog Control Act 1996 and Local Government Act 2002 that will give effect to this Dog Control Policy.

2. DEFINITIONS

To assist with the understanding of this Policy the following definitions have been included. All definitions, except the definition of a 'roaming dog' are taken from the Dog Control Act 1996. All references made below to the 'Act' are in relation to the Dog Control Act 1996.

Companion Dog – means a dog certified by the Top Dog Companion Trust as being a companion dog or a dog under training as a companion dog.

Dog Control Fee – means any fee prescribed under section 37 of the Act.

Dog Control Officer – means a Dog Control Officer appointed under section 11 of the Act, and includes a warranted officer exercising powers under section 17 of the Act.

Dog Ranger – means a Dog Ranger appointed under section 12 of the Act and includes an honorary Dog Ranger.

Domestic Animal – includes:

- any animal (including a bird or reptile) kept as a domestic pet
- any working dog

- any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

Guide Dog – means a dog certified by the Royal New Zealand Foundation for the Blind as being a Guide Dog or a dog under training as a Guide Dog.

Hearing Ear Dog – means any dog certified by the Hearing Association (Incorporated) as being a Hearing Ear Dog or a dog under training as a Hearing Ear Dog.

Infringement Offence – has the meaning given to it in section 65(1) of the Act.

Neutered Dog – means a dog that has been spayed or castrated but does not include a dog that has been vasectomised.

Owner – in relation to any dog, means every person who:

- owns the dog; or,
- 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,
- the parent or guardian of a person under the age of 16 years who:
 - is the owner of the dog pursuant to this definition, and,
 - is a member of the parent or guardian's household living with a dependant on the parent or guardian.

but does not include any person who has seized or taken custody of the dog under this Act, the Animals Protection Act 1960, National Parks Act 1980 or the Conservation Act 1987 or any order made under the Dog Control Act 1996.

Poultry – means any live bird (including a domestic fowl, duck, goose, turkey, guinea-fowl, pheasant, emu, ostrich, quail, or pigeon) that is kept or raised for the purposes of sale or of producing eggs, hatching eggs, or poultry products or for the purposes of rearing on behalf of another person.

Protected Wildlife – means:

- any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953
- any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than an animal in such circumstances that it may be hunted or killed under the authority of subsection (2) of that section
- any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978.

Public Place – means 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 includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Registration Year – has the same meaning as that given to the term ‘financial year’ by section 5 of the Local Government Act 2002. Currently this is defined as the 1st day of July in any one year to the 30th day of June the following year.

Roaming Dog – means any dog that is found unaccompanied by their owner in any public place or on any land or premises other than that occupied by the owner.

Stock – means:

- any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, or mule that is not in a wild state
- any deer, goat, thar, or other animal that is kept within a fence or enclosure for domestic or farming purposes.

Working Dog – means:

- any guide dog, hearing ear dog, or companion dog
- any dog:
 - kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, 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,
 - a dog (heading, huntaway or handy) that is kept solely or principally for the purposes of herding or driving stock; or,
 - 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,
 - declared by resolution of the territorial authority to be a working dog for the purposes of the 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. OBJECTIVES

The objectives listed in this section have been developed to ensure that the Council consistently and effectively fulfils its responsibilities under the Dog Control Act 1996. These objectives have been based on the provisions of the Act.

It is important that the rights of the public are protected and the objectives listed below have been prioritised to reflect this.

Objective 1

To ensure that the owners of dogs comply with their obligations under the Dog Control Act 1996.

Note: The obligations of dog owners are to:

- *ensure that the dog is kept under control at all times*
- *ensure that the dog is registered in accordance with the Act*
- *ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter*
- *ensure the dog receives adequate exercise*
- *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*
- *take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person*
- *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*
- *take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person*
- *comply with all the regulations and bylaws made under the Act.*

Objective 2

To prevent the danger caused by dogs to the public, wildlife and natural habitats.

Objective 3

To minimise the distress and nuisance caused by dogs to the public, wildlife and natural habitats.

Objective 4

To actively promote the responsible ownership of dogs.

