



Dog Control Policy

2019

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1 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 Manawatū District (the District). The Council is also obliged to adopt a bylaw (Dog Control Bylaw 2019 (the Bylaw)) to give effect to this policy.
- 1.2 This Policy should be read in conjunction with the Manawatū District Council's Pitbull Classification Policy 2017, the Bylaw, the Act, the Animal Welfare (Care and Procedures) Regulations 2018 and any other relevant enactment.
- 1.3 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 their Owners.
- 1.4 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 Interpretation and Definitions

- 2.1 In this Policy, unless the context requires otherwise:

Act means the Dog Control Act 1996.

Authorised Officer means a person appointed by the Council with delegated authority under the Act to carry out all or any of the functions and powers under that Act as a Dog Control Officer and includes any warranted officer exercising powers under section 17 of the Act.

Dog Exercise Area means a Public Place identified as a Dog Exercise Area in Schedule 2 of this policy and the Bylaw where dogs may be exercised at large without being controlled on a Leash.

Dog on Leash Area means a Public Place identified as a Dog on Leash Area in Schedule 3 of this policy and the Bylaw where dogs must be controlled on a Leash.

Leash means a lead, which is capable of restraining the dog.

Neutered dog means a dog which has been castrated or spayed. It does not include a dog that has been vasectomised.

Owner has the same meaning as under the Act.

Prohibited Public Place means a Public Place identified as a Prohibited Public Place in Schedule 1 of this policy and the Bylaw where dogs are prohibited, except as may be provided for in the Bylaw.

Public Place has the same meaning as under the Act.

Under Control means, when referring to a dog, either controlled on a Leash that is being held by someone that is capable of restraining the dog, under direct control such as by being held, or controlled by voice command where the dog must be within sight and obeys commands without hesitation.

Working dog has the same meaning as under the Act.

3 Commencement

3.1 This policy comes into force on 10 October 2019.

4 Objectives

4.1 Council's objectives are:

- a) To fulfil the requirements of the Act;
- b) To provide a safe environment for the community through active enforcement and the education of dog Owners on appropriate dog ownership and care; and
- c) To acknowledge and encourage good dog ownership and care.

5 How the Policy will be Implemented

5.1 Council will implement this policy through:

- a) the Bylaw;
- b) enforcement of the Act; and
- c) non-regulatory methods including education and a fee schedule to recognise selected dog Owners, Owners of Neutered dogs, Owners of Working Dogs and dog Owners that hold a gold card.

5.2 The Bylaw provides for the enforcement of matters outlined in this policy.

6 Fees

6.1 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.

6.2 The Council sees the neutering of dogs as the cornerstone of controlling the number of unwanted dogs in the District and therefore will set lower fees for Neutered dogs than for unneutered dogs.

6.3 A reduced registration fee applies to Owners of Working Dogs. An inspection is required to confirm Working Dog status.

6.4 A reduced registration fee applies to selected owners. The discount will take effect the following registration year or a date approved by the Enforcement Officer.

6.5 Gold card holders qualify for a discount to their dog registration fee.

6.6 There is no fee to register a Disability Assist Dog.

6.7 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 District. 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.

7 Control of Dogs in Public Places

- 7.1 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 dog Owners and therefore contributes to health and wellbeing generally.
- 7.2 The Council seeks to support the integration of properly socialised dogs into dog friendly public areas of the District where people go to meet and exercise so that responsible dog Owners, whether they are residents or visitors, can also enjoy some of the District's key recreation areas.
- 7.3 This policy identifies three control areas:
- a) Prohibited Public Places;
 - b) Dog Exercise Areas; and
 - c) Dog on Leash Areas.
- 7.4 Dog Owners must carry a Leash at all times in any Public Place as required by the Act. Dog Owners must also carry a dog waste bag at all times in any Public Place to collect and properly dispose of dog faeces.

Explanatory Notes: The Bylaw requires that every Owner of a dog must keep their dog Under Control in all Public Places and at all times.

