

3.1 DOG POLICY

Date Adopted	Next Review	Officer Responsible
1 October 2016	30 June 2022 (in conjunction with Dog Control Bylaw)	Manager, Community & Regulatory Services

Policy Purpose:

Council’s powers in relation to the care and control of dogs is contained within the Dog Control Act 1996.

The Act also enables local authorities to adopt a Bylaw to assist in the Control of Dogs. Council will amend where necessary, the existing Rotorua District Council Dog Control Bylaw 2005, to make provision for changes adopted as a result of the consultative procedures required by Section 10 of the Dog Control Act 1996 and Section 83 of the Local Government Act 2002.

Policy:

1. PROHIBITION OF DOGS IN PUBLIC PLACES

The existing provisions of Clause 5(vii) of the Dog Control Bylaw 2005 continue, thereby prohibiting dogs from the following areas:

- a) Any public building under the control of the Council.
- b) Any public baths or other bathing places owned or controlled by the Council.
- c) Any reserve or public reserve within the meaning of the Reserves Act 1977, except those reserves that are set apart as Dog Exercise Areas.
- d) Whilst dogs are prohibited from being exercised in any Cemetery within the District, they are permitted to accompany any person visiting a grave or memorial, provided the dog is on a lead at all times.
- e) Any defined children’s playground.
- f) Any school and kindergarten, including play areas.
- g) The area defined in the Dog Control Bylaw 2005 as the Central Business District Dog Control Area.

2. DOGS ON LEASH

The provisions of the existing Dog Control Bylaw, as set out in Clause 5, remain. This requires that a dog (other than a working dog) in any public place (other than a dog exercise area) must be on a leash not greater than 2 metres in length, held by a person capable of controlling the dog.

3. WORKING DOGS

Section 2 of the Dog Control Act 1996 defines a “working dog.”

Section 20 of the Act allows Council the authority to make a Bylaw provision which excludes “working dogs” from being controlled on a leash in specified public places.

Clause 4 of the Rotorua District Council Dog Control Bylaw 2005 has been amended by adding to the interpretation of “control in any public place” the following words “it shall be a defence to any person being the owner of or in charge of a dog who is charged with an act or omission amounting to a breach of the requirement to have a dog on a leash in a public place if he/she proves that the dog is a “working dog” as defined in Section 2 of the Dog Control Act 1996 and was, at the time of the alleged offence, being used for that purpose”.

4. MENACING DOGS

Schedule 4 of the Dog Control Act 1996 lists the following breeds and type to be classified as Menacing Dogs. Dogs that are predominantly of the following breeds or type are also required to be classified as Menacing Dogs.

Breed of Dog

Brazilian Fila
Dogo Argentino
Japanese Tosa
Presa Canario

Type of Dog

American Pit Bull Terrier

The effects of a classification under Section 33E of the Dog Control Act 1996 are as follows:

The owner of the dog must not allow the dog to be at large or in any public place or in any private way, except when confined completely with a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but allow it to breath and drink without obstruction and;

Must within one month after receipt of notice of the classification, produce to the Rotorua District Council a certificate issued by a registered veterinary surgeon certifying that the dog has been neutered.

Failure to comply with the classification is an offence and the owner or person in possession of the dog is liable on summary conviction to a fine not exceeding \$3000.00. The dog may also be seized and removed from the owner’s possession and held until the Rotorua District Council has reasonable grounds to believe that the person has demonstrated a willingness to comply with the classification.

5. DOG EXERCISE AREAS

Dog Exercise Areas already provided for by, and identified in, the Third Schedule to the Dog Control Bylaw 2005 will continue to be available. Those, and additional areas where dogs are able to be exercised off a lead are as follows:

