

Dog Control Policy

MARLBOROUGH
DISTRICT COUNCIL



Dog Control Act 1996

This Act makes better provision for the care and control of dogs. The Act places a greater responsibility on dog owners to comply with the requirements of the Act. Accordingly Council's policies reflect this change by putting more emphasis into dog control, enforcement, prosecutions and responding to complaints and less emphasis on following up owners to ensure compliance with the Act.

Dog Owners' Responsibilities

It is the responsibility of the dog owner(s):

1. 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;
2. To ensure that the dog is kept under control at all times;
3. To ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
4. To ensure that the dog receives adequate exercise;
5. 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;
6. To take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person;
7. 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;
8. To take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person;
9. To comply with the requirements of the Dog Control Act and of all regulations and bylaws made under this Act.
10. To ensure property where dog resides is fully fenced with latching gates of such standard to contain any dog.

Criteria for Assessment of Suitable Dog Prohibited Areas

- Where there is intense public use.
- Where the reasonable enjoyment of a reserve would be compromised by the visual presence of dogs, the presence of dog faeces and the likelihood of dog harassment.
- Where conservation stock, ecological or economic values would be adversely threatened by the presence of dogs.
- Where space is limited as on narrow accessways or walkways or where the presence of dogs could be of threat to pedestrians.

Prohibited Areas

- All public places and the entire road reserve, footpaths and berms on the roads within the Town Centre, Blenheim. (See Page 9). In addition all that area of public place known as Scott Street, between the Town Centre and Kinross Street.
- All public places and entire road reserve, footpaths and berms on the roads within the Town Centre, Picton, being all the area of London Quay from Auckland Street to Wellington Street but not including any portion of Wellington Street or Auckland Street, and all the area of High Street from London Quay to Broadway but excluding the area of High Street where it is intersected by Dublin Street. (See Page 9).
- Picton Foreshore and Beach Frontage including the grassed area adjacent to London Quay but not including the car parking area. (See Page 8).
- Seymour Square, Blenheim.
- Wither Hills Farm Park.
- Within 15 metres of any children's playground equipment whether temporarily or permanently erected.
- All public swimming pools.
- All War Memorials.
- Cemeteries.
- Churchwood Park, Blenheim.
- Koromiko Forest Reserve.
- Shelley Beach (grassed area), Picton.

- The foreshore area of Waikawa Bay between the slipway and the jetty, including the grassed area and carpark adjacent to the foreshore area, but not including the jetty and slipway, the prohibited area being as hatched on Plan C attached.

Exemption shall be given to the following working dogs:

1. A guide dog, or
2. A hearing ear dog, or
3. A working dog which is being used by the Police or any Security Guard in the course of their functions or duties.

Leash Control Areas s20(1)(b)

In all public urban zoned areas within Blenheim, Seddon, Spring Creek, Picton, Renwick and Havelock, not identified as Prohibited Areas or Dog Exercise Areas within the Marlborough district, dogs shall be required to be on a leash pursuant to Clause 1203.1 of the Marlborough District Council Dog Control Bylaw 1992. (Urban zone areas as defined in an operative plan).

Exemption shall be given to the following working dogs:

1. A guide dog.
2. A hearing ear dog.
3. A working dog which is being used by the Police or any Security Guard in the course of their functions or duties.
4. Any dog attending New Zealand Kennel Club approved obedience agility classes or events.
5. Any dog attending New Zealand Kennel Club approved agility classes or events.
6. Any dog attending New Zealand Kennel Club approved Working Trials, training or events.
7. Any dog attending New Zealand Kennel Club approved Search and Rescue training or events.

Explanation

To enable Animal Control staff to effectively take enforcement action when dealing with dog owners whose dogs are causing problems not covered by legislation. Owners may claim that an unrestrained or unaccompanied dog without leash control is under voice control. The leash requirement will allow Council to insist that dogs are properly restrained preventing them from causing nuisance.

Dog Exercise Areas s20(1)(d)**Definition**

An area of land within the Marlborough district where dogs may be exercised at large.

Criteria for Assessment of Suitable Dog Exercise Areas

1. Reserves of sufficient size to allow exercise without conflict between other dog owners and other users of the reserve.
2. Adequate sight lines to allow dogs to be seen at all times.
3. Existing fences or natural borders to enable declination of the area.
4. No children's playgrounds within the reserve.
5. No conflict with grazing stock activities within the reserve or on adjacent land.
6. Low level of public use.
7. Adequate fencing of neighbouring properties.
8. Would not require development funding.

