



AMENDED DRAFT POLICY ON DOGS 2009

*TDC in Partnership with its Residents
and Dog Owners*

Policy on Dogs for Tasman District Council

Prepared pursuant to Section 10 of the Dog Control Act 1996

Introduction

The Dog Control Act 1996 contains obligations that require all owners to register their dogs, ensure they are kept under control and ensure that they do not cause a nuisance to any person, cause damage to property, or injure, endanger or cause distress to any person, stock, poultry or domestic animal, or protected wildlife.

Council has powers under the Act to assist dog owners to meet these obligations and to address situations where those obligations are not met.

The Dog Control Act 1996 requires Council to adopt a policy on dogs within its district, and review this policy regularly, so that these powers are used effectively and form part of Council's approach to the management of dogs.

Tasman District Council's Policy on Dogs largely reflects existing practices and states how the community wishes to live with dogs (Objectives), what needs to be done to achieve the objectives (Policies) and what Council can do to ensure the community achieves those policies (Methods).

Interpretation

Act means the Dog Control Act 1996.

Bylaw means Tasman District Council Dog Control Bylaw 2009.

Continuous Leash Control means that the dog is kept under control by means of a leash which is secured or held by a person capable of restraining the dog so that the dog cannot break loose.

Controlled Dog Exercise Area means public place within the District, as identified in Schedule 2, where a dog may be exercised off the leash but must still be under effective control.

Council means the Tasman District Council.

District means the area administered by the Tasman District Council.

Dog Control Officer means an officer appointed under Section 11 of the Act.

Dog Prohibited Area means public place within the District, as identified in Schedule 3, where a dog is prohibited either generally or at specified times.

Dog Ranger means a ranger appointed under Section 12 of the Act and includes an Honorary Dog Ranger

Effective Control means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.

Leash means an adequate restraint held by a person physically capable of restraining a dog.

Leash Control Area means public place within the District, as identified in Schedule 1, where a dog is required to be kept under continuous leash control.

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

- (a) owns the dog; or
- (b) 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
- (c) the parent or guardian of a person under the age of 16 years who:
 - (i) is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
 - (ii) is a member of the parent or guardian's household living with or dependent on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under the Bylaw, or the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

Protected Wildlife means any animal that is absolutely or partially protected in accordance with the Wildlife Act 1953 and any marine mammal within the meaning of the Marine Mammals Protection Act 1978. This includes indigenous and migratory birds including: Australasian Bittern, Banded Dotterel, Banded Rail, Bar-tailed Godwit, Black Shag, Black billed Gull, Black-fronted Tern, Blue Duck, Caspian Tern, Crakes, Fernbird, Fluttering Shearwater, Grey Duck Kingfisher, Kiwi, Little Black Shag, Little Shag, New Zealand Pipit, Penguins, Pied Oystercatcher, Pied Shag, Pied Stilt, Red-billed Gull, Red Knot, Reef Heron, Royal Spoonbill, Sooty Shearwater, Spotted Shag, Turnstone, Variable Oystercatcher, Weka, White Heron, White-faced Heron, White-fronted Tern, Wrybill.

Public Place

a) 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

b) includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Urban Area means an area which is either within or adjacent to the built-up area of a town, village or settlement

Objectives (Community Expectations)

1. To educate and assist owners to act responsibly with their dogs and ensure their dogs are given proper care, shelter and sustenance as determined by the Act.
2. To minimise any danger, distress and nuisance to the community generally.
3. To avoid the inherent danger in allowing dogs to have uncontrolled access to public places frequented by children.
4. To enable the public to use streets and public amenities without fear of attack or intimidation by dogs.
5. To have regard to the exercise and recreational needs of dogs and their owners.
6. To identify any land which is a National Park as constituted under the National Park Act 1980, or is a controlled or open dog area under Section 26 ZS of the Conservation Act 1987.
7. To identify required means of dog control in all public places.

Policies and Methods (Action to achieve Objectives)

1. Identify the Owner of Every Dog

Dog owners must register all dogs in their possession over the age of 3 (three) months. All dogs, with the exception of dogs used solely or principally for the herding and driving of stock, registered for the first time in New Zealand after 1 July 2006 must be microchipped. All dogs classified as “menacing” or “dangerous” under the Act, are also required to be microchipped.

Methods:

- 1.1 Keep a register of dogs as required by the Act, set registration fees, ensure information is uploaded to the National Dog Database on a daily basis and provide relevant information on this process for dog owners.
- 1.2 Carry out education and information campaigns to encourage registration and microchipping in accordance with the Act.
- 1.3 Send an annual invoice/reminder to all known dog owners to register their dogs in accordance with the Act.
- 1.4 Take enforcement action against owners of unregistered dogs.

2. Make Provision for Dog Access to Public Places

Dog owners must be provided with a reasonable level of access to public places without compromising the safety and comfort of members of the community generally.