- a) **Ngongotaha** -
Reeme Street Reserve, from Reeme Street to the wooden barrier at the Tauhi Street end of the reserve.
- b) **Ngongotaha** -
Western Road Reserve (Elliott Park). Access from Western Road.
- c) **Boielle Park** -
Flat area, entrance off Kawaha Point Road. (Central to Koutu/Kawaha Point).
- d) **Fairview Road Reserve** -
Access from Bell, Fairview and Park Roads.
- e) **Linton Park East** -
Access from Edmund Road, Kamahi Place & Homedale Street.
- f) **Linton Park West**
- g) **Pullar Park** -
Between Sunset Primary and Sunset Junior High Schools, adjacent to Otomatea Stream.
- h) **Wright Park** -
Access off Icarus Place, Pegasus Drive, Castor Place, Helena Place and Orion Street.
- i) **Simmonds Crescent Reserve (now Tihi Reserve)** -
Access off Simmonds Crescent, Day Place and Tihi Road.
- j) **Boyes Park** -
Access off Carlton, Wylie, Duncan and Ranolf Streets.
- k) **Blomfield St Reserve**
Western perimeter Goldie St / Pukehangi Rd.
- l) **Hannahs Bay Reserve**
Dogs must be on a leash from the entrance to the Reserve at Willow Avenue including the area to the Lake Foreshore, the wetland area to the south, to the north-eastern drain in the centre of the Reserve.

Dog Exercise Area

The remaining part of the Reserve to the east from the north-eastern drain in the centre of the reserve.

Dogs are prohibited from:

1. Any playground within the reserve.

2. Any barbecue area within the reserve.
3. The area used by the Pony Club for events on those occasions when an organised event is in progress.

- m) **Pererika Street (Town Belt)** -
Area from Model Railway Clubrooms to Telecom entrance.
- n) **McIntyre Avenue** -
Access off McIntyre Avenue and Marguerita Street.
- o) **Larcy Road Reserve** -
Access from Larcy and Lynbert Roads.
- p) **Coulter Road Reserve** -
Access from Wingrove and Coulter Roads
- q) **Corlett Street**
Access from Corlett or Konene Streets.
- r) **Morey Street**
Access from Morey Street.
- s) **Rotorua Racecourse**
Access after 9am off Fenton Street (only available when the Reserve is not in use for Race Meetings or other functions).
- t) **Sala Street Reserve**
- u) **Jackson Park**
Access from Springfield Road, McDowell Street and Otonga Road.
- v) **Part of the Devon Street West/Utuhina Stream Reserve** located between Devon Street West (opposite the International Stadium and associated playing fields) and the banks of Utuhina Stream.
Note: dogs are not permitted on the children's playground or sport fields located on any reserve.
- w) **Aquarius Drive Reserve**
Access from Aquarius Drive and Capricorn Place.
- x) **Karenga Park**
From the Dog Obedience clubrooms south to Lake Road, and bounded by Bennetts Road and the old railway line. Access from 10 Bennetts Road.
- y) **Kuirau Park**
From the Kuirau Park Access Road north to Lake Road, bounded by Ranolf Street and the residential boundaries of Tarewa Road. Dogs must be on a leash.
- z) **Lakeside Reserves –**

<u>Lake</u>	<u>Reserve</u>
Rotoiti	Okere Road
Rerewhakaaitu	Brett Road
Okaro	Okaro

<u>Lake</u>	<u>Reserve</u>
Rotoma	Merge Lodge
Tarawera	Spencer Road Cliff Road Rangiuru Bay <i>Dogs prohibited between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside these times dogs may be exercised off a lead provided they are under strict control of persons exercising the dog.</i>
Blue Lake	Area bounded by wooden fence to right of boat ramp
Okareka	Acacia Road Boyes Beach Reserve <i>Dogs prohibited between hours 9am-4pm 15 Dec-1 Mar inclusive. Outside these times dogs may be exercised on or off a lead provided they are under strict control of persons exercising the dog</i>
Rotorua	Waana Street Reeme Street Wilson's Bay Hannahs Bay Hamurana

Hamurana:

The dog exercise area commences opposite Fryer Road, extending to the post and rail fence located 47 metres east of the intersection of Kaska and Hamurana Roads. For reasons of road safety, dogs in this area, when exercised off a leash, must not be closer than 2 metres from the road edge.

Dog on Leash Area:

From the area enclosed by a post and rail fence opposite the intersection of Kaska and Hamurana Roads to the mouth of the Hamurana Stream mouth, dogs must be on a leash between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside of these times dogs may be exercised off a lead provided they are under the strict control of the person exercising the dog. Dogs are prohibited at all times from within 10 metres of the Children's Playground and the BBQ facilities located on this portion of the Reserve.