Dog Control Exercise Areas**Blenheim**

1. Taylor River Floodway Zone - Such area contained between the Hutcheson Street Bridge and Brayshaw Park, and to extend on the northern side of the river from Hutcheson Street Bridge to the Boathouse Theatre.
2. Henderson Street Reserve.
3. Sutherland Stream.

Picton

1. Victoria Domain firebreak and access along the ridgeline.
2. Memorial Park and walkway linking Memorial Park and Victoria Domain.
3. Auckland Street Reserve.

Renwick

1. Wairau River Reserve.

Fees

Registration Fees *s37*

Dog registration fees are set annually to reflect the actual cost associated with the management and control of dogs within the Marlborough district.

Registration Categories

Non Working Dogs (Category 1)	\$48.00
Non Working Dogs (Category 2)	\$72.00
Working Dog	\$20.00

Non-working Dogs

Category 1

Dog: Neutered, microchipped and not classified as dangerous or menacing

Owner: Not classified as probationary or been disqualified, not convicted or committed infringement offence under Dog Control Act.

Category 2

Any non-working dog that does not meet the criteria for a Category 1 non-working dog.

Working Dogs

Working dogs will be charged a lower fee than non-working dogs. A working dog is one which meets the criteria for a Working Dog presented under Section 2 “Interpretation of the Dog Control Act 1996”.

Dangerous Dogs

All dog control fees shall be paid at a rate of 150% of the Registration category.

Late Registration Fee

A penalty of 50% of the registration fee will be charged on all late registrations.



Property Licence

Owners of more than two dogs on one property excluding the rural areas are required to hold a property licence. The application fee for a property licence is \$75.00.

Replacement Tag

Should owners require a replacement tag a fee of \$3.50 will be charged.

Impounding Fees *s67*

Impounding fees shall be set from time to time by Council.

The current impounding fees are as follows:

Type of fee	Fee \$
Pound Fee-first impounding	\$100.00
Pound fee-second impounding	\$150.00
Pound- third offence and subsequent impoundings	\$200.00
Sustenance	\$ 15.00

Fees for uplifting dogs following barking complaints, or dogs threatening public safety, shall be the actual costs incurred and shall include the cost of sustenance and disposal. The sustenance charge for dogs in the pound is \$15 per day or part thereof.

Education

Bite Prevention

A training programme is available for organisations where employees are required to enter properties on a regular basis. This programme is charged on a cost recovery basis.

