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OPOTIKI DISTRICT COUNCIL

DOG CONTROL POLICY

AMENDMENTS/REVIEW

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1. INTRODUCTION

This policy is made under section 10 of the Dog Control Act 1996, which requires the Council to adopt a dog control policy for the Ōpōtiki District.

The Consolidated Bylaws 2021, Part 9 Dog Control, supports this policy by regulating dogs to prevent danger, distress, and nuisance. This policy sets the direction for dog control in the District and is implemented through those bylaws.

Council is responsible for administering and enforcing the Act, including maintaining a register of all dogs.

In developing this policy, the Act requires Council to consider:

- Minimising danger, distress, and nuisance to the community;
- Preventing uncontrolled dog access to areas frequented by children;
- Ensuring people can safely use public places without fear of attack or intimidation;
- Meeting the exercise and recreational needs of dogs and their owners.

2. PURPOSE AND SCOPE

The purpose of this policy is to:

- Meet the requirements of the Dog Control Act 1996;
- Reduce nuisance and issues caused by dogs;
- Keep the community safe through education and enforcement;
- Promote and recognise responsible dog ownership and animal care;
- Identify public places where dogs are permitted or prohibited.

This policy and the accompanying Bylaw have effect in all areas of the Ōpōtiki District and should be read alongside this policy.

3. DEFINITIONS

In this policy, unless the context otherwise requires, -

Act – Dog Control Act 1996.

Bylaw(s) – Ōpōtiki District Council Dog Control Bylaw 2021

Council – Ōpōtiki District Council.

District – The area administered by Ōpōtiki District Council.

Disability Assist Dog – a dog certified by an organisation listed in Schedule 5 of the Act as being trained, or in training, to assist a person with a disability.

DOC – Department of Conservation.

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

Dangerous Dog – a dog that has been classified as a dangerous dog under section 31 of the Act.

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 that person's occupation or employment.

Neutered Dog – given its meaning by section 2 of the Act.

Owner – given its meaning by section 2 of the Act.

Public Place – given its meaning by section 2 of the Act.

Menacing Dog – a dog that has been classified as a dangerous dog under section 33A of the Act.

POLICY STATEMENTS

4. DOG OWNERSHIP OBLIGATIONS

4.1. Registration and fees

Maintaining an effective dog registration system is a statutory requirement and essential for the efficient management of dog control.

All dogs over three months of age must be registered with Council annually. Registration runs from 1 July, and owners must complete the required registration forms or online declarations. An exception applies to puppies that reach three months of age during the registration year, for which the registration fee will be pro-rated.

Dog owners must notify Council of any change in ownership or address. Where a dog is transferred to a new owner, both parties are responsible for ensuring the transfer is recorded. Dogs moving into the District from another council must be re-registered, and existing registration tags must be surrendered. Where registration is current, a new Council-issued tag will be provided for a replacement fee as per Council's fees and charges schedule.

Owners must notify Council if a dog dies. A refund for the remainder of the registration year may be issued upon written notification.

Registration fees are set annually in Council's Fees and Charges and reflect the costs of registering and managing dogs. A late payment penalty of 50% applies after 1 August. Council may take enforcement action where dogs are not registered or ownership details are not updated, including the issuing of infringement notices.

Fees apply to the following categories:

- Entire dogs – full fee;
- Neutered dogs – reduced fee;
- Working dogs – reduced fee;
- Certified disability assistance dogs – free

Council provides reduced registration fees to promote responsible ownership, reduce roaming and unwanted dogs, and support positive animal welfare outcomes. Eligibility for reduced fees may require supporting evidence, such as veterinary certification or signed declarations.

Owners seeking a reduced fee for working dogs must complete a declaration form. Working dogs include those primarily used for lawful hunting activities and that have completed avian awareness and aversion training.

4.2. Microchipping

All dogs registered for the first time from 1 July 2006 must be microchipped, except for working dogs kept solely or principally for herding or driving stock.

Owners must provide Council with proof of microchipping. If a dog is not microchipped, Council may:

- Issue a warning or infringement notice;
- Prosecute the owner;
- Microchip the dog if it is impounded and recover the cost from the owner or person reclaiming the dog.

4.3. Dog welfare

Dogs have specific physical and behavioural needs. Owners are responsible for ensuring their dog's welfare by providing:

- Proper care and attention;
- Adequate food and water;
- Suitable shelter;
- Enough exercise.

To support dog welfare, Council provides:

- Access to public places and appropriate spaces where dogs can be exercised safely;
- Offer education and information to help owners understand their responsibilities;
- Action when dogs are not properly cared for. This could include:
 - Investigating complaints about lack of food, water, or shelter;
 - Providing urgent care (food, water, shelter) if needed;
 - Referring welfare concerns to the SPCA or other relevant agencies.

To address breaches of dog welfare and control laws, Council may:

- Refer cases to the SPCA or other agencies;
- Issue warnings;
- Issue infringement notices.