Methods:

2.1 The planning or making of a bylaw controlling the access of dogs to public places by Council will include:

- 2.1.1 Recognising the dog owner as a user of public places.
- 2.1.2 Ensuring controls on access of dogs to particular areas are clearly defined and obvious on the ground to both dog owners and the general public by way of signage and maps.
- 2.1.3 Aiming to provide a range of opportunities for the control of dogs both on and off the leash.

2.2 Council will make a bylaw that:

- 2.2.2 Requires dogs to be under leash control at all times in specific areas as defined in Schedule 1
- 2.2.3 Allows dog owners to freely exercise their dogs without a leash, whilst still under effective control and with the owner carrying a leash at all times, in specific areas as defined in Schedule 2.
- 2.2.4 Prohibits dogs from specific areas as defined in Schedule 3.
- 2.2.5 In all public places, not specified in Schedules 1, 2 and 3, requires dogs to be under effective control at all times, so that the person in charge of the dog is able to obtain an immediate and desired response from the dog by means of a leash, voice commands, hand signals, whistles or other effective means.
- 2.2.6 Recognises that working dogs while working, are not prohibited from public places or required to be on a leash.
- 2.2.7 Requires the owner of any dog that defecates in a public place, or on land or premises other than that occupied by the dog owner, to immediately remove the faeces.

2.3 Inform dog owners which land, if any, within the district is included in a controlled or open dog exercise area under the Conservation Act 1987 (currently there are none) and land which is a National Park 1980 by way of a schedule 4 attached to this Policy. No Council bylaw is required in respect of these areas and they are set out for information purposes only.

2.4 Council may take enforcement action against owners who breach the Act or bylaw.

3. Educate Dog Owners and the Community about Dog Management

Promote responsible dog ownership to dog owners and awareness in the community of how to live with dogs, minimising danger, distress and nuisance.

Methods:

3.1 Use a variety of means to provide information on dealing with wandering dogs, barking, aggression, fouling etc. (Making hard copy and online website brochures available, using radio and newspaper articles.)

3.2 Carrying out animal care and education programmes in schools and places of business. These include general dog control, animal welfare, bite prevention and hygiene.

3.3 Encouraging owners to utilise dog obedience clubs and classes available within the community.

3.4 Carrying out targeted property visits annually, to check for compliance and to provide an opportunity for Dog Control Officers to discuss relevant educational or welfare issues with dog owners, and to interact with members of the public who may have concerns relating to dog registration and control.

3.5 Council may appoint Honorary Dog Rangers whose primary role would be an educational one. They may also assist in surveillance in dog exercise and prohibited areas.

4. Set Fees and Charges in Order to Provide Adequate Funding for Managing Dog Control.

Council must ensure adequate funding is available for the management and enforcement of the Dog Control Act 1996 and Bylaw, covering such issues as welfare, dog control, education and ensuring dogs do not cause a nuisance in the community.

Dog registration fees and other user charges shall cover 100% of the funding requirements for the dog control activity.

Methods

- 4.1 Annually fix fees for registration and other dog control services provided by Council.
- 4.2 Fix registration fees based on the size of the property where the dog resides.
- 4.3 Fix a higher registration fee for the late registration of dogs.
- 4.4 Allow for a reduced or zero registration fee for Disability Assist, Police and Search & Rescue dogs.
- 4.5 Encourage de-sexing of dogs by setting a reduced impounding fee for neutered dogs.

5. Enforce Dog Owner Obligations

Utilise the powers of enforcement under the Dog Control Act 1996 so as to ensure the safety of the community generally and to penalise and deter irresponsible dog ownership.

Methods

- 5.1 Use Council's Service Request system to receive, investigate and resolve dog complaints from members of the public.
- 5.2 Use powers to issue infringement notices, prosecute owners, use menacing or dangerous dog classifications, and probationary and disqualified owner classifications as required.
- 5.3 Use powers to remove dogs threatening public safety and comfort.
- 5.4 The Council will make a bylaw that
 - 5.4.1 Requires a licence to be obtained where the numbers of dogs allowed to be kept on any land or premises exceed a specified maximum dependant upon the zoning and size of the land.
 - 5.4.2 Prescribes minimum standards for the accommodation of dogs so that every dog owner is required to provide his or her dog with suitable housing or kennelling which is weatherproof, dry, clean and gives the dog adequate space, warmth and shade, and is situated in a position that does not cause a nuisance to any person, in accordance with the Animal Welfare Act.

- 5.4.3 Requires all dogs riding on the open tray of a vehicle on any road or public place to be restrained at all times by a leash or chain that is sufficiently short in length as to prevent the dog from reaching beyond the tray.
- 5.4.4 Requires that all owners of dogs which are infected with any contagious disease suitably contain that dog on his or her property.
- 5.4.5 May require the neutering of any dog classified as “menacing” under Section 33A of the Dog Control Act 1996.
- 5.4.5 Will require an owner classified as “probationary” under Section 21 of the Act to undertake a dog owner education programme and/or dog obedience course approved by Council.