Objective 5

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

4. ISSUES

4.1 Community Health and Safety

The Gore District Council has a responsibility to safeguard community health and safety. To do this it is necessary to control the activities of dogs which involves avoiding potential conflict, preventing danger and minimising distress caused by dogs to the community.

In the maintenance of community health and safety the Council will employ the following:

- **Access to Public Places** – Access to public places shall be restricted to dogs where the likelihood of significant conflict exists with the community.
- **Education and Obedience** – The provision of information shall ensure that the community, particularly high-risk groups, are informed about the risks associated with dogs, their identification, and avoidance.
- **Enforcement** – When community health and safety is compromised, effective enforcement will control the problem including compliance with dog control regulations. This includes taking action where dogs have attacked or threatened people or animals by:
 - issuing a warning or infringement notice
 - prosecution when the offence or the effects of the offence are significant
 - impounding of roaming dogs
 - impounding of unregistered dogs.

4.2 Wildlife

Native, indigenous or protected wildlife can be sensitive to threats by predators, including dogs, which can damage both wildlife populations and habitat. When it is identified that dogs will have a significant negative effect on wildlife or their habitats, access for dogs may be restricted.

In the protection of wildlife the Council will employ the following:

- **Access to Public Places** – Access by dogs to public places will be restricted where the likelihood of conflict exists with wildlife.
- **Education** – The provision of information to ensure that the community generally, and dog owners in particular, is informed about wildlife issues and the need to avoid disturbing them or allowing dogs to disturb them.
- **Enforcement** – When wildlife safety is compromised, effective enforcement will control the problem including compliance with dog control regulations. This includes taking action where dogs have attacked or threatened wildlife by:
 - issuing a warning or infringement notice
 - prosecution when the offence or the effects of the offence are significant
 - impounding of roaming dogs
 - impounding of unregistered dogs.

4.3 Nuisances

The activities of dogs can cause annoyance and discomfort to members of the community. Nuisances cover a wide range of issues and include:

- barking
- dog faeces
- roaming dogs
- the general presence and activities of dogs.

It is important that when dogs cause a nuisance these problems are identified and appropriate measures are taken to minimise or mitigate their adverse effects.

In the management of dog nuisances the Council will employ the following:

- **Select Owner Policy** – Minimise the nuisances caused by dogs by providing incentives designed to encourage responsible dog ownership.
- **Education and Obedience** – Educating owners about the major nuisances associated with the ownership of dogs and how to avoid them.
- **Enforcement** – When a nuisance exists, provide effective control to reduce the problem and sufficient deterrent against non-compliance. This includes:
 - issuing a warning or infringement notice
 - prosecution where the offence or the effects of the offence are significant
 - impounding of roaming dogs
 - impounding of unregistered dogs.

4.4 Dangerous Dogs

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

- **Enforcement** – Where dogs have, through their actions, shown themselves to be dangerous, appropriate actions will be taken. These include:
 - issuing a warning or infringement notice
 - prosecution where the offence or the effects of the offence are significant
 - classifying owners as probationary or disqualified
 - classifying dogs as menacing or dangerous.

4.5 Dog Welfare

It is important to recognise that dogs have certain physiological and psychological requirements. Owners of dogs need to be aware that they have a responsibility to provide for their dog's welfare.

In the management of dog welfare the Council will employ the following:

- **Access to Public Places** – The classification of public places should provide sufficient opportunities for owners to provide for the exercise and welfare needs of their dogs.

- **Select Owner Policy Status** – Incentives will be provided to promote responsible dog ownership.
- **Education and Obedience** – Information will be provided to owners about the welfare requirements of dogs.
- **Enforcement** – When welfare is not sufficiently provided for the Council will ensure that appropriate action is taken and that sufficient deterrence against non-compliance with dog control laws as they relate to dog welfare are put in place. This includes:
 - issuing a warning
 - prosecution where the offence or the effects of the offence are significant.

4.6 Registration

The maintenance of a registration system is both a statutory requirement and an essential component of the efficient running of a dog control service.

