

WANGANUI DISTRICT COUNCIL

DOG CONTROL POLICY 2015



WANGANUI
DISTRICT COUNCIL
Te Kaunihera a Rohe o Whanganui



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WANGANUI DISTRICT COUNCIL DOG CONTROL POLICY 2015

i. Revoked

At the commencement of this Policy all previous Wanganui District Council Dog Control Policies are revoked.

ii. Commencement

1. The Wanganui District Council Dog Control Policy 2015 (“the Policy”) was adopted at the Council meeting of 27 May 2015 and will commence on 8 June 2015.

iii. Effect of Policy

The Policy is given effect by the Act and is implemented through the Wanganui District Council Dog Control Bylaw 2015.

iv. Special Consultative Procedure

Council undertook consultation in accordance with the special consultative procedure¹ prior to adopting this Policy.

v. Wanganui District Council Dog Control Bylaw

To give effect to this policy the Council is required to make a Bylaw. The Wanganui District Council Dog Control Bylaw 2015 formed part of the special consultative process.

The purpose of the Bylaw is to ensure as far as reasonably possible that:

- a) Members of the public are able to make use of the public areas within the District without intimidation or inconvenience brought about through the actions of dogs or their owners;
- b) Responsible dog owners are not penalised for owning a dog;
- c) Irresponsible owners are required to carry their share of the cost of dog control;
- d) The welfare of dogs kept within the District is preserved and/or enhanced;
- e) Dogs do not pose threats to rare or protected wildlife.

¹ Section 83 of the Local Government Act 2002

Part I

1. DEFINITIONS

Unless the context supports an alternative meaning as specified in Dog Control Act 1996 then:

Act means the Dog Control Act 1996

Animal Control Officer includes a Dog Control Officer appointed under section 11 of the Act and a Dog Ranger appointed under section 12 of the Act

At large means that the dog is off leash and kept under control at all times

Bylaw means the Wanganui District Council Dog Control Bylaw 2015

Central Business District Area is the area contained within St Hill Street, Taupo Quay, Drews Avenue, Watt Street, Wicksteed Street, Ingestre Street

District means the area designated as the Wanganui District

District Plan means the District Plan of the Council which is in force as the operative District Plan for Wanganui for the purposes of the Resource Management Act 1991

Dog Exercise Area means a public place identified in this Policy as an area, including all walkways and tracks within the exercise area, where dogs may be exercised providing the dog is kept under control at all times

Dog on Leash means that the dog must be on a leash and kept under control at all times by the owner or person in charge of the dog

Dog on Leash Area means an area identified in this Policy where dogs must be on a leash and kept under control at all times

Kept under control at all times means the dog is not causing a nuisance or danger; and that the person in charge of the dog has the dog under continuous surveillance and is able to obtain the desired response from the dog by use of a leash and, when not on a leash, the dog is obedient and responsive to the dog owner's commands without hesitation

Leash means a lead which is capable of restraining the dog

Policy means the Wanganui District Council Dog Control Policy 2015

Prohibited Public Place means a public place identified in this Policy as a place where dogs are prohibited, except as provided for in this Policy or the Act

Rushing Dog has the same meaning as that provided by section 57A of the Act

Working Dog has the same meaning as that provided in section 2 of the Act

2. POLICY CONSIDERATIONS

- 1.1. Every policy adopted under section 10 of the Act shall:
 - 1.1.1. specify the nature and application of any bylaw;
 - 1.1.2. identify any public places in which dogs are to be prohibited, either generally or at specified times,
 - 1.1.3. identify any particular public places in which dogs (other than working dogs) are to be required by a bylaw to be controlled on a leash;
 - 1.1.4. identify those areas in respect of which no public places or areas are to be identified under paragraph (b) or (c);
 - 1.1.5. identify those areas of the district that are to be designated as dog exercise areas in which dogs may be exercised at large;
 - 1.1.6. state whether dogs classified as menacing dogs under section 33A or 33C are required to be neutered;
 - 1.1.7. state whether dogs classified by any other territorial authority as menacing dogs under section 33A or 33C are required to be neutered;
 - 1.1.8. include such other details of the policy as the Council thinks fit including
 - 1.1.8.1. fees or proposed fees;
 - 1.1.8.2. owner education programmes;
 - 1.1.8.3. dog obedience courses;
 - 1.1.8.4. the classification of owners;
 - 1.1.8.5. the disqualification of owners;
 - 1.1.8.6. the issuing of infringement notices.