6. Gather Information to Assess the Effectiveness and Fairness of Our Policy on Dogs

Information must be gathered to determine if our methods are working towards achieving our objectives.

Methods

- 6.1 Meet the Act’s requirement to report on Council’s administration of the Policy on Dogs and its dog control activity by publishing an annual report.

SCHEDULE 1

LEASH CONTROL AREAS

Every dog shall be kept under continuous control by means of a leash which is secured or held by a person capable of restraining the dog so that the dog cannot break loose.:

1. In an urban area or cemetery
2. On any occasions a dog is likely to injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife.
3. In the presence of stock, unless that dog is being used solely or principally for the herding or driving of the stock.
4. Faulkner Bush picnic area.

SCHEDULE 2

CONTROLLED DOG EXERCISE AREAS

Every dog shall be kept under the effective control of a responsible person, responding to voice commands, whistles, hand signals or other effective means. Dog owners must carry a leash at all times.

NOTE: ON ANY OCCASION A DOG IS LIKELY TO INJURE, ENDANGER, OR CAUSE DISTRESS TO ANY PROTECTED WILDLIFE IT SHALL BE KEPT UNDER CONTINUOUS LEASH CONTROL, EVEN IN A CONTROLLED DOG EXERCISE AREA.

Golden Bay

Beach from Milnthorpe Quay to Collingwood (east of township)

Motupipi Estuary – the area between the cemetery and the internal boundary of the golf course as indicated by signs

Patons Rock Beach, west of settlement to Pariwhakaoho River mouth

Pohara Beach from the end of Pohara Valley Road to eastern boundary of Pohara Camp

Rangihaeata Beach

Rototai Recreation Reserve

Motueka / Kina

Batchelor Ford Road

Riwaka River Mouth to Tapu Bay mudflats

York Park

Kina Beach- exposed seaward side of the beach

Richmond / Mapua

Dellside Reserve including track up into Richmond Hills

Foreshore from Seaward boundary Mapua Leisure Park to Chayter Reserve

Headingly Lane – mudflat area below high tide mark

Railway Reserve behind Jubilee Park

Rough Island – Hunter Brown and Greenslade Park

Wakefield

Faulkner Bush Reserve except for picnic area, as defined on attached map



Faulkner Bush



SCHEDULE 3

DOG PROHIBITED AREAS

Dogs are prohibited on all Council sports fields and complexes, and within 10 metres of playground equipment and picnic tables, and in the following areas:

Golden Bay

Collingwood Camping Ground – summer months

Ligar Bay Beach – summer months, except between the hours of 5.00am and 9.00am

Motupipi Estuary – excluding designated dog exercise area

Onekaka Estuary

Pakawau Beach (camp frontage) – summer months

Parapara Inlet

Patons Rock Beach in front of the settlement – summer months

Pohara Beach Top 10 Holiday Park

Pohara Beach from eastern camp boundary to Selwyn Street Reserve – summer months

Pohara Beach from the sign at the western end of the golf course to the mouth of the Motupipi Estuary

Ruataniwha Inlet

Tata Beach – summer months except from 7am to 9 am

Tukurua Beach (camp frontage) – summer months

Waikato Inlet – including beach area to Ruataniwha Inlet

Waitapu Estuary

Western boundary of the Rototai dog exercise area to the mouth of the Waitapu estuary

Motueka / Kina

Breaker Bay Beach

Fearons Bush Camping Ground

Kaiteriteri Beach

Little Kaiteriteri Beach – summer months, except between the hours of 5.00am and 9.00am

Lower Moutere Recreation Reserve – except for Dog Obedience and Tracking classes

Memorial Reserve Corner Riwaka

Otuwhero Estuary and Sandspit

Saltwater Baths – Motueka

Stephens Bay Beach – summer months, except between the hours of 5.00 am and 9.00 am

Richmond/Mapua

Hope Recreation Reserve and Hall – except for Dog Events approved by Hall Committee

McKee Memorial Domain

Rabbit Island (including the beach)

Murchison

Riverview Motor Camp – Murchison

Definitions:

Summer months = 1 December to 1 March

Exception to Dog Prohibited Area:

This prohibition of dogs from specified areas does not apply to game hunting dogs engaged in legitimate hunting activities during the recognised hunting season

Schedule 4

National Parks and other Department of Conservation Administered Lands

There are three National Parks within the Tasman District. They are; Kahurangi National Park, Abel Tasman National Park and Nelson Lakes National Park. Dogs are generally prohibited from National Parks under the National Parks Act 1980 (except in certain specified circumstances). National Parks are administered by the Department of Conservation.

Controlled Dog Areas and Open Dog Areas on public conservation lands are declared by the Minister of Conservation and regulated by the Department of Conservation under the Conservation Act 1987. Currently there are none in the Tasman District.

For more information on dog control in National Parks, or the Department of Conservation's policy on Controlled or Open Dog Areas on public conservation lands, please contact the Department of Conservation. The web address for the Department of Conservation is www.doc.govt.nz