In the maintenance of a dog register the Council shall employ the following:

- **Education and Obedience** – Information will be provided to owners and potential owners, about their obligation to register their dog.
- **Enforcement** – Registration shall be monitored and action taken against owners that fail to register their dog. This includes:
 - issuing a warning or infringement notice
 - impounding of unregistered dogs
 - the requirement that all dogs be registered before they are released from the pound.
- **Fees** – Provide incentives for registration by setting reasonable fees for the registration of dogs, and recognising and providing for responsible ownership. Penalties for late registration will be set.
- **Microchip Transponder for Certain Dogs** – All dogs listed in Schedule 4 of the Act, or classified as menacing or dangerous on or after the 1st day of December 2003, must have a microchip transponder of the prescribed type implanted by the 1st day of July 2006. All dogs registered for the first time on or after the 1st day of July 2006 must have a microchip transponder of the prescribed type implanted. The Council will support and participate in the development and maintenance of the National Dog Control Database that will come into effect on the 1st day of July 2006.

Dogs listed in Schedule 4 include:

- Fila Brazilian
- Dogo Argentina
- Japanese Tosa
- American Pit Bull Terrier

4.7 Dog Owner Recreation

Dog owners wish to enjoy a range of recreational activities with their dogs. Although the health and safety of the community takes priority it is still important to provide recreational opportunities for owners and their dogs.

In the management of dog owner recreation the Council will employ the following:

- **Access to Public Places** – The classification of public places to provide sufficient opportunities for owners to enjoy a range of recreational activities with their dogs.

4.8 Costs

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

There are constraints on the 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 (the Council prosecuting an owner in Court) are an expensive process and the ability to recover these costs is constrained by law.

The public does benefit from the dog control service (e.g. the reduction in nuisance factors, safety issues addressed, and no roaming dogs) and therefore they should contribute to the cost. However, dog owners should incur most of the Council's costs associated with the ownership of their dogs.

The Council will recover 95% of the total cost associated with dog control through:

- registration and control fees
- enforcement.

The balance (5%) will be met from residential rates.

- **Fees** – Council will set reasonable fees to recover the costs of dog control from:
 - registration and control fees
 - enforcement
 - rates.

5. POLICIES

5.1 Access to Public Places

This will allow dogs and owners access to public places while ensuring public safety and comfort. Where it has been determined that there is a potential for conflict with the general public, restricted access will apply to identified areas.

Dogs are allowed anywhere in the urban areas on a leash except for those particular areas identified as “Prohibited Public Places”.

Three defined areas identify access restrictions to public places. The Act classifies public places as:

- **controlled** – dogs are allowed if controlled on a leash
- **exercise** – dogs are allowed and are not required to be on a leash
- **prohibited** – dogs are not allowed under any circumstances.

Dogs must be kept under control at all times.

Exemptions for certain dogs

The following classes of dogs will be exempt from all the restrictions over public places specified in this section.

- Hearing Ear dogs
- Guide dogs
- Companion dogs.

Certain working dogs will be exempt from the restrictions over public places specified in this section.

- All working dogs shall not need to be on a leash in a Controlled Public Place
- All working dogs, except those kept solely or principally for the purposes of herding or driving stock, need to be on a leash in a Prohibited Public Place.

Other Legislation

Dog access is also controlled by other legislation. The Dog Control Policy is required to define specific areas of land designated under other legislation.

These include:

- a controlled area – Conservation Act 1987
- an open dog area – Conservation Act 1987
- a national park – National Parks Act 1980

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| That dogs and their owners shall be provided with a reasonable level of |
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access to public places, however this must be balanced with the need to prevent danger and to minimise distress and nuisance to the public at large.

Policy

That where the likelihood of conflict exists between dogs and the public at large, access by dogs to the public places shall be restricted.

Policy

That where the likelihood of conflict exists between dogs and wildlife, access for dogs to those places shall be restricted.

Policy

That the Council will, from time to time, make areas temporarily prohibited to dogs when there is the potential for conflict with people, domestic animals, or at the advice of the Department of Conservation, wildlife. Temporary prohibitions will be notified by signage placed at the main points of entry to the areas and where practicable, public notice in the newspaper.

