

<b>Proposed Dog Control Policy 2022</b>			
<b>Adopted By</b>	TBA		
<b>Department</b>	City Strategy and City Services		
<b>Original Adoption Date</b>	1 May 2014	<b>Review Adoption Date</b>	
<b>Next Review Deadline</b>		<b>Document ID</b>	
<b>Relevant Legislation</b>	Dog Control Act 1996		
<b>NCC Docs Referenced</b>			
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## Strategic Context and Background

- 1.1. This Policy is adopted under section 10 of the Dog Control Act 1996 (the Act), which requires the Council to adopt a policy in respect of dogs in the Napier City.
- 1.2. The Act requires this Policy to be made having regard to:
  - a) The need to minimise danger, distress, or nuisance to the community;
  - b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
  - c) The importance of enabling, as far as practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
  - d) The exercise and recreational needs of dogs and owners.
- 1.3. Council has adopted this Policy and associated Bylaw with the intended outcome of providing a safe and healthy environment for citizens and visitors in Napier. The focus of implementing this policy is to prioritise safe interactions between dogs, people and their environment; reduce nuisance situations, minimise the possibility of dog attacks and promote the welfare of dogs generally.
- 1.4. Council has concurrently reviewed and adopted this Policy and its Dog Control Bylaw (“Bylaw”) to ensure the Bylaw gives effect to and reflects the Policy.

## Purpose

- 2.1. The purpose of this Policy is to outline how Council will administer the requirements of the Act, and to facilitate good dog behaviour and good dog ownership, including annual registration.
- 2.2. The Policy objectives are to:
  - a) fulfil the requirements of the Act;
  - b) adopt measures to minimise the problems caused by dogs;

- c) provide a safe environment for the community through active enforcement and the education of owners on appropriate dog ownership and care; and
- d) acknowledge and encourage good dog ownership and care.

## Application and Scope

- 3.1. This Policy is made under section 10 of the Dog Control Act 1996; and
- 3.2. Applies to the Napier City.

## How the Policy will be Implemented

- 4.1. Council will implement this Policy through:
  - a) the Bylaw;
  - b) enforcement of the Bylaw and Act; and
  - c) non-regulatory methods including education and a structured fee schedule that rewards and promotes good dog ownership and behaviour.

## Fees

- 5.1. In prescribing fees the Council shall have regard to the relative cost of the registration and control of dogs in the various categories described in section 37 of the Act.
- 5.2. A reduced registration fee applies to owners of working dogs. Council may require an inspection to confirm working dog status.
- 5.3. A reduced registration fee applies to owners with the 'Responsible Dog Owner' classification.
- 5.4. All money received from registration fees or other charges (including infringement fines) under the Act is to be applied for dog control purposes in the city. Good care and management of dogs in the district provides a public benefit. However, the Council also seeks to achieve a high level of cost recovery from infringement offences so that the cost to ratepayers in dealing with dogs which are irresponsibly cared for is minimised. In addition, the Council will manage the pound as far as possible on a user pays basis.

## Dog Faeces

- 6.1. Dog faeces can harbour bacterial disease and parasitic infection, which can cause illness particularly in young children who play on the ground in our parks and playgrounds or even around homes.
- 6.2. It is an owner's responsibility to remove dog faeces from a public place immediately. *[Ref. NCC Proposed Dog Control Bylaw 2022 Clause 8]*
- 6.3. Private land owners are also encouraged to collect and dispose of dog waste daily so that nuisance conditions such as odour and breeding of flies do not develop. *[Ref. NCC Proposed Dog Control Bylaw 2022 Clause 7]*
- 6.4. Where possible (having regard to, among other things, budgetary constraints) the Council will provide bag dispensers and disposal containers in high use sites for dog faeces. The main focus will however continue to be the owner's personal responsibility to pick up after their dog by taking an appropriate bag with them.