School Presentations

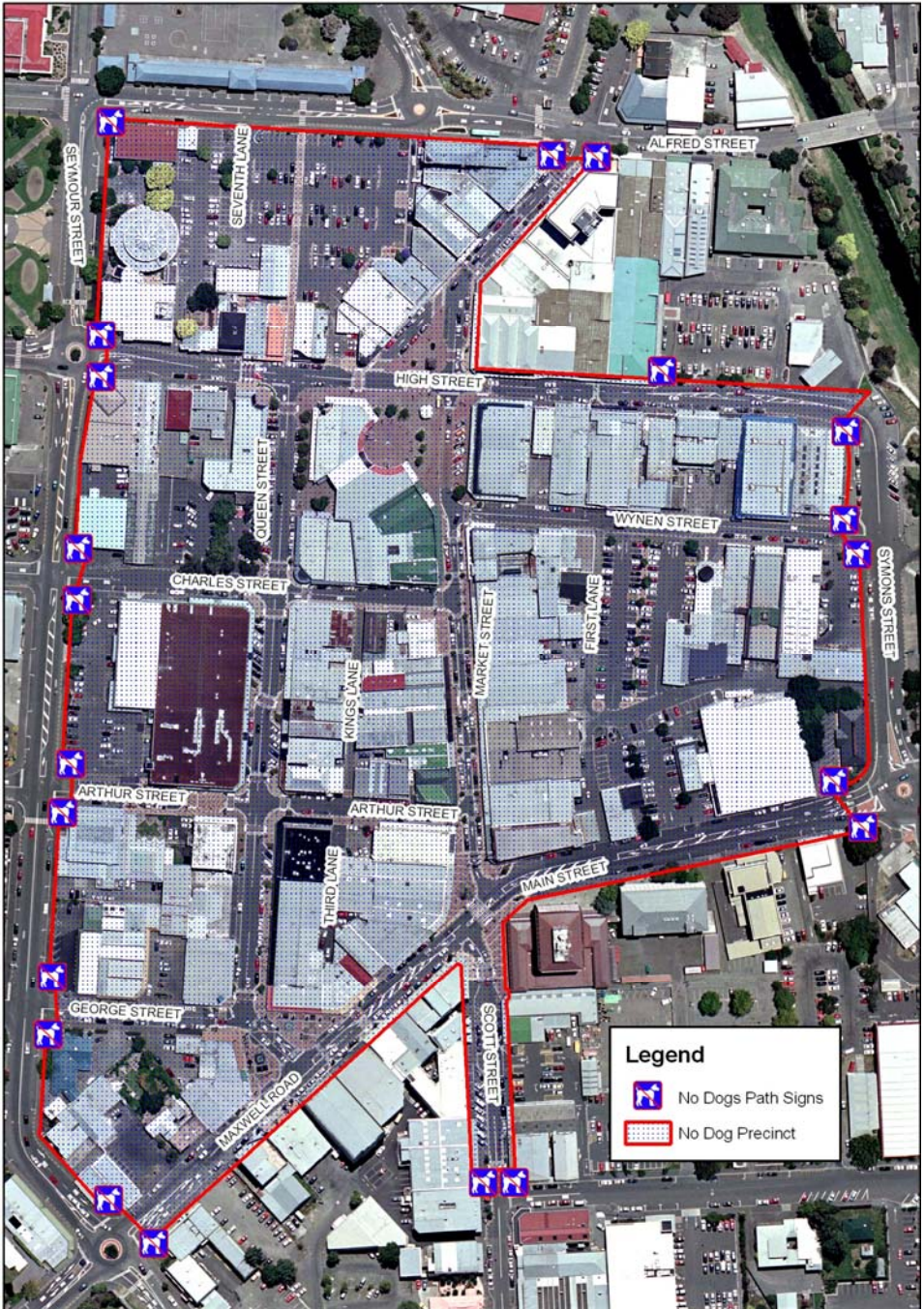
Visits are made to primary and intermediate schools covering dog control, animal welfare, bite prevention and hygiene.

Information Pamphlets

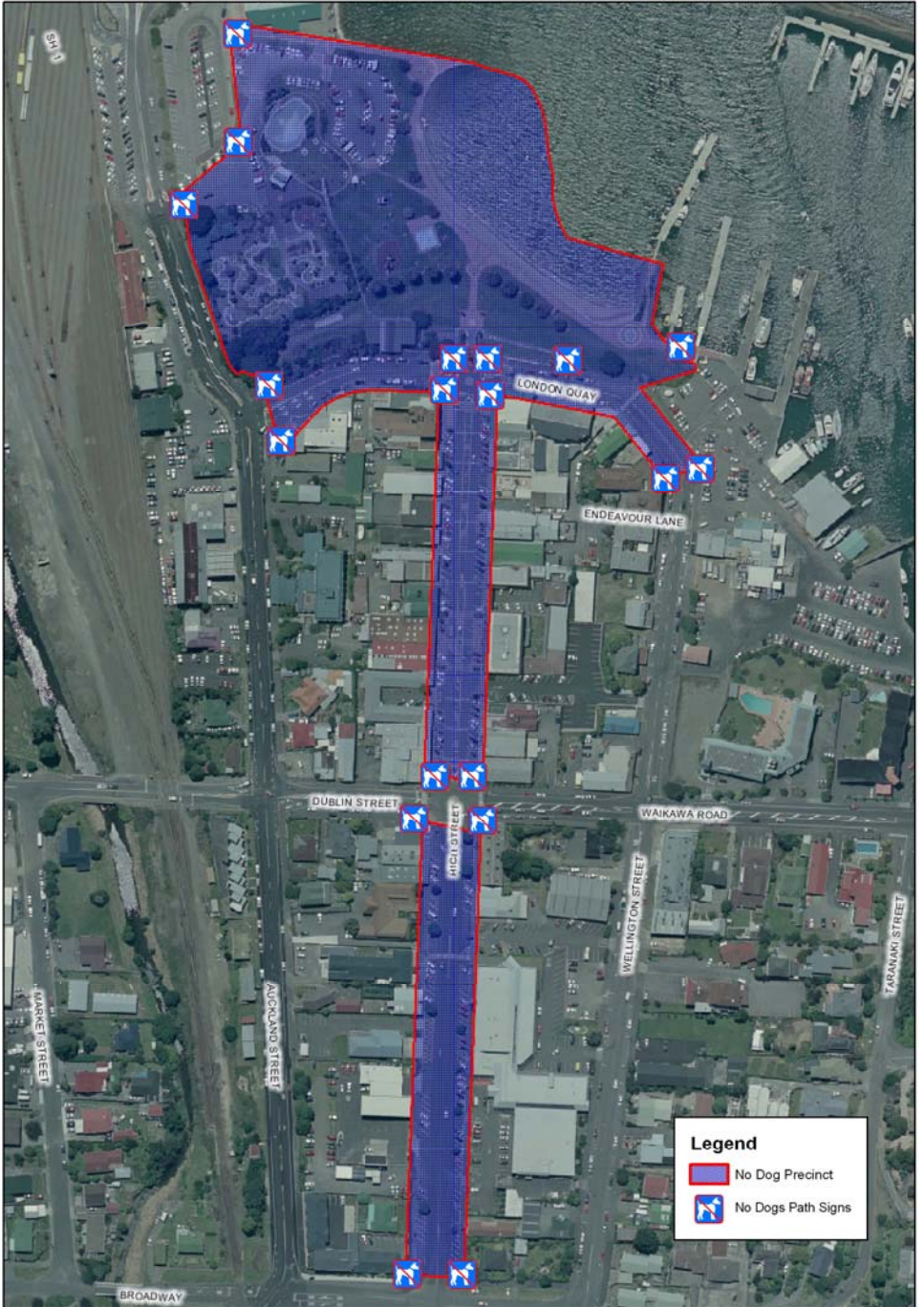
Distribution of educational pamphlets to assist owners identify and rectify problems.