All dog owners and persons in charge of dogs must meet their obligations under the Animal Welfare Act 1999 and comply with the minimum standards in the Code of Welfare: Dogs.¹

5. PUBLIC PLACES AND DOG CONTROL

The Act allows Council to designate public places where dogs are prohibited, must be on a leash, or may be off leash. In the Ōpōtiki District, these areas are classified as:

- Dog exercise areas – dogs may be exercised off leash.
- Dog prohibited areas – dogs are not allowed, either at all times or at specified times.

Dog exercise areas and dog prohibited areas are detailed in Schedule 1, Part 9 of the Bylaws.

¹ <https://www.mpi.govt.nz/dmsdocument/46030-Code-of-Welfare-Dog>

5.1. Exercise areas

Dog exercise areas are:

- Beaches (except designated prohibited areas);
- Ōpōtiki Township stopbanks;
- Volkner island

5.2. Prohibited areas

Dogs are prohibited at all times in:

- Public playgrounds (within 10 metres of plays equipment);
- Church Street (Kelly Street to Richard Street);
- Hukutaia Domain;
- Rose Garden Pre-School and playground;
- Effluent ponds (Snell Road);
- Upton Park;
- Waioweka Spit (east end);
- Waiaua Spits (both sides of river mouth);
- Waithe Spit (dotterel breeding area).

Dogs are prohibited during organised sports events at:

- Rugby Park / Princess Street Reserve;
- Ōhiwa Domain (corner of Ōtara Road and Gault Road);
- Memorial Park.

5.3. Leash rules

Leash requirements:

- Dogs must be on a leash in all urban public places (Residential, Industrial, Town Centre, and Mixed Activity under the District Plan), unless in a designated exercise and prohibited area.
- In all other public places, dogs must be under control, and owners must carry a leash at all times.

5.4. Access restrictions under other legislation

The Act requires this policy to identify land within the district that is subject to dog access restrictions under the:

- Conservation Act 1987 (controlled or open dog areas);
- National Parks Act 1980;
- Te Urewera Act 2014.

Only permitted hunting dogs, guide dogs, and dogs used for authorised purposes (such as conservation management) may be taken onto conservation land. All other dogs are prohibited.

Within Department of Conservation (DOC) land east of Ōhiwa Harbour (East Coast Hawke's Bay Conservancy), dogs are not permitted in:

- Scenic reserves;
- Conservation areas;
- Forest parks (including Raukumara, Kaweka, and Ruahine Forest Parks).

This includes named areas such as the Urutawa and Waioweka Conservation Areas, unless a permit is obtained from DOC.

Dog access to Te Urewera is restricted to permitted hunting dogs. All other dogs are prohibited.

6. MANAGING RISK AND NUISANCE

6.1. Roaming dogs

Roaming dogs can cause nuisance and pose risks to people, animals, and wildlife. Council responds to complaints and undertakes patrols in urban areas to identify roaming dogs.

- If a registered dog is found roaming for the first time, it may be returned to its owner, and an infringement notice may be issued.
- Dogs found roaming may be impounded, with owners liable for impounding, daily care, and infringement fees.
- Repeat roaming offences may result in Council requiring the dog to be neutered.

6.2. Barking dogs

Complaints about barking dogs will be investigated by a Dog Control Officer.

If a dog is creating a nuisance through persistent or loud barking or howling, the officer may:

- Inspect the property, and
- Issue a written notice requiring the owner to take reasonable steps to stop the nuisance.

6.3. Dog faeces

Owners must immediately remove and hygienically dispose of any faeces left by their dog in a public place or on private property.

6.4. Limit of number of dogs

A maximum of two dogs over three months of age may be kept on a property in the following zones, unless Council permit is obtained:

- Residential Zone;
- Mixed Activity Zone;
- Ōhiwa Harbour Zone;
- Coastal Settlement Zone.

This limit does not apply to:

- Boarding kennels;
- Veterinary clinics;
- The Duke Street Pound.

There is no limit on the number of dogs in the Rural Zone or Coastal Zone.

6.5. Bitches in season

Owners of bitches in season must keep them securely confined while ensuring they receive proper care, including adequate food, water, and exercise.

6.6. Diseased dogs

Dogs with infectious diseases must not be taken into public places. They must remain on the owner's property, except when being transported to a veterinary clinic for treatment.

7. DOG OWNER CLASSIFICATION

7.1. Probationary owners

Section 21 of the Act allows for classification as a probationary owner. An owner may be classified as a probationary owner for up to 24 months if they are convicted of an offence under the Act (or other specified legislation) or commit three or more infringement offences within a 24-month period.

A probationary owner:

- May not own any dogs other than those already owned and registered at the time of classification;
- Must dispose of any unregistered dogs within 14 days in a lawful manner;
- May be required to complete an approved dog owner education or obedience course at their own expense.

7.2. Disqualification of dog owners

A person may be disqualified from owning dogs for up to five years if they are convicted of a serious offence under the Act (or any other Act specified in section 25 of the Act) or commit three or more infringement offences within a 24-month period. Council may instead apply probationary status where appropriate.