The Control requirements do not apply in respect of:

- a) Working Dogs used for that purpose*
 - b) Any dog completely confined in a Vehicle or cage; or*
 - c) Any registered dogs taking part in a dog obedience class, exercise or competition organised by a club or associated with the written approval of the Council and subject to compliance with any terms and conditions imposed on that approval in accordance with the Bylaw.*
- 7.5 Notwithstanding anything in this policy any Disability Assist Dog accompanying and assisting a person with a disability or any person genuinely engaged in the dog's training may enter and remain:
- a) in any premises registered under regulations made pursuant to section 120 of the Health Act 1956; or
 - b) in any Public Place:
- subject to compliance with any reasonable condition imposed by the occupier or person having control of the premises or Public Place, as the case may be.

8 Dog Faeces

- 8.1 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 home.
- 8.2 It is an Owner's responsibility to remove dog faeces from Public Places immediately. A plastic bag, slid over the hand is an effective method of collecting the excrement, which can then be disposed of in a waste bin.
- 8.3 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.
- 8.4 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.

9 Prohibited Public Places

- 9.1 Prohibited Public Places are locations in the District where dogs are not permitted at all times for a number of reasons, including:
 - a) There is high density of pedestrian traffic in the area where dogs can compromise the health, safety and comfort of people;
 - b) Children gather or play in the area, and the presence of dogs can pose a risk to their health and the safety;
 - c) Organised events are taking place;
 - d) The area is a sensitive natural environment;
 - e) The nature of the property or facility makes it inappropriate to have dogs present;
 - f) The area is a commercial one where dogs can compromise safety; or
 - g) The area is a reserve.

10 Dog Exercise Areas

- 10.1 Dog Exercise Areas are locations where dogs can be run at large, that is off the Leash but must be Under Control at all times.
- 10.2 The ability to exercise dogs without a Leash does not absolve Owners from their obligations under the Act, to ensure their dog is kept Under Control, and to carry a Leash at all times with the dog in a Public Place. Keeping a dog Under Control includes the obligation to ensure that the dog does not stray onto private property.
- 10.3 Dog Exercise Areas are generally recreational areas, such as parks, where people can expect to encounter dogs which are being exercised Under Control.
- 10.4 Dogs may be without a Leash, but must be Under Control in the Dog Exercise Areas identified in Schedule 2 of this policy and Schedule 2 of the Bylaw.

11 Dog on Leash Areas

- 11.1 Dogs are allowed to be in any Public Place not otherwise identified in Schedule 1 or 2 of this policy and the Bylaw, providing they are on a Leash and Under Control. Dog on Leash Areas include those locations specifically listed in Schedule 3.

12 Classification of Areas under other Legislation

- 12.1 Access for dogs may be controlled by other legislation. For example, the Conservation Act 1987 can declare parts of land managed and administered by the Department of Conservation as “controlled dog areas” and “open dog areas.”

Explanatory Note: Dog Owners should check with the Department of Conservation to see if any access restrictions apply prior to allowing a dog to enter land that is managed and administered by the Department of Conservation.

13 Barking

- 13.1 Barking, or vocalisation, is a natural behaviour of every dog. It is not unlawful for a dog 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.

- 13.2 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.

- 13.3 However, when the barking or howling becomes a Nuisance, an Authorised Officer may intervene under section 55 of the Dog Control Act.

- 13.4 There are three elements to section 55 of the Dog Control Act:

- a) A complaint has been made;
- b) A Nuisance is being created; and the
- c) Barking or howling is **persistent** and **loud**.

- 13.5 The Authorised Officer shall 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 Authorised Officer can take any 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
- iv. Enduring.

- b) Loud means:

- i. Strongly audible;
- ii. Striking forcibly on the sense of hearing.

- 13.6 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 sections 55 and 56 of the Act may be taken.

14 Wandering Dogs

- 14.1 Wandering dogs can cause annoyance and danger to the community. They are a threat to wildlife and can be threatening to people and other dogs. They can also be a road safety hazard.
- 14.2 The Council will respond to any complaints about wandering dogs and if appropriate, will take further action. Authorised Officers will also carry out patrols of urban areas to identify wandering dogs.
- 14.3 At first instance wandering dogs will generally be returned to their Owners if they are known and an infringement notice may be issued.
- 14.4 Dogs will otherwise be impounded and Owners will be liable for impounding and daily sustenance fees. These fines will be in addition to the fine required by any infringement notice(s).