PRINCIPLE OBJECTIVE – RESPONSIBLE DOG OWNERSHIP

Maintain a high level of **responsible dog ownership** in the Wanganui District

3. POLICY OBJECTIVE

- 3.1. Dog ownership is a legal right that is governed by the Dog Control Act 1996. This right is subject to owner responsibilities detailed in the Act.
- 3.2. The Policy recognises that the majority of dog owners in the District are responsible dog owners and that most interactions between dogs and the public are positive.
- 3.3. The principle objective of the Policy is to maintain a high level of **responsible dog ownership**; that objective is supported by the following five key principles:

Key Principles

- 3.3.1. Providing dogs, with their owners, a reasonable level of access to public places where owners enjoy the companionship of their dog without causing danger, distress, or nuisance to the general community²;
- 3.3.2. Avoiding 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 adults³;
- 3.3.3. 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 by restricting access by dogs to public places where the likelihood of conflict exists between dogs and the public or the environment⁴;
- 3.3.4. Promoting public safety and responsible dog ownership by placing a high priority on good dog ownership practices such as neutering and micro-chipping, encouraging the use of approved education and obedience courses for dogs.
- 3.3.5. Rewarding responsible dog ownership through lower dog registration fees.

² Section 10(4)(a) of the Act

³ Section 10(4)(b) of the Act

⁴ Section 10(4)(c) of the Act

OBJECTIVE 1 – CONTROLLED ACCESS TO PUBLIC PLACES

Avoiding the inherent danger in allowing dogs to have uncontrolled access to public places

4. ACCESS TO PUBLIC PLACES

- 4.1. The majority of people in the Wanganui District do not own a dog, and their right to use a public place without being intimidated or inconvenienced by uncontrolled dogs takes priority.
- 4.2. Council acknowledges that responsible dog ownership requires dog owners to regularly exercise their dogs.
- 4.3. Council also acknowledges that there can be a conflict between dog owners and non-dog owners therefore it is necessary to identify areas where dogs are prohibited, where dog owners can walk their dogs on leash, and areas where dogs may be exercised off leash.
- 4.4. One of the main areas of concern in respect of children 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 mean that faeces left by dogs can be overlooked.
- 4.5. Accordingly, in areas with high concentrations of people, particularly children, and in areas which are habitats for protected wildlife dogs, even when on leash, present a risk. These specific areas have been identified as dog prohibited areas.

5. PROHIBITED PUBLIC PLACES

- 5.1. Dogs are prohibited from active sports grounds.
 - 5.1.1. 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.
 - 5.1.2. Dogs are not compatible with active recreational pursuits and owners need to ensure that their dogs are kept off the marked playing fields at all times.
- 5.2. Dogs are prohibited from swimming pools or other bathing place owned or controlled by Council including all areas within the fenced boundary of the swimming pool;
- 5.3. Dogs are prohibited in public libraries.

Wanganui Airport

- 5.4. For reasons of safety, the bringing of any dog into the airport is prohibited unless the dog is confined for carriage by air from the airport, or is a certified disability assist dog⁵.

Conservation Act 1987 - National Parks Act 1980

- 5.5. The Conservation Act 1987 and the National Parks Act 1980 detail requirements in respect of dogs. Excluding the foreshore and sea bed dogs are prohibited from land administered by the Department of Conservation unless granted specific authorisation.
- 5.6. The Department of Conservation publishes a guide where dogs are permitted on public conservation lands managed by DOC. Conservation lands are places where New Zealand's unique plants, animals and heritage are protected. Please look after our native wildlife by taking your dog only to approved dog areas.