5.1.1 Controlled Public Places

All public places in the Gore District area are classified as controlled public places where dogs may go when controlled on a leash, except for public places classified as:

- **Prohibited** under Section 5.1.2 of this Policy. In these areas dogs are not allowed under any circumstances.
- **Exercise Area** under Section 5.1.3 of this Policy. In these areas dogs are allowed and are not required to be on a leash.

5.1.2 Prohibited Public Places

These are areas where it is considered that a significant risk of conflict between dogs and the public at large exists. In order to prevent danger and to minimise the nuisance caused by dogs, they are prohibited from these areas.

The following areas will be classified as **Prohibited Areas** pursuant to a bylaw made under section 20(1)(a) of the Act.

Table 1 – Prohibited Public Places

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| <p>All designated sports fields and children’s playgrounds</p> <p>All school grounds</p> <p>All Cemeteries</p> <p>Recreational areas:</p> <ul style="list-style-type: none">Gore Public GardensArdwick Street ReserveNewman ParkWayland ParkHyde ParkTriangle ReserveHenderson Park <p>Conservation/Wildlife areas</p> <ul style="list-style-type: none">Dolamore Park Scenic ReserveCroydon Bush Scenic Reserve |
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From time to time the Council will notify, by way of signage and advertising, any temporary dog prohibition because of wildlife issues.

5.1.3 Exercise Areas

The following areas shall be classified as Exercise Areas where dogs can be exercised off their leash. Owners are required to maintain control over their dog at all times.

Table 2 – Exercise Areas

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| <p><i>(NOTE: dogs are not permitted in children’s playgrounds or on marked sports grounds adjacent to some of these Exercise Areas)</i></p> <p>Gore</p> <ul style="list-style-type: none">River Street floodbankWoolwich Street walnut plantationRiver TerraceHamilton Park – perimeter only not playing surfaces <p>Mataura</p> <ul style="list-style-type: none">East riverbank (below main bridge)West riverbank (above main bridge)South bridge area by Waimumu Stream |
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5.2 Select Owner Policy

Historically the Gore District Council has promoted a Select Owner Policy status whereby fees are reduced to encourage responsible dog ownership. The reduced fees are set for owners that comply with set criteria. The Council recognises that encouraging responsible dog ownership is an effective means of preventing danger and minimising distress and nuisance and to this end will continue to provide incentives for the owners of dogs to become responsible owners.

Policy

That the Gore District Council will actively encourage responsible dog ownership through the promotion of the Select Dog Owner Policy.

Criteria for Select Owner Policy Status

To be classified as a 'Select Owner' the following must be met:

- the owner must comply with the Gore District bylaws as they relate to dogs either:
 - having been a registered owner in Gore for at least one year; or
 - all owners shall be required to attend and pass an approved dog owner education course
- the owner must have never:
 - received a conviction under the Act
 - received an infringement in the last two years
 - had a dog impounded in the last two years
 - had a bona fide complaint laid against them
- registration fees (if relevant) have been paid by due date for the last two years
- the area of the property that the dog has free access to must be fully fenced and gated
- any outside kennels must be waterproof and hygienic.

Application must be made to the Council before the benefits of the 'Select Owner' status can be gained.

Cancellation

Cancellation of Select Owner status shall occur in the following situations:

- if a Select Owner is convicted of an offence under the Act, the owner shall never be permitted to be reinstated as a Select Owner
- if a Select Owner is issued with an infringement notice, the owner shall not be permitted to be reinstated as a Select Owner for two years
- if a Select Owner's dog is impounded, the owner shall not be permitted to be reinstated as a Select Owner for two years
- if a Select Owner has a bona fide complaint laid against them, the owner shall not be permitted to be reinstated as a Select Owner for two years

- if a Select Owner fails to pay dog registration fees by the due date, the owner shall not be permitted to be reinstated as a Select Owner for two years

If a Select Owner changes address at any time then the owner must immediately notify the Council of the change.

Note: Classification as a 'Select Owner' applies to all dogs owned by an individual. Select dog owners still require a licence to keep more than two dogs (see section 5.6.6 of this Policy).

5.3 Education and Obedience

The Gore District Council recognises that the provision of education will help to promote greater awareness both with owners and the general community about the issues associated with dog control.