15 Neutering of Dogs

- 15.1 It is compulsory for a dog which is classified as dangerous in accordance with the Act to be Neutered.
- 15.2 Council will require all dogs classified as menacing under section 33A or section 33C of the Dog Control Act to be Neutered under section 33E(1)(b) of the Act. Council will also require dogs classified by any other territorial authority as menacing dogs under section 33A or 33C of the Dog Control Act to be Neutered under section 33EB(2) if the dog is registered with Council.
- 15.3 Council will only exempt a dog classified as menacing from neutering if the Owner of the dog produces a certificate issued by a veterinarian certifying that the dog will not be in a fit condition to be Neutered before a date specified in the notice of classification.
- 15.4 If a certificate under clause 15.3 of this Policy (section 33E(1)(b)(ii) of the Act) is produced to Council, the Owner must, within one month after the date specified in that certificate, produce a further certificate from a veterinarian certifying that the dog has been Neutered under clause 15.2 of this Policy (section 33E(1)(c) of the Act).
- 15.5 The Council will make its decision as to the neutering of a particular dog classified as menacing under section 33A of the Act during determination of any objection under the Act made by the Owner to the menacing classification.

16 Re-homing

- 16.1 The Council is committed to maintaining relationships with known registered shelters in the District. In doing so, Council is able to take suitable dogs that become the property of Council and rehome them through the shelters as appropriate.
- 16.2 Any operator of a shelter may decline to take any dog determined as being suitable for rehoming by Authorised Officers given the rehoming of these dogs becomes the responsibility of the shelter.

- 16.3 Dogs which have become the property of Council and are assessed as being inappropriate for re-homing or have not been accepted by a shelter will be euthanased by a registered veterinarian.

17 Hearing Procedure

- 17.1 Hearings will be conducted in a manner that provides for fair and impartial justice for all parties. The hearing of objections includes but is not limited to probationary owners, disqualified owners and classification of dangerous and menacing dogs.
- 17.2 If any party intends to have any witnesses and/or legal counsel appear they must, at least 10 days prior to the hearing, provide to the Council the names of those witnesses and/or legal counsel and a written copy of any witness statements.
- 17.3 The Hearings Committee can set its own procedure for the hearing of objections, but the following is a general description of the procedure that will be followed.
- a) The Chairperson opens the proceedings by introducing the committee and asking those present to introduce themselves and their witnesses (if any).
 - b) The dog Owner (Objector) will present their case as to why the classification should be rescinded, including any supporting evidence from witnesses.
 - c) The officer's report, which was circulated prior to the hearing, is taken as read. Staff will be available to answer any questions and speak to their report.
 - d) The objector is given the opportunity to have a right to reply. This gives him/her the chance to clarify matters raised in the Authorised Officer's report but not to present new evidence.
 - e) The Chairperson adjourns the hearing to deliberate on its decision based on the information submitted, following which the objector will be notified in writing of the decision.

18 Enforcement

- 18.1 Infringements may be (but do not have to be) preceded by a written warning.
- 18.2 Infringement notices which provide an instant fine are issued for various offences by Authorised Officers to enforce dog Owners' responsibilities under the Act. Generally, an infringement notice will be issued to an Owner following an offence under the Act.
- 18.3 An Animal Control Officer is authorised to enter any land or premises consistent with section 14 of the Act (except a dwelling house) occupied by the Owner of a dog for the purpose of seizing and impounding a dog.
- 18.4 Council may from time to time withdraw an infringement notice where it is found that exceptional circumstances exist not otherwise known at the time the notice was issued, or where there has been an error in issuing the notice.

19 Education Relating to Dogs

- 19.1 Council will promote and encourage dog control/training programmes throughout the District. In particular:
- a) The media will be used to promote dog control awareness;

- b) Every Owner registering a dog will be notified of where the Bylaw and policies are available to view
- c) Education programmes in schools and kindergartens; and
- d) Dog registrations will be actively sought through media advertising and other targeted campaigns.

19.2 Prohibited Public Places, Dog Exercise Areas and Dog on Leash Areas will be publicised through:

- a) Material provided with registration;
- b) Appropriate signage on the street or park concerned; and
- c) The Council Office, libraries, information centre and any other appropriate avenue.

