

NELSON CITY COUNCIL
PROPOSED DOG CONTROL
POLICY

FEBRUARY 2012

CONTENTS

1	Introduction	1
2	Dogs in Public Places.....	1
3	Registration Fees	5
4	Barking Dogs.....	5
5	Menacing and Dangerous Dogs.....	6
6	Enforcement	7
7	Owner Education	8
8	Number of Dogs	9
9	Co-operation with Other Organisations	9
10	Bylaws.....	9

1 Introduction

- 1.1 The Dog Control Act 1996 (the Act), amended by the Dog Control Amendment Acts 2001, 2003, 2004, 2006 and 2010, places an obligation on the Council to adopt a policy in respect of dogs within the City, and to adopt the appropriate bylaws to give effect to this policy. In adopting a policy under section 10 of the Dog Control Act, the Council must have regard to:
- a) the need to minimise danger, distress, and nuisance to the community generally; and
 - 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; and
 - c) the importance of enabling, to the extent that is 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 their owners.

2 Dogs in Public Places

- 2.1 The majority of people in Nelson do not own a dog, and their rights to use public places without being intimidated or inconvenienced by uncontrolled dogs takes priority. Therefore in all areas where members of the public are present in reasonable numbers, or where the small or restricted size of the area makes contact inevitable, dogs will be required to be on a leash under the control of a responsible person.
- 2.2 While it is accepted that a dog secured by a leash, in the hands of a responsible owner, can generally be regarded as unlikely to cause concern, accidents can happen. The risk of a lapse or oversight is not acceptable in areas with high concentrations of people, particularly children, and in areas which are habitats for protected wildlife. These are the reasons that specific areas have been identified as dogs prohibited areas in section 2.4 of this policy. Dogs are permitted on a leash in all other public places in the urban area. In addition, a number of areas have been identified as suitable for dogs to exercise off-leash. These dog exercise areas are listed in section 2.9 of this policy.
- 2.3 A working dog, as defined in the Dog Control Act, is exempt from clauses 2.4, and 2.5 while it is engaged in or being used for its working purpose.

Prohibited Areas

- 2.4 Dogs are prohibited from the following areas for the reasons as set out:
- a) Nelson Airport – the Nelson Regional Airport Bylaws, for reasons of safety, prohibit the bringing of any animals into the airport unless the animal is confined for carriage by air from the airport, or is used to assist a disabled person (i.e. a guide dog, hearing ear dog or companion dog).

- b) Children's Playgrounds – one of the main areas of concern in respect of childrens' interaction with dogs is that they are generally instantly attracted to animals. This coupled with the pack instincts of adult dogs can lead to instances of biting and other injurious behaviour. In addition, the bark surfaces of playgrounds means that faeces left by dogs can be overlooked.
- c) Tahunanui Main Beach – this is an important beach providing seaside recreation/swimming for a large number of residents and visitors to enjoy, free from nuisance or inconvenience. In addition the setting aside of the western end of the beach and the back beach area for dogs provides adequate opportunity for swimming, beach exercise and socialising.
- d) Haulashore and Oyster Islands – these two islands provide important wildlife habitats which need to be protected from predatory animals.
- e) Haven Holes Reserve – the area is being developed as a wading bird habitat.
- f) Water Works Reserves – in order to preserve the integrity of the city water supply and the natural environment of the catchments, dogs are not permitted within the Maitai and Roding Water Works Reserves. However, permits may be given for dogs to be used in these areas for specific feral animal control purposes.
- g) The Brook Conservation Reserve – this area is being developed as a wildlife sanctuary and dogs are not compatible with this aim. However, permits may be given for dogs to be used in this area for specific feral animal control purposes.
- h) Council owned or operated Special Purpose facilities – this includes the swimming pools at Riverside and Nayland Park, the three libraries, Civic House, the Trafalgar Centre and Stoke Hall. It also includes Trafalgar Park, the Saxton Field Cricket Oval and Athletics Track, and the Saxton Field Hockey and Softball Areas. It is not appropriate for dogs to be brought into facilities where people are undertaking recreational pursuits or leisure time activities, or engaged in business. Any disability assist dogs or dogs used by the Police or other agencies are exempt from this prohibition. The prohibition excludes approved dog shows at the Trafalgar Centre and Stoke Hall.
- i) Playing areas of sports fields used for active recreation – dogs are not compatible with active recreational pursuits and owners need to ensure that their dogs are kept off the marked playing fields. However, dogs are allowed to be on a leash around the edges of these areas.
- j) The following Maitai River swimming holes and listed barbeque facilities and picnic area: Maitai Camp Hole, Sunday Hole and associated picnic area, Dennes Hole, Black Hole and associated barbeque facilities, and Girlies Hole.