## Barking

- 7.1. Barking, or vocalisation, is a natural behaviour of every dog. It is not unlawful for an owner to allow his or her dog to bark. A dog barks for a variety of reasons such as:
- a) If there is an intruder in its territory;
  - b) When it is distressed; and
  - c) As a reaction to environmental sounds.
- 7.2. A dog is permitted to display natural patterns of behaviour, including barking as a vocal expression and its owner is obliged to ensure that such needs are met.
- 7.3. However, when the barking or howling becomes a nuisance, Council may intervene under section 55 of the Dog Control Act or its Bylaw.  
*[Ref. NCC Proposed Dog Control Bylaw 2022 Clause 7]*
- 7.4. There are three elements to section 55 of the Act:
- a) A complaint has been made;
  - b) A nuisance is being created; and
  - c) The barking or howling is persistent and loud.
- 7.5. Council is likely to have reasonable grounds for believing that a nuisance is being created by the persistent and loud barking or howling of the dog; both of those elements must be present before the Council will take action.
- a) Persistent means:
    - i. Refusing to give up or let go;
    - ii. Insistently repetitive, continuous, constantly repeated;
    - iii. Existing or remaining in the same state for an indefinitely long time; and/or
    - iv. Enduring
  - b) Loud means:
    - i. Strongly audible;
    - ii. Striking forcibly on the sense of hearing.
- 7.6. In the event that the owner does not take all reasonable steps to prevent the dog from causing a nuisance by barking, enforcement action pursuant to the Act or Bylaw may be taken.  
*[Ref. NCC Proposed Dog Control Bylaw 2022 Clause 7]*

## Number of Dogs

- 8.1. Within an urban area, having multiple dogs on premise increases the likelihood of creating a nuisance to surrounding properties.
- 8.2. In order to limit the likelihood of nuisance, no more than two (2) dogs over the age of 3 months will be allowed to be kept on a premises within the urban area at any one time.  
*[Ref. NCC Proposed Dog Control Bylaw Clause 9]*
- 8.3. Council may give approval for a person to keep three (3) or more dogs on a premises within the urban area where it is satisfied that any potential impacts on surrounding neighbours and activities can suitably be managed.  
*[Ref. NCC Proposed Dog Control Bylaw Clause 9 (2)]*

## Dog Access Areas

- 9.1. Dogs can form an integral part of family life and offer companionship to their owners, particularly to the elderly. The activity of exercising a dog also provides an important means of exercise for many owners and therefore contributes to health and wellbeing generally.
- 9.2. Council seeks to support the integration of properly socialised dogs into public places in a way that minimises nuisance and allows the community (including vulnerable persons) to use our public spaces.
- 9.3. This policy identifies the following types of dog access rules:
  - a) **Prohibited area** – a public place where dogs are not permitted to be, and other users have absolute priority. Council’s Bylaw prohibits dogs entering and remaining in defined prohibited areas listed in its first schedule.  
*[Ref. NCC Proposed Dog Control Bylaw Clause 10 and First Schedule]*
  - b) **Exercise Area (Off-leash)** – a public place shared with other users, where dogs (excluding dangerous dogs) may be off a leash but must still be under control at all times. Council’s Bylaw allows dogs to enter and remain in specified public places that are designated Dog Exercise Areas.  
*[Ref. NCC Proposed Dog Control Bylaw Clause 11 and Second Schedule]*
  - c) **Dog on Lead area** – a public place shared with other users, where dogs must be on a leash and under control at all times. Any public place that is not classified as a Prohibited area (First Schedule) or a Designated Exercise (Off-leash) area (Second Schedule) are default on-leash areas.  
*[Ref. NCC Proposed Dog Control Bylaw Clause 12]*
- 9.4. Owners must carry a leash at all times in any public place as required by the Act. Owners must also carry a dog waste bag at all times in any public place to collect and properly dispose of dog faeces.

## Release from the Pound

- 10.1. Dogs in breach of the Bylaw and Act that are impounded incur a cost to Council in catching, collecting, housing and feeding. The pound also creates opportunities for the public to adopt dogs which are suitable for re-homing. It is important that impounded dogs are returned to their owners as soon as possible, and that costs are recovered as far as practicable. Section 36A of the Dog Control Act requires that all unregistered, menacing and dangerous dogs, as well as dogs impounded for a second time, be microchipped (at the owner’s expense) before release from the shelter.
- 10.2. Impounded dogs should only be released when proof of ownership has been established and upon payment of all fees including registration where applicable. In the case of a dog classified as a menacing dog, release to the owner shall only occur when the dog is provided with a suitable muzzle which must be worn in public areas. It shall be unlawful to remove any dog from the shelter or from a Council vehicle without the approval of a Council officer.
- 10.3. The adoption of any dog from the pound will be subject to:
  - a) the dog remaining unclaimed more than seven days after impounding;
  - b) the dog having a suitable temperament/potential for adoption and being healthy, neutered, vaccinated, wormed, flea treated, registered and micro-chipped;
  - c) approval of the new owner by Council;
  - d) payment of an adoption fee.