<http://www.doc.govt.nz/parks-and-recreation/plan-and-prepare/dog-access/>

Note: This is a guide only and access conditions do change. Always check with the nearest DOC visitor centre for notices about dog access and track closures before you set out.

Temporary Prohibited Public Places

- 5.7. Notwithstanding any provisions allowing for dog on leash areas or dog exercise areas, the Council may from time to time by resolution declare any public place that is not already a prohibited place to be a prohibited public place for a specified time.
- 5.8. The Council shall give public notice of its intention to declare any area to be a temporary prohibited public place. Appropriate signs shall be posted in the area and prior notice shall be published in a newspaper circulating the District.

NB: Disability assist dogs or dogs used by the Police or other agencies are exempt from this prohibition.

⁵ **Disability assist dogs** means a dog certified by either (a) Hearing Dogs for Deaf People New Zealand, (b) Mobility Assistance Dogs Trust, (c) New Zealand Epilepsy Assist Dogs Trust, (d) Royal New Zealand Foundation of the Blind, or (e) Top Dog Companion Trust as being a dog trained to assist (or as being a dog in training to assist) a person with a disability

OBJECTIVE 2 – UNDER CONTROL AT ALL TIMES

Responsible dog ownership means keeping the dog under control at all times

6. DOG IN PUBLIC PLACES

- 6.1. Dogs that have been classified as a menacing dog⁶ or as a dangerous dog⁷ must be muzzled when in public and the owner of a menacing or dangerous dog must advise anyone to whom they lend the dog of those requirements.
- 6.4. In 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 and kept under control by a responsible person.
- 6.5. Dog owners shall not allow the dog on any designated public place (not being a prohibited public place or an off leash dog exercise area) unless the dog is kept under control on a leash.
- 6.6. 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.

7. DOG EXERCISE AREAS

- 7.1. The ability to exercise dogs in dog exercise areas does not absolve owners from their obligation under the Act to ensure that their dog is kept under control at all times and to carry a leash⁸ while the dog is in the public place.
- 7.2. There are a number of areas within the District 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 leash without causing nuisance or concern.

⁶ Section 33E(1)(a) of the Act

⁷ Section 32(1)(b) of the Act

⁸ Section 54A of the Act

OBJECTIVE 3 –PROMPT REGISTRATION

Council shall reward prompt payment by providing a 10% reduction in the registration fee

Example Only: Full fee 14/15 is \$110.00; PR reduction is \$11.00 Reduction.

8. REGISTRATION

- 8.1. Registration fees are reviewed annually and the structure is designed as a ‘user pays’ system.
- 8.2. Registration fees cover all the management and enforcement of the Act and Bylaw, and cover such issues as dog welfare and dog control. Registration fees do not cover the cost of any prosecution which may be recovered from any person convicted of an offence under the Act or Bylaw.
- 8.3. Council acknowledges that responsible dog owners subsidise the cost of dog control in the district. Council will therefore encourage responsible dog ownership to ensure that the registration fee can be kept as low as possible.
- 8.4. Every person who has in their possession a dog over three months old is required
 - 8.4.1. to register the dog annually, and
 - 8.4.2. to advise Council promptly of any change of address or ownership of the dog.
- 8.5. If a dog owner does not meet their obligations to register their dog or notify Council of changes to address or ownership of the dog, then enforcement procedures may be taken against the dog owner.
- 8.6. Council’s Animal Control Officers may seize and impound unregistered⁹ dogs.
- 8.7. Council has a tiered fee structure allowing fees to be set at different levels for different categories of dogs. The Council may, at its sole discretion, recognise the following categories of dogs when setting registration fees:
 - 8.7.1. Non-Working Dog;
 - 8.7.2. Working Dog;
 - 8.7.3. Disability Assist dog;
 - 8.7.4. Neutered Dog; and
 - 8.7.5. Dangerous Dog.
- 8.8. Where the full amount of a registration¹⁰ demand is paid by 31 July of the registration year, the dog owner is eligible to a prompt payment rebate.

⁹ Section 42 of the Dog Control Act 1996

¹⁰ Schedule of fees for dog registration is available from Council’s Customer Services

- 8.9. 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.