- k) Dogs are prohibited from land administered by the Department of Conservation that is not foreshore and sea bed unless the owner has specific authorisation, for example a dog control permit, or the area is otherwise specifically provided for in the Dog Control Policy or by the Department of Conservation. (Dogs are permitted on foreshore and sea bed administered by the Department of Conservation unless it is an area listed in section 2.4 of this policy.)
- l) The beaches and estuary flat of Nelson Haven bounded by the Boulder Bank Scenic Reserve (to the west) and Boulder Bank Drive (to the east) for a distance of 500m along each of those boundaries; and the Boulder Bank Scenic Reserve, during the period October to February, from a point 4 km from the intersection of Boulder Bank Drive and the Boulder Bank Scenic Reserve, to the Cut.

This area provides important habitat, roosting and nesting sites for endangered wader birds and needs to be protected from dog disturbance.
- m) The fenced area of the foreshore and esplanade reserve at Paremata Flats. A number of bird species, including banded rail, have established following fencing and extensive pest eradication works in this area. Permits may be given for dogs to be used in these areas for specific feral animal control purposes.
- n) The part of the Marsden Valley Reserve to the east of the Barnicoat Walkway. This area, which is largely native bush, is habitat for a growing weka population. Permits may be given for dogs to be used in these areas for specific feral animal control purposes.
- o) Any other public area from which the Council may from time to time ban dogs pursuant to a specific bylaw. The introduction of any such bylaw will specifically amend the schedules to the Dog Control Bylaw.

Dogs Permitted on a Leash

- 2.5 Dogs must be kept on a leash in all public areas in the urban area, including footpaths, walkways, cycleways, esplanade reserves, roads and parks. The only exceptions are those areas where dogs are prohibited, as listed in section 2.4 and the areas listed as dog exercise or swimming areas in section 2.7 of this Policy. The boundary of the urban area is shown on the map attached to this policy.
- 2.6 The on-leash requirement does not apply in rural areas due to the lower numbers of people in these areas and the limited risk of conflict between people and dogs.

Dog Exercise Areas

- 2.7 There are a number of areas within the city which, by virtue of the lesser number of people likely to be using them at any one time and because they do not provide habitat for protected wildlife, are appropriate areas for dogs to be exercised off the leash without causing nuisance or concern.

2.8 Note: The ability to exercise dogs at large in these areas does not absolve owners from their obligation under the Dog Control Act 1996 to ensure that their dog is kept under control, and to carry a leash at all times while with the dog in a public place.