Blenheim



Picton



Classification of Dog Owners

Probationary Owner Classification *s21*

Council may classify any owner as a probationary owner where the owner is convicted for any offence against:

1. The Dog Control Act 1996, or
2. Section 3 or 4 of the Animals' Protection Act 1960 in respect of any dog, or
3. Section 26zzp of the Conservation Act 1987, or
4. Section 56 I of the National Parks Act 1980, or
5. Any owner commits three or more infringement offences, as defined by s21 (3) of the Dog Control Act 1996, within a continuous period of twenty four months.

Effect of Probationary Classification *s23*

Probationary classification shall remain in force for a period of twenty four months from the date of the offence or the date of the issue of the third infringement notice or such lesser time as the Council may determine. The classification shall extend over all of New Zealand and shall not be confined to the District in which it was imposed.

A Probationary Owner:

- May not register any dog in addition to the dog/s currently registered at the time of the classification.
- Shall within fourteen days of the classification dispose of all unregistered dogs in their possession.
- Shall pay a pro-rata fee equating to 5% of the remaining complete registration months within four weeks from the date notice of the classification was given to the owner. Failure to pay this sum shall render the dog unregistered and the dog shall must then be disposed of within fourteen days from the last day that the surcharge was due and payable.

Objections to Probationary Classification s22

A person classified as a probationary owner may object by lodging with the Council a written objection and shall be entitled to be heard by Council, or any committee delegated that authority, in support of that objection.

Disqualification of Owners s25

Council may disqualify any person from being an owner of any dog.

Where any person is convicted of any offence against:

1. The Dog Control Act 1996, or
2. Section 3 or 4 of the Animals' Protection Act 1960 in respect of any dog, or
3. Section 26zzp of the Conservation Act 1987, or
4. Section 56 I of the National Parks Act 1980, or
5. Where any person commits two infringement offences, and that person was classified a probationary owner at the date on which the offence(s) occurred.

Effect of Disqualification s28

All dogs kept by a disqualified owner must be disposed of within 14 days of notification of classification.

1. The dog(s) shall be disposed of in a manner which does not constitute an offence under any enactment.
2. The dog(s) shall not be disposed of to any person residing at the same address as the disqualified owner.
3. Where the owner fails to dispose of such dog(s) any Dog Control Officer may seize any dogs owned by that person.
4. Where the owner fails to dispose of dog(s) or becomes the owner of further dogs during the period of disqualification, Council may extend the period of disqualification until a date not exceeding five years from the date on which the offence occurred.