## Classification of Menacing Dogs

- 11.1. The Council will require that all dogs classified by it as menacing under sections 33A or 33C of the Dog Control Act 1996 be neutered under section 33E(1)(b) of the Dog Control Act 1996.
- 11.2. The Council will require that dogs classified as menacing under section 33A or 33C of the Dog Control Act 1996 by any other territorial authority are required to be neutered under section 33EB(2) of the Dog Control Act 1996 if the dog registration is transferred to the Napier City.

**Explanation** Section 33A(1)(b) of the Dog Control Act 1996 allows Council to classify dogs as menacing if it considers the dog “may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:

- i. Any observed or reported behaviour of the dog.
- ii. Characteristics typically associated with the dog’s breed or type.”

Section 33C of the Dog Control Act 1996 requires that Council must classify the breeds or types of dogs listed in Schedule 4 of the Dog Control Act 1996 as menacing. Currently those breeds or types are:

**Breeds:**

- Brazilian Fila
- Dogo Argentino
- Japanese Tosa
- Perro de Presa Canario

**Type:**

- American Pit Bull Terrier

Council believes it is appropriate that dogs classified as menacing be required to be neutered. Neutered dogs appear to feature less in reported dog bite statistics.

## Working Dogs

- 12.1. It is generally recognised that working dogs pose few problems to the animal control unit. The animals’ general demeanour, their housing, location and their use as working animals ensure owner responsibility. It is also acknowledged that working dogs used for public duties and for assisting people with disabilities are unlikely to pose problems.
- 12.2. The registration fees for working dogs will generally be set to recover as near as practicable only the cost of the registration process. In recognition of the value of dogs trained for the public good or used by people with disabilities, the registration fee should be of a peppercorn nature. This includes registration for:
  - guide dogs;
  - hearing ear dogs;
  - companion dogs;
  - dogs kept by:
    - the Police;
    - the Customs Department;
    - the Ministry of Primary Industries
    - the Ministry of Defence;

- the Department of Conservation;
- the Department of Corrections;
- the Aviation Security Service;
- and dogs certified by the Director General of Civil Defence Emergency Management
- the Council may seek written statements or certificates of authority in relation to working dogs, which are used solely or principally for the purposes of herding or driving stock.

## Infringement Notices

- 13.1. An infringement notice like a parking ticket is an instant fine and, if paid within a certain period of time, avoids court procedures.
- 13.2. An infringement notice is only able to be issued for an infringement offence. The offences and fixed fines are specified in the First Schedule of the Dog Control Act 1996.
- 13.3. Failure to comply with an infringement notice can lead to court proceedings.
- 13.4. The advantages of the infringement notice system is fixed fines, with the cost, time and uncertainty involved in seeking a judges' decisions removed. It also allows for the withdrawal of the notice at the discretion of the officer. Direct action with an offender cuts down on the use of legal advisors and all the infringement fees are retained by Council as opposed to only 90% of any fine issued by a court.
- 13.5. Council endorses the use of infringement notices as provided in the Dog Control Act 1996.

Wilful obstruction of dog control officer or dog ranger	\$750.00
Failure or refusal to supply correct information about a dog or wilfully providing false particulars	\$750.00
Failure to comply with any bylaw authorised by Section 20 of the Dog Control Act	\$300.00
Failure to undertake dog owner education programme or dog obedience course (or both)	\$300.00
Failure to comply with obligations of probationary owner	\$750.00
Failure to comply with effects of disqualification	\$750.00
Failure to comply with effects of classification of dangerous dog	\$300.00
Fraudulent sale or transfer of dangerous dog	\$500.00
Failure to comply with effects of classification of menacing dog	\$300.00
Failure to advise person of muzzle and leashing requirements	\$100.00
Failure to implant microchip transponder in dog	\$300.00
False statement relating to registration	\$750.00
Falsely notifying death of dog	\$750.00
Failure to register dog	\$300.00

Fraudulent attempt to procure replacement label or disc	\$500.00
Failure to advise change of ownership	\$100.00
Failure to advise change of address	\$100.00
Removal or swapping of labels or discs	\$500.00
Failure to keep dog under control or confined	\$200.00
Failure to provide proper care/food/water/shelter/exercise	\$300.00
Failure to use or carry leash in public place	\$100.00
Failure to comply with barking dog abatement notice	\$200.00
Allowing dogs known to be dangerous to be at large unmuzzled	\$300.00
Failure to advise of muzzle and leashing requirements	\$100.00
Releasing dog from custody	\$750.00

## Policy Review

## Document History

Version	Reviewer	Change Detail	Date