2.9 The dog exercise areas are:

- a) Tahunanui Back Beach and the western third of the Tahunanui Main Beach.
- b) Branford Park.
- c) Fairfield Park.
- d) The Boulder Bank north from its intersection with Boulder Bank Drive, to the Glen.
- e) Maitai Valley – Almond Tree Flat area.
- f) Maitai Valley – the paddock before the golf course.
- g) Grampians, except on a leash where stock are grazing.
- h) Sir Stanley Whitehead Park, except on a leash where stock are grazing.
- i) Areas under the direction of the Canine Obedience Club.
- j) The following neighbourhood reserves:
 - Whangamoā – Frost Reserve and Hira Store Reserve.
 - Atawhai – Bayview Road Reserve (North), Corder Park, Frenchay Reserve, Montrose Reserve, Ngapua Reserve, Te-Ata Reserve, Todd Bush Reserve and Tresillian Reserve.
 - Nelson City – Abraham Heights Reserve, Andrews Farm Reserve, Betsy Eyre Park, Bishopdale Reserve (North), Custom House Reserve, Emano Street Reserves (East and West), Grampian Oaks Reserve, Hanby Park, Murphy Street Reserves (Lower and Upper), Pioneers Park, Pipers Park, Ronaki Reserve, Russell Reserve, Station Reserve, Wigzell Park and Wolfe Reserve.
 - Stoke – Aldinga Reserve, Ballard Drive Reserve, Bishops Park, Bledisloe Avenue Reserve (North), Enner Glynn North Reserve, Kowhai Avenue/Stafford Avenue Reserve, Manson Reserve, Manu Kau Reserve, Monaco Reserve, Neale Reserve, Ngaio Reserve, Nikau Reserve, Orchard Stream Gardens, Poets Park, Poplar Reserve, Ranui Reserve, Songer Street/The Ridgeway Corner, Wilderness Reserve, Tokomaru Reserve, Waterhouse Street Reserve and Woodstock Reserve.
 - Tahunanui – Bisley Reserve, Blackwood West Reserve, Bolt Reserve, Centennial Park and Tosswill Reserve.

- k) The part of the Marsden Valley Reserve to the west of the Barnicoat Walkway.
- l) Miyazu Reserve (between Neale Park and Paremata Street).
- m) Saxton Field Circus Oval, excluding the periods when a circus is occupying the area.
- n) Undeveloped areas of Saxton Field.

2.10 Swimming for Dogs:

- a) Blind channel at Tahunanui Back Beach - (foot access is provided along Waikare Street Extension, Bisley Walk and the BMX track walkway). Dogs must be kept on a leash until the dog exercise area is reached.
- b) All reaches of the Maitai River, excluding the swimming holes listed in section 2.4 of this policy.

3 Registration Fees

3.1 The Council has adopted a fee structure which recognises the following types of dogs:

- a) Urban Dogs.
- b) Rural Dogs. Note: Dogs and their owners are classified as Rural if they reside on a property which has an area in excess of 1 ha.
- c) Any disability assist dogs.
- d) Dogs classified as dangerous.

3.2 The Act requires that all money received from registration fees or other charges levied under the Act are to be applied only for Dog Control purposes. The Council acknowledges that good dog owners tend to subsidise the cost of activity related to irresponsible owners and to this end will encourage owners to take responsibility for their dogs to ensure that fees can be kept as low as possible. A discount will apply for all dog owners who pay their registration fees on time.

3.3 Dog owners who do not act responsibly or maintain adequate control over their dogs may be penalised to ensure that they meet the costs of the additional work. In addition the Council will endeavour to operate the Pound on a cost recovery basis so that as far as possible Council operates a user pays system.

4 Barking Dogs

4.1 Section 55 of the Dog Control Act 1996 authorises Council Dog Control Officers to issue an abatement notice to any person who owns a dog which the Officer considers is causing a nuisance by persistent and loud barking or howling. Non compliance with this notice will result in enforcement action.

4.2 Section 56 authorises the Officer to remove the dog from the property if the owner takes no action, or the nuisance is continuing and causing distress to any person.

4.3 The Council will continue to implement these provisions on complaint.

5 Menacing and Dangerous Dogs

5.1 The Act contains a number of provisions which enable the Council to require specific control action to be taken in respect of menacing and dangerous dogs.

5.2 A menacing dog is one which has not been classified as a dangerous dog, but which the Council considers may pose a threat to any person, stock, poultry or domestic animal or protected wildlife because of observed or reported behaviour or any characteristics typically associated with the breed or type.

5.3 The Council must classify a dog as a menacing dog if it believes that the dog belongs wholly or predominantly to a breed or type prohibited under Section 30A of the Act.