Council will:

- Continue to review the availability of suitable Reserves under its control with a view to creating additional dog exercise areas.
- Where practical, provide bins at dog exercise areas to facilitate the sanitary disposal of dog faeces.
- Implement a programme to erect signage on Reserves to indicate where dogs are permitted and where dogs are prohibited.

6. FEES

Council will charge fees in relation to dogs as follows:

a) Registration Fees:

These fees will be determined each year by Council during its Financial Estimates process, at a level that will.

- i) Acknowledge the different levels of service needed to achieve dog control in the Rural and Urban areas of its District.
- ii) Meet the cost of providing an annual Animal Control Service after taking into account whatever portion of General Rates that may be applied towards Animal Control.
- iii) Recognise responsible dog ownership by providing a reduced registration fee to those owners who meet the criteria required to qualify for Selected Dog Owner Status.

That criteria is:

- I. Ownership of a dog for more than 12 months.
 - II. The dog has not been impounded in the last 2 years whilst in the ownership of the selected owner applicant.
 - III. There have been no justified complaints about the dog for the last 2 years.
 - IV. The applicant has not been the subject of any legal proceedings in relation to the control of dogs.
 - V. Payment of all Registration fees by due date.
 - VI. Adequate fencing of the property where the dog is, or is to be kept, to contain the dog.
 - VII. Provision of adequate housing.
 - VIII. Successful completion of a 12-Question paper on responsible dog ownership.
 - IX. Applications to be made before 31 March in any year.
- iv) Council will not charge a fee for registration of:
 - I. A disability assist dog.
 - II. Council will, again, as part of its Annual Financial Estimates process, set fees for the sustenance and release of impounded dogs.
 - III. Council will allow a proportional fee structure based on the month of the registration year that a dog attains 3 months of age and therefore has to be registered.
 - IV. *Where the dog dies during the year for which it is currently registered, 1/12 of the annual fee for each complete month remaining in the current registration year, after the date of application for a refund, will be refunded.***

7. MISCELLANEOUS FEES

Council will implement and charge a fee for the following provisions:

- a) Section 15(1)(c) of the Act [Dog removed from property because of insufficient food or water.] The Act allows Council to set reasonable fees for costs incurred by it in the seizure, transport and custody of dogs so removed.
- b) Section 19(3) of the Act [Supply of personal information] allows the seizure of a dog, where reasonable grounds exist to believe an offence against subsection 2 of Section 19 has been committed, the person in charge of a dog has been warned and there are reasonable grounds for believing a further offence has been committed. Section 37(1) of the Act allows Council to set reasonable fees for costs incurred in the seizure, transport and, if necessary, sustenance of the dog.
- c) Section 42(2)(a) [Seizure of an unregistered dog] Section 37(1) of the Act allows Council to set reasonable fees for the control of dogs.
- d) Section 70(6) [Custody of dog removed for barking.] This allows Council to charge sustenance fees for dogs removed from a property for excessive barking. Council believes

that the costs involved in removing and transporting the dog are costs which should be recoverable from the owner of the offending dog.

- e) Section 71(8) [Retention of a dog threatening public safety.] This allows Council to charge sustenance fees for a dog that has been seized or retained because it is considered to be a threat to public safety. Council believes that if the dog is seized by an Animal Control Officer (as opposed to a Police Constable) then Council's reasonable costs should be able to be recovered from the dog owner. Again, reliance would be placed on Section 37(1) of the Dog Control Act 1996 to set reasonable fees for dog control.

8. EDUCATION PROGRAMMES

Council will continue, through education, to promote responsible dog ownership by using a variety of mechanisms, including:

Public Advertising:

Using radio, newspapers, and from time to time, Television.

School Programme:

A programme on responsible dog ownership is offered to all Primary and Intermediate schools.