Offences

Every person shall be liable on conviction to a fine not exceeding \$3,000.00 who:

- Fails to comply to dispose of any dog(s) within fourteen days.
- Disposes of the dog(s) to another person residing at the same address.
- Becomes an owner of any dog during the period of disqualification.
- Disposes of any dog to any person who knowing that that person is disqualified pursuant to s25 of the Dog Control Act 1996.

Objections to Disqualification s26

Any person classified as a disqualified owner may object by lodging with the Council a written objection and shall be entitled to be heard by Council, or any committee delegated that authority, in support of that objection.

Right of Appeal s26

Any person classified as a disqualified owner whose objection has been determined by Council shall have the right of appeal against that decision to the District Court.

Dangerous Dog Classification s31

- Where the owner of any dog is convicted of an offence under Section 57 (6) of the Dog Control Act 1996 which relates to any dog in a public place rushing at or startles any person or animal in a manner where any person is killed, injured or endangered, or any property is damaged or endangered or rushes at any vehicle in such manner as to cause or likely to cause an accident, and
- Sworn evidence has been given attesting to aggressive behaviour by the dog on one or more occasions, that there are reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife, and
- The owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife, the Council will classify the dog as a dangerous dog and give notice to the owner of such classification.



- Where any dog is classified dangerous, the owner may within fourteen days of receipt of the notice lodge an objection to the classification with the Council. Council will hear the objection and given the owner the opportunity to be heard. The Council will give notice of its decision together with its reasons in writing to the owner as soon as practicable.

Effect of Classification s32

Within one month after receipt of the notice of classification the owner shall ensure the dog is kept in a secure fenced portion of the owner's property which is not necessary to enter to gain access to at least one door of the dwelling on that property, and

Shall not allow the dog to be at large or in a public place without being muzzled unless confined completely in a car or cage.

Shall produce a certificate issued by a veterinary surgeon that the dog has been neutered within one month of receipt of the notice of classification.

Shall pay a surcharge equating to 150% of all subsequent registration fees payable during the period of classification.

Shall not dispose of the dog without the written consent of the Council. Council will comply with s33 when giving consent.

Infringement Offences

Infringement notices will be issued by Dog Control Officers only in respect of unregistered dogs (s42) without consultation with the Animal Control Contract Manager at Council.

After investigating any complaint and having reasonable cause to suspect that an infringement offence has occurred, the Dog Control Officer will make a recommendation to the Animal Control Contract Manager who will decide whether to proceed summarily, issue an infringement notice, issue a written warning or direct that no further action is to be taken.

All requests for the waiving of infringement penalties shall be determined by the Animal Control Contract Manager, whose decision may be reviewed upon request by the Assets & Services Department Manager.



Section	Brief Description of Offence	Fee (\$)
18	Wilful obstruction of dog control officer or ranger	750
19(2)	Failure or refusal to supply information or wilfully providing 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 the section	300
23A(2)	Failure to undertake dog owner education programme or dog obedience	300
24	Failure to comply with obligations of probationary owner	750
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 leasing 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 dog 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 leasing requirements	100
72(2)	Releasing dog from custody	750

Delegation of Authority

Pursuant to s114q of the Local Governments Act the delegations to the Dog Control Sub Committee are as follows:

Hearing Committees

- Section 22 To determine any objection to the classification as a probationary owner.
- Section 26 To determine any objection to disqualification.
- Section 31(3) To determine any objection to the classification of dangerous dogs.
- Section 37 To set the annual registration fees.

Officers

- Section 21 To classify probationary owners.
- Section 25 To disqualify owners.
- Section 31 To classify dangerous dogs.
- Section 33A(1) To clarify menacing dogs.
- Section 55 (3) To consider any objection to the requirements of a notice issued to a person to make reasonable provisions on the property to abate the nuisance of a barking dog.
- Section 70 (2) To determine any request for the return of a dog removed for barking.
- Section 71(5) To determine any request for the return of a dog detained for threatening public safety.

Delegations to Staff

Pursuant to Section 8 of the Dog Control Act 1996, Section 247D of the Local Government Act 1974 shall apply. A local authority may carry out its works and perform its functions by using its own staff.

THANK YOU



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