Education and the provision of information about dogs and their requirements is seen as a method of being able to address dog control problems before they occur. With the new requirements of the Act it is important that owners are aware of what is required of them and how they should address dog control problems as they arise.

All members of the community come into contact with dogs on a regular basis. For this reason it is important to educate the wider public about dog control issues.

Education should focus on those groups in the community that come into regular contact with dogs or are at a higher risk from dogs. These include:

- prospective owners
- children
- the providers of education and obedience programmes.

Obedience courses are a method of controlling dog control problems and issues. The use of these courses is seen as a method of reducing dog control problems in specific cases. In the development and use of education and promotional activities as tools for dog control the Council will maintain the following policies.

Policy

The Council will engage in education with the following aims:

- to promote maximum public safety
- to promote responsible dog ownership
- to promote the provisions of the Dog Control Act 1996 and the Gore District Dog Control Policy

Policy

The Council will engage in the education of owners on the following matters:

- the obligations imposed on dog owners under the Dog Control Act 1996 and the Gore District Dog Control Policy
- the requirements of the Wildlife Act 1953 and Marine Mammals Protection Act 1978

Policy

The Council will engage in the education of the general public, especially children and other high-risk groups, on the following matters:

- the needs and welfare of dogs
- major dog control problems and their avoidance
- the rights of the general public
- dog safety and the handling of dogs

5.4 Enforcement

The Act provides several powers to Territorial Authorities to control dogs and enforce the requirements of the Act. The use of enforcement mechanisms is provided to allow Territorial Authorities to effectively carry out their obligations to protect the community and to offer a sufficient deterrent against non-compliance with the legislation.

This section outlines the different enforcement mechanisms that are available to the Gore District Council. Many of the mechanisms are not open to interpretation by the Council.

5.4.1 Prosecution

The Act sets out the obligations of dog owners. Where a person has failed to comply with a particular obligation under the Act they can be prosecuted in a Court of Law and the offences carry heavy fines, a conviction and in extreme circumstances, imprisonment.

Prosecution can be a costly process, both in terms of time and resources. Where appropriate, alternative methods of enforcement can be used. However, where an offence is considered to be serious and sufficient evidence exists the Council will consider prosecuting an offender in situations where a dog has:

- caused significant damage to property

- caused significant damage or injury to any person, domestic animal (including poultry) or wildlife
- caused severe distress
- caused danger, distress or nuisance to any person or the community on a number of occasions.

5.4.2 Infringement Notices

The Act empowers Dog Control Officers to issue Infringement Notices which impose an 'instant' fine for dog owners. Infringement Notices can only be issued for particular offences.

Table 3 – Offences Pursuant to the Dog Control Act 1996

| Section | Offence | Infringement |
|---------|--|--------------|
| 18 | Wilful obstruction of a Dog Control Officer | \$750.00 |
| 19(2) | Failure/refusal to supply information/wilfully stating false particulars | \$750.00 |
| 19A(2) | Failure to supply information or wilfully providing false particulars about dog | \$750.00 |
| 20(5) | Failure to comply with the Dog Control Bylaw | \$300.00 |
| 28(5) | Failure to comply with effects of disqualification | \$750.00 |
| 32(2) | Failure to comply with effects of classification of dog as dangerous dog | \$300.00 |
| 32(4) | Fraudulent sale/transfer of a dangerous dog | \$500.00 |
| 33E(2) | Failure to comply with effects of classification of dog as menacing dog | \$300.00 |
| 36A(6) | Failure to implant microchip transponder in dog | \$300.00 |
| 41 | False statement relating to registration | \$750.00 |
| 42 | Keeping an unregistered dog | \$300.00 |
| 46(4) | Fraudulent attempt to procure a replacement registration label/disk | \$500.00 |
| 48(3) | Failure to advise a change of ownership of dog | \$100.00 |
| 49(4) | Failure to advise a change of address of dog | \$100.00 |
| 51(1) | Removal/swapping of labels/disks | \$500.00 |
| 52(A) | Failure to keep a dog controlled/confined | \$200.00 |
| 53(1) | Failure to keep a dog under control | \$200.00 |
| 54(2) | Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise | \$300.00 |
| 54(A) | Failure to carry a leash in public place | \$100.00 |
| 62(4) | Allowing a dog known to be dangerous to be at large unmuzzled or unleashed | \$300.00 |

5.4.3 Classifications

Under the Act the Gore District Council has the ability to classify owners as 'probationary' or to disqualify owners from owning a dog. These classifications only apply in certain situations and carry restrictions on that person owning a dog.