A disqualified person:

- Must dispose of all dogs they own within 14 days in a lawful manner;
- Must not transfer ownership to anyone living at the same address;
- Must not own or keep a dog for the duration of the disqualification.

8. DOG CLASSIFICATIONS

8.1. Dangerous dogs

Adhering to section 31 of the Act, Council must classify a dog dangerous if:

- The owner of the dog has been convicted of a specified offence under the Act;
- Council has reasonable grounds to believe the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife based on sworn evidence that the dog has shown aggressive behaviour on one or more occasions.
- The owner admits in writing that the dog constitutes a threat to safety or any person, stock, poultry, domestic animal, or protected wildlife.

If a dog is classified as dangerous, the owner must:

- Must pay a higher registration fee as stipulated in the fees and charges
- Keep the dog securely contained on their property, with dog-free access to at least one entrance to the dwelling;
- Ensure the dog is muzzled and, on a leash, when in any public place (unless in a designated exercise area);
- Neuter the dog (over three months of age) within one month of receiving notice;
- Ensure the dog is microchipped within two months;
- Not transfer ownership without Council's written consent.

Failure to comply may result in Council seeking a destruction order and the owner will face a maximum fine of \$3,000. If an owner fails to comply with a court order to have the dog destroyed and does not

produce a veterinarian's certificate stating that the dog has been destroyed, the owner will face a further fine of \$3,000.

Complaints of dog attacks causing serious injury will be referred to the Police as a criminal matter.

8.2. Menacing dogs

As per section 33A of the Act, Council may classify a dog as menacing if it poses a threat or has shown aggressive behaviour towards people, animals, or wildlife. Dogs classified under the Act as prescribed breeds or types must also be classified as menacing.

If a dog is classified as menacing, the owner must:

- Ensure the dog is muzzled at all times when in a public place;
- Neuter the dog (over three months of age) within one month of receiving notice;
- Ensure the dog is microchipped within two months of classification.

All dogs classified as menacing, including those transferred from another district, must be neutered.

8.3. Menacing by breed or type

The list of dogs classified as menacing by breed or type can be found in Schedule 4 of the Act.

Dogs classified as menacing by breed or type must be desexed within one month of notification, ownership, or by 12 months of age (for puppies).

Council may grant an exemption where the owner provides veterinary evidence that the dog is not fit to be desexed within this timeframe.

Owners of dogs classified as menacing by breed or type must:

- Keep the dog in a secure area that allows safe access to at least one entrance of the dwelling;
- Ensure the dog is muzzled in any public place unless confined in a vehicle or cage (in accordance with the Animal Welfare Act 1999);
- Notify Council in writing within seven days of any change in ownership, including the new owner's details and address.

9. EDUCATION AND PREVENTION

9.1. Owner education

Council will educate dog owners and the wider community about responsible dog ownership through:

- Printed materials (e.g. brochures);
- Council communications, including the Pānui newsletter;
- School and community education programmes.

Dog Control Officers will also work directly with dog owners where complaints or issues arise.

9.2. Dog training

Council encourages all dog owners to train and socialise their dogs, including attending puppy training and obedience classes.

Avian awareness and avoidance training is required for hunting dogs to be registered as working dogs and may also be required for access to certain DOC land. Owners could contact Council or DOC to arrange this training.

10. ENFORCEMENT

Council recognises that most dog owners are responsible, and that issues can often be resolved through education. This will generally be the first approach, except where an incident causes harm or distress to a person or animal. Enforcement action may also be taken to protect public safety and ensure compliance with dog control requirements.

10.1. Rehoming unclaimed/surrendered dogs

An unclaimed/surrendered dog that is assessed as suitable may be rehomed to an approved person or organisation at the discretion of Council.

Council will ensure any dog rehomed is microchipped and registered for the remainder of the current registration year. Council is not responsible for any illness occurring after the dog has been rehomed.

10.2. Infringement notices

The Act authorises Dog Control Officers to issue infringement notices for offences.

Infringement offences and fees are prescribed by the Schedule 1 of the Act, and Council has no discretion to alter them.

10.3. Prosecution thresholds

Prosecution is at the discretion of Council, except for non-registration and dog attack offences.

The Strategy & Development Group Manager has delegated authority to proceed to prosecutions for non-registration and dog attack offences.

10.4. Euthanasia of dogs

Impounded dogs that are not claimed within seven days and are unsuitable for rehoming will be euthanised humanely. Dogs suitable for rehoming may also be euthanised if a suitable owner cannot be found.

Where an owner requests euthanasia of an impounded dog, this will be arranged at the owner's cost.

11. FEES AND CHARGES

Fees and charges are set in accordance with Council's Fees and Charges Schedule.

12. RELEVANT LEGISLATION

Dog Control Act 1996

Animal Welfare Act 1999

Ōpōtiki District Council Consolidated Bylaws 2021

13. REVIEW

This policy must be reviewed every three years in accordance with the special consultative procedure prescribed in the Local Government Act 2002.