20 Further Information

20.1 The Council is required by the Act to produce a report each year on how their dog control policies are being administered, including a number of dog control statistics. Public notice has to be given that this report is available.

Further information on Council's animal control services is available in the Long Term Plan for the Manawātū District (available from the Council's offices), and on Council's website – www.mdc.govt.nz.

Schedule 1 - Prohibited Public Places

Dogs are prohibited in the following Public Places:

Feilding	The Feilding Central Business District as described and mapped in Schedule 3, when organised events are on. South Street skate park Kowhai Park – the entire park except for the Dog on Leash Area and the Dog Exercise Area as mapped below Victoria Park – playing fields Vista Drive – children’s playground Timona Park – entire area of children’s playground, and the playing fields Makino Park – entire park area Johnston Park – playing fields
Sanson	Dundas Road – From Burt Street to Cemetery Road Sanson Domain – when used for organised events
Himatangi Beach	Beach – all parts of the foreshore within 400 metres of the mouth of the Kaikokopu Stream, except that dogs on a Leash may pass through the area to any undesignated area Children’s playground – entire area
Kimbolton	Kimbolton Domain – entire area Kimbolton Reserve – entire area
Other Places	Mt Lees Reserve – entire area including bush walk Totara Reserve Regional Park – the entire area including camping ground and bush walks Coles Bush – entire area Halcombe Domain – children’s play area Te Kawau Park, Rongotea – children’s playground Recreation St, Tangimoana – children’s playground Beaconsfield Domain (Old school grounds)
Cemeteries	all Council controlled cemeteries in the District; Feilding Cemetery Halcombe Cemetery Kimbolton Cemetery Pohangina Cemetery Rongotea Cemetery Sanson Cemetery Waituna West Cemetery

Rangiwahia Cemetery

Kowhai Park Dog Control Areas



Schedule 2 - Dog Exercise Areas

Dogs are permitted unleashed, but Under Control, in the following areas:

Feilding	Timona Park – along the riverbank and the edges of the park
	Kowhai Park – only the part that is identified as a Dog Exercise Area in Schedule 1.
	Manfeild Park – whole park except for the playground, but not when the park is being used for an organised event
	Railway land – along both sides of the railway corridor through Feilding
	James Palmer Park – the entire park
	Rimu Park – the entire park
	Waughs Road – between the Railway Bridge and Awa Street
	Within the Feilding Saleyards working dogs are allowed and not required to be on a Leash.
Other Places	Himatangi Beach – all parts of the foreshore that are at least 400m from the mouth of the Kaikokopu Stream
	Pohangina Valley Road Lookout – entire reserve
	Mt Stewart Reserve – entire reserve
	Bartletts Ford Reserve – entire reserve
	Menzies Ford Reserve – entire reserve
	Londons Ford Reserve – entire reserve
	Rangiwahia Reserve – entire reserve
	Raumai Reserve – entire reserve
	Pohangina old school site, except play area and swimming pool
	Pohangina Domain – except that when stock are grazing the Domain dogs must be on a Leash
	Rewa – old school recreation grounds
	Pakihikura Reserve – old school grounds
	Vinegar Hill Reserve – entire area during the period Easter to Labour Weekend
	Sanson Domain – except when used for organised events.

Schedule 3 - Dog on Leash Areas

Dogs are permitted in the following locations on a Leash:

Feilding

Victoria Park – around the edges, but not on the playing fields.