Probationary Owners

The Act allows the Council to classify any person that has been convicted of an offence under the Dog Control Act 1996, or has received three infringement notices in 24 months as a 'probationary' owner. While the Council has discretion to use this power it is considered that where the two matters listed above have occurred then classification as 'probationary' is justified.

The probationary classification has the following effect:

- the owner is not allowed to own any additional dog(s) than was owned at the time the classification was made.
- the owner must dispose of any unregistered dogs.

A probationary owner has the right to object to the classification and the Act outlines a number of circumstances whereby the two-year probationary period can be reduced. In considering an objection the Council will have regard to;

- the circumstances and nature of the offence(s)
- the competency of the person in terms of responsible dog ownership
- any steps taken by the person to prevent further offences
- the matters advanced in support of the objection
- any other relevant matters.

In addition to the matters listed the Council will encourage owners to undertake approved education and obedience courses as a means of reducing their probationary period.

Disqualification of Ownership

If an owner is classified as probationary and they commit a further offence the owner can be disqualified from owning a dog. The disqualified owner must dispose of all dogs they own and cannot own any more dogs for up to five years. A disqualified owner has the right to object to the classification.

As with classifying an owner as probationary, the Council has discretion to use this power. It is considered that where the two matters listed above have occurred, disqualifying a probationary owner from owning a dog is justified.

5.4.4 Barking Dogs

The provisions for dealing with barking dogs are covered by sections 55 and 56 of the Act. Where a dog is considered to be causing a nuisance through persistent and loud barking or howling, a dog control officer may issue the owner of the dog with a notice requiring the owner to take such reasonable steps so as to abate the nuisance.

The owner of the dog has seven days to either comply with the notice or object to the Council about the content of the notice. If after seven days the notice has not been complied with and further complaints have been received, a Dog Control Officer may remove the dog from the land or premises.

If an objection has been received the objector shall have the right to be heard by the Council who shall consider the notice and any evidence submitted with the objection and shall confirm, cancel, or modify the notice.

5.4.5 Classification as a Dangerous Dog

Under the Act provision is made for classifying individual dogs as dangerous. The classification is made where:

- an owner of the dog has been convicted of an attack offence under section 57(6) of the Act
- the Council has sworn evidence that the dog has shown aggressive behaviour
- the owner admits that the dog constitutes a threat to the safety of any person, animal or stock.

This procedure is prescribed by law and is not open to interpretation by the Council.

In addition to all other obligations the owner of any dog that is classified as dangerous must:

- ensure the provision of a secure area where it is possible to gain unrestricted access to any door of the residence
- ensure the dog is muzzled in any public place or when not confined in a vehicle or cage
- ensure the dog is neutered
- not dispose of the dog to any other person without the written consent of the Council
- pay 150% of the registration fee.

Classifying dogs as dangerous is an effective method of controlling individual dogs that have demonstrated aggressive or dangerous behaviour.

5.4.6 Impounding

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 any property other than the owner's it may be impounded. Where any dog is impounded and the owner is known, the Council shall make all reasonable attempts to contact the owner. The owner then has seven days to recover the dog from the pound.

Where the owner of the dog is unknown the Council must keep the dog for seven (7) days. If the dog is not claimed after this time the dog may be disposed of or destroyed as the Council sees fit.

Where a dog is recovered from the pound, it shall not be released until all registration and pound fees are paid.

5.4.7 Abatement of Nuisance

Where a complaint has been received and a Dog Control Officer considers that a nuisance exists, the officer may issue the owner with a notice requiring that they take such steps as are specified in the notice to abate the nuisance. These notices shall be issued pursuant to the Gore Dog Control Bylaw.