5.4 Section 30A of the Dog Control Act 1996 states that no person may import into New Zealand any dog that belongs wholly or predominantly to one or more breed or type of dog listed in Schedule 4 of the Act (listed below).

a) Breed of dog:

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

b) Type of dog:

- American Pit Bull Terrier

5.5 A dangerous dog is one which the Council has, on sworn evidence attesting to aggressive behaviour by the dog, reasonable grounds to believe it constitutes a threat to the safety of any person, stock, poultry or domestic animal or protected wildlife, or the owner has admitted in writing that the dog constitutes such a threat, or has already been convicted of an offence relating to the dog attacking a person or an animal.

5.6 Sections 31 to 33 of the Act outline the reasons why, and the manner in which, a dog may be classified as dangerous, and the obligations which this imposes on an owner which includes having the dog on a lead and muzzled when in public and compulsory neutering of the dog.

- 5.7 Sections 33A to 33EC of the Act contain similar provisions relating to menacing dogs. These dogs are also required to be on a lead and muzzled when in public but neutering of these dogs is at the discretion of the Council. As a matter of policy the Council will require all dogs classified as menacing to be neutered.
- 5.8 The Council will require the neutering of any dog of the breed or type to which section 30A applies, and will require any other dog to be neutered when the classification is confirmed.

6 Enforcement

- 6.1 The Act provides that the Council may issue Infringement Notices which provide an instant fine for a number of offences. As the Council's aim is to promote owner responsibility, an education and advisory approach will generally be taken. However, enforcement action may be taken against repeat offenders. Infringement Notices may be preceded by a written warning. In those instances where the actions of the owner amount to a wilful disregard for the safety or convenience of any person or animal, or a fraudulent or deliberate attempt to circumvent the requirements of the Act or the Dog Control Bylaw, an infringement notice is likely to be issued without warning.
- 6.2 Where a written warning is ignored, or the offence is repeated within two years, or the behaviour is seen to be becoming habitual the appropriate Infringement Notice may be issued.
- 6.3 Any dog found at large in any public place at any time, in contravention of the Dog Control Bylaw 2012, may be seized and impounded by any dog control officer, dog ranger or other person authorised by the Council. Consideration will be given to reducing impounding fees on a case by case basis, if the dog owner carries out an assessment of their property and rectifies any fencing inadequacies. Council will assist in assessment of properties if requested.
- 6.4 The Council will enforce the requirement for owners to remove their dog's faeces and the Dog Control Bylaw will require persons to have a bag with them when exercising any dog.
- 6.5 Where the offence relates to a failure to register a dog, the action which generally will be followed is for the Council to seize and impound the dog.
- 6.6 Section 42 of the Dog Control Act 1996 authorises a Dog Control Officer to enter any land or premises (except a dwelling house) occupied by the owner of the dog for the purpose of seizing and impounding an unregistered dog.
- 6.7 The Council will also make use of the provisions of the Act relating to Probationary Owners and Disqualification of Owners to, over time, improve the level of owner responsibility or to bar irresponsible persons from future ownership or control of any dog.
- 6.8 The enforcement policy will be communicated to all owners at the time of registration.

7 Owner Education

- 7.1 The Council runs a Doggy Do project, provides information and carries out patrols aimed at encouraging responsible dog ownership.

The Doggy Do Project

- 7.2 The Council provides dispensers for plastic rubbish bags as a convenience for people exercising their dogs in a number of areas within the city. The presence of these is one way the Council can encourage owners to pick up their dog's faeces.
- 7.3 However, the main focus will continue to be on the owner's personal responsibility to remember to take a bag and to pick up after their dogs. The provision of dispensers is limited to high use sites only. Dog owners will also be encouraged to make use of bags which are readily available from other sources such as recycled bread bags and plastic shopping bags.

Publicity Material

- 7.4 The Council will provide information to owners and carry out periodical publicity of dog control matters.
- 7.5 The Council will produce pamphlets and website information that includes maps clearly identifying dog exercise areas (including the location of doggy do bag dispensers) and prohibited areas, and areas which are habitat for rare, threatened or endangered species such as the little blue penguin and banded rail. Guidance will also be provided on:
- a) What dog owners can do to avoid conflicts with other people in the community, including respecting the space around other people (particularly children) when exercising dogs.
 - b) Locking extendable dog leads where there is a risk of tripping cyclists and pedestrians.
 - c) Dog training options.
- 7.6 The Council will also provide signage in high use areas which will include the contact details for Dog Control.