Information Pamphlets:

A wide range of information pamphlets are available for owners and intending owners. Some are distributed to owners of registered dogs at registration, and other appropriate mail-out times. ***These pamphlets will also be available at a variety of information outlets throughout the District.***

Provision of free "Doggie Doo" Bags:

These plastic bags have been freely available for some time, to encourage compliance with the requirement to remove dog faeces from public places.

Barking Collar Hire Service:

This service is proving to be of assistance in reducing the incidence of barking by problem dogs.

9. INFRINGEMENT NOTICES

Council will utilise the Infringement Offence provisions provided for by Section 65 of the Dog Control Act 1996.

By way of explanation, an Infringement Offence means one of the following offences as specified in the First Schedule to the Act as set out below:

Section of the Act	Brief description of Offence:	Infringement Fee:
18	Wilful obstruction of dog control officer or dog ranger	\$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 dog	\$750
20(5)	Failure to comply with any bylaw authorised by Section 20	\$300
23A(2)	Failure to undertake dog owner education programme or dog obedience	\$300
24	Failure to comply with obligations of probationary owner	\$750

Section of the Act	Brief description of Offence:	Infringement Fee:
28(5)	Failure to comply with effects of disqualification	\$750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300
32(4)	Fraudulent sale or transfer, of dangerous dog	\$500
33EC(1)	Failure to comply with effects of classification of dog as menacing	\$300
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100
36A(6)	Failure to implant microchip transponder in dog	\$300
41	False statement relating to dog registration	\$750
41A(4)	Falsely notifying death of dog	\$750
42	Failure to register dog	\$300
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	\$500
48(3)	Failure to advise change of ownership	\$100
49(4)	Failure to advise change of address	\$100
51(1)	Removal, swapping or counterfeiting of registration label or disc	\$500
52A	Failure to keep dog controlled or confined	\$200
53(1)	Failure to keep dog under control	\$200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter and to provide adequate 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 known to be dangerous to be at large unmuzzled or unleashed	\$300
62(5)	Failure to advise person of muzzle and leashing requirements	\$100
72(2)	Releasing dog from custody	\$750

Council will pursue unpaid Offence Infringement Notices through the Court.

10. CLASSIFICATION OF OWNERS

Council intends that there be classes of dog owners within its District as follows:

- a) **Urban Dog Owners:**
Comprising those owners living within the urban area of the District.
- b) **Rural Dog Owners:**
Comprising those owners living within the Rural area of the District.
- c) **Selected Dog Owners:**
Those owners who have met the qualifying criteria for this class of ownership [as set out in 6a)iii) a-j hereof].
- d) **Probationary Owners:**
This classification, provided for by Section 21 of the Dog Control Act 1996 may be imposed on a dog owner if they have been:
 - i) Convicted of an offence [not being an Infringement Offence] against the Dog Control Act 1996: or

- ii) Convicted of an offence against Section 3 or Section 4 of the ***Animal Welfare Act 1999*** in respect of a dog; or
- iii) Convicted of an offence against Section 26ZZP of the Conservation Act 1987 or Section 561 of the National Parks Act 1980; or
- iv) Issued with three or more infringement offences within a 24 month period

This classification of probationary owner will continue for a period of 24 months unless there are extenuating circumstances involved in any one particular case. A probationary owner is by statute subject to the following restrictions:

- a) Shall not be capable of registering any dog except for the dog/s for which he/she was the registered owner at the time of the classification.
- b) Shall, within 14 days, dispose of every unregistered dog in his/her care, in a manner that does not constitute an offence against any Act.
- c) Unless there are unusual circumstances in any particular case, the classification shall continue for a period of 24 months, unless the Council reduces that time.

11. DISQUALIFICATION OF OWNERS

Council may implement the provisions of Section 25 of the Dog Control Act 1996 to disqualify from dog ownership, any dog owner who:

- a) is convicted of any offence under the Dog Control Act 1996; or
- b) commits three infringement offences in terms of the Act within a continuous 24 month period.
- c) the effect of the imposition of a status of “disqualified” requires that person to dispose of every dog owned by them, in a manner that does not constitute an offence against the Dog Control Act or any other Act. The status of “Disqualified Owner” applies throughout New Zealand.

There is a right of appeal to Council against classification as a disqualified owner, in addition to the right of appeal to the District Court.