Johnson Park – except the playing fields

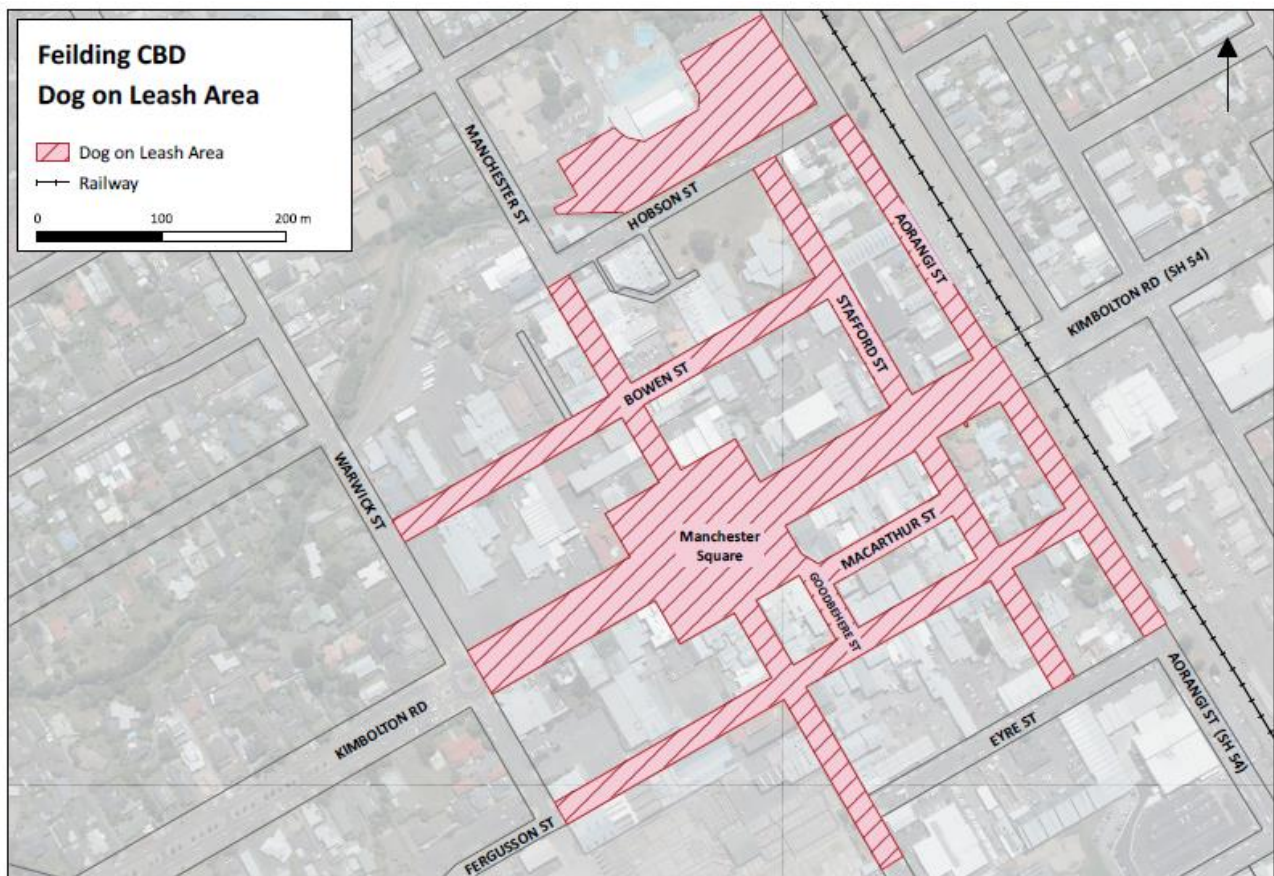
Kitchener Park – entire reserve

Kowhai Park – only the access route that is mapped as a Dog on Leash Area in Schedule 1.

The Feilding CBD as mapped below and described as follows:

- *Aorangi Street – between Eyre and Hobson Street*
- *Bowen Street – full extent*
- *Manchester Street – from its intersection with Hobson Street to the Feilding sale yards*
- *Stafford Street – whole length*
- *Fergusson Street – from its intersection with Aorangi Street to its intersection with Warwick Street*
- *Goodbehere Street – whole length*
- *MacArthur Street – whole length*
- *Manchester Square – including the whole of the gardens contained therein*
- *Kimbolton Road – from its intersection with Aorangi Street to its intersection with Warwick Street*

Except that during organised events in the Feilding CBD dogs are prohibited.



Other Places Almadale Reserve – entire reserve
 Vinegar Hill Reserve – entire area during the period Labour Weekend to Easter
 Pohangina Domain – when stock are grazing
 and
 all Public Places not identified in Schedule 1 (eg roads and town streets) or Schedule 2 of this Bylaw.