Dog Control Officers

- 7.7 One important education tool is the advice and assistance which dog control officers can provide to dog owners and to the general public. Dog control officers will be readily visible to the public through patrols aimed at assisting dog owners using the more popular public places to understand the obligations imposed on them by the Act and the Council's Dog Control Bylaw.

8 Number of Dogs

- 8.1 No more than two dogs can be kept on any property in the urban area without written permission from the Council. (The extent of Nelson's urban area is shown on the map attached to both the draft Policy and Bylaw.) Puppies up to three months old are exempt from this limit.
- 8.2 There will be a one-off additional charge for keeping more than two dogs on an urban property, to cover the costs of reviewing the suitability of the property for more than two dogs. Assessment, and any conditions imposed on the dog owner, will be focused on all reasonable steps being taken to ensure that the dogs will not cause a nuisance to any person or be likely to be injurious to the health of any person.
- 8.3 Dog owners who have more than two dogs in April 2012 will have an "existing use right" to continue to own their existing dogs, until the end of the dogs' lives. Written permission will be required for ownership of any additional dogs after this date.
- 8.4 This approach will increase the Council's ability to control the effects of multiple dogs without generating high administration costs.
- 8.5 There are no limits on the number of dogs that may be kept on a property which is not within the urban area.

9 Co-operation with Other Organisations

Ministry of Agriculture

- 9.1 The Ministry now has responsibility for the control and eradication of true hydatids and sheep measles under the provisions of the Biosecurity Act 1993.
- 9.2 There is no requirement for people to dose their dogs for hydatids or sheep measles. However, Council publicity material will explain the benefits of general worming of dogs and it will be up to the dog owner to talk to their vet about the best worming regime for their dog.

Society of Prevention of Cruelty to Animals (SPCA)

- 9.3 The Council will work in conjunction with the SPCA where possible to promote dog welfare.
- 9.4 The Council will periodically review its assistance to the SPCA in respect of euthanasia of unwanted dogs or other services to ensure that this represents an appropriate benefit to the community.

Interest Groups

- 9.5 The Council will continue to liaise with relevant interest groups.

10 Bylaws

- 10.1 The Council is required to introduce a bylaw to give effect to this policy.

- 10.2 The approach of the Dog Control Bylaw 2012 is to ensure as far as possible that:
- a) Members of the public are able to make use of the public areas within the city without intimidation or inconvenience brought about through the actions of dogs or their owners.
 - b) Dog owners are not penalised for owning a dog.
 - c) The welfare of dogs kept within the city is preserved and/or enhanced.
 - d) Irresponsible owners are penalised and required to carry their share of the cost of dog control.
 - e) Dogs do not pose threats to rare or protected wildlife.

Bylaw Provisions

- 10.3 The bylaw makes provision for the following matters:
- a) Specifying areas where dogs are prohibited.
 - b) Requiring dogs to be controlled on a leash in all public places in the urban area that are not listed as either dogs prohibited areas or as dog exercise or dog swimming areas.
 - c) Specifying areas where dogs may be exercised off leash.
 - d) Requiring persons controlling a dog to remove its faeces from property other than that occupied by that person.
 - e) Impounding of dogs.
- 10.4 The Council will operate a pound for the temporary confinement of any dog which is seized by a dog control officer pursuant to the provisions of the Dog Control Act. This includes:
- a) Wandering dogs.
 - b) Barking dogs causing distress.
 - c) Dogs attacking persons or animals.
 - d) Dogs rushing at persons, animals or vehicles.
 - e) Dogs in the vicinity of protected wildlife.
 - f) Unregistered dogs.
- 10.5 All impounded dogs will be retained in the pound for at least the required time in order to give the owners an opportunity to reclaim them. Unless reclaimed, and all fees and charges paid, the dogs will be disposed of.

Neutering of Dogs

- 10.6 The Act enables the Council to neuter menacing and dangerous dogs.