OBJECTIVE 4 – DOG OWNERSHIP RIGHTS AND OBLIGATIONS

Council recognises dog owners and non-owners need to be sufficiently aware of the obligations and the rights of dog owners

9. DOG OWNERSHIP

- 9.1. Council recognises dog owners and those responsible for their care should be sufficiently aware of the obligations and the rights of dog owners.
- 9.2. Council provides signage to inform the community of areas where dogs are prohibited or required to be on lead or where they can be exercised off lead. Signage also reinforces the requirement to remove dog faeces.
- 9.3. Council aims to support responsible dog ownership by providing resources and education to dog owners and the general public.
- 9.4. Council will produce pamphlets and website information that includes maps identifying prohibited public areas and dog exercise areas.
- 9.5. Guidance will also be provided on:
- 9.5.1. 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;
 - 9.5.2. Locking extendable dog leads where there is a risk of tripping cyclists and pedestrians; and
 - 9.5.3. Dog training options.
- 9.6. Animal Control Officers can provide advice and assistance to dog owners and to the general public. Animal 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 Bylaw.
- 9.7. Council will work in conjunction with the SPCA where possible to promote dog welfare. Council will periodically review its assistance to the SPCA in respect of other services to ensure that this represents an appropriate benefit to the community.

OBJECTIVE 5 – RESPONSIBLE DOG OWNER

Council shall reward responsible dog ownership by providing a 20% reduction in the registration fee

Example Only: Full fee 14/15 is \$110.00; RDO reduction is \$22.00.

10. RESPONSIBLE DOG OWNER

- 10.1. A dog owner may apply to Council to become a responsible dog owner.
 - 10.1.1. Application to become a responsible dog owner is made using the registration fee demand.
 - 10.1.2. Responsible dog owner status may be renewed, on application, each registration year.
- 10.2. Responsible Dog Owner Criteria:
 - 10.2.1. Demonstrates good control over the dog when an Animal Control Officer inspects the property;
 - 10.2.2. Keeps the dog securely contained within the property;
 - 10.2.3. Every owner of a dog must take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person;
 - 10.2.4. Signs erected on or near the front entrance of the property alerting to the presence of the dog;
 - 10.2.5. Required registration fee is fully paid for the dog by 31 July of each registration year;
 - 10.2.6. No infringement notice issued to the dog owner within the last continuous 24 month period;
 - 10.2.7. The dog owner has not had a dog impounded within the last continuous 24 month period.

11. DISQUALIFIED AND PROBATIONARY OWNER

Disqualified Owner

- 11.1. Council must classify a person as a disqualified dog owner¹¹ where that the person:
 - 11.1.1. commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or

¹¹ Section 25 of the Act

- 11.1.2. is convicted of an offence (not being an infringement offence) against the Act;
or
- 11.1.3. the person is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 56I of the National Parks Act 1980.

Probationary Owner

- 11.2. The Council, if satisfied that the circumstances of the offence or offences are such that disqualification is not warranted, will classify the person as a probationary owner¹².
- 11.3. A probationary owner is not permitted to be the registered owner of any dog unless that person was the registered owner of that dog on the date of the offence or, as the case may be, the date of the third infringement offence, in respect of which the classification was made.
- 11.4. if the territorial authority is satisfied that the circumstances of the offence or offences are such that (a) disqualification is not warranted; or (b) the territorial authority will instead classify the person as a probationary owner under section 21
- 11.5. A probationary owner must, within 14 days after the date on which the notice of classification is given to that person, dispose of every unregistered dog owned by that person¹³.
- 11.6. Council may require a probationary owner to undertake, at his or her own expense, a dog owner education programme or a dog obedience course (or both) approved by Council¹⁴.

Education

- 11.7. Where Council requires the person to undertake a dog owner education programme or dog obedience course the probationary owner will be notified in writing of the obligation to attend the programme or course. The probationary owner will undertake the programme/course at his or her own expense and will provide to Council satisfactory evidence of programme/course completion.
- 11.8. The probationary owner may apply for termination of the probationary owner classification six months