5.5 Fees

Section 37 of the Act states:

“The dog control fees payable to a territorial authority shall be those reasonable fees prescribed by resolution of that authority for the registration and control of dogs under this Act.”

The Council may also set lower fees for certain types of dogs or owners, or penalty fees for late payment. It can set fees for the impounding of dogs – this includes fees for the seizure, sustenance, and the destruction of a dog. Fees can be varied for registered and unregistered dogs and may be graduated for the repeated impounding of the same dog.

The setting and review of fees will vary over time and will be set and advertised before the beginning of each registration year (the 1st day of July to the 30th day of June the following year).

Table 4 – Categories for which fees will be charged under the Dog Control Act 1996

Registration

- Select Owner Policy
- fenced property
- neutered (spayed or castrated) dogs
- urban dogs
- rural dogs

Impounding

- first impounding
- second / subsequent impounding
- daily sustenance fee

Miscellaneous

- permit to have more than two dogs on a property (other than rural)

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| properties) - collection or delivery of dog on behalf of owner - euthanasia of dog. |
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The Gore District Council in seeking to encourage responsible ownership will offer a reduction in registration fees for the following:

- having a dog neutered (spayed or castrated)
- owners who are classified as Select Owners, i.e.
 - fenced property
 - neutered dog

5.6 Bylaws

The Council has the ability pursuant to the Dog Control Act 1996 and Local Government Act 2002 to create bylaws to give effect to the Dog Control Policy. The Act lists the particular matters for which bylaws can be made and the Council has identified the specific matters that will be covered in the Gore District Council bylaw.

5.6.1 Notice to Abate Dog Nuisance

Where a Dog Control Officer considers that any dog, or the keeping of any dog, has become a nuisance or hazardous to the health, property or safety of any member of the public, an officer may in writing require the owner to do any or all of the following:

- permanently remove a single dog from a property
- reduce the number of dogs kept on a premises
- construct, alter, reconstruct or improve the kennels or other buildings used to house or contain the dog or dogs
- take such action as an officer deems necessary to minimise or remove the likelihood of nuisance, injury or hazard to health, property or the safety of any member of the public.

5.6.2 Restriction on Diseased Dogs or Dogs in Heat

Where any dog is infected with mange, distemper or other infectious disease, or any bitch is in heat, the owner of the dog shall not allow that dog in any public place.

5.6.3 Fouling of Public Places

Where any dog defecates in a public place or on land or premises other than that occupied by the owner, the owner of the dog shall forthwith remove and dispose of the faecal matter. Regardless, the owner shall carry a suitable receptacle at all times (e.g. plastic or paper bags or a 'pooper scooper') when their dog(s) is/are in a public place.

The Council provides dog litter bags at the following locations:

- Gore Camping Ground

- Hamilton Park
- Hokonui Drive, cnr SH1 and Waimea Street
- Koa Street North Playground.

5.6.4 Dogs in Public Places

The bylaw shall identify the public places where dogs shall be:

- controlled (allowed on a leash)
- allowed to be exercised (allowed off a leash)
- prohibited (not allowed).

These areas shall be identified from time to time by resolution of the Council and must be consistent with the areas identified in the Dog Control Policy. These areas must be identified in the bylaw to allow Dog Control Officers to enforce the public place restrictions made under the Policy.

This bylaw shall also specify particular dispensations for particular dogs where the general provisions of the bylaw may not apply or may be altered.

5.6.5 Impounding

The bylaw will allow Dog Control Officers and rangers to impound roaming dogs and dogs found without their owners.

5.6.6 Permit Required for More Than Two Dogs

The bylaw shall require any owner who keeps more than two dogs, other than on a rural property, to obtain a permit to do so. In considering an application the Council shall have regard to the danger, distress and nuisance that would be caused to the community generally if the permit were issued.

The Council shall have the right to impose terms and conditions on the issuing of the permit including:

- specifying the number of dogs that may be kept at any one time
- specifying the duration of the permit
- specifying the particular dogs to which the permit shall relate
- restrictions as to the purpose for which such dogs may be kept
- provision of hygiene.

The Council may fix an annual fee for a permit issued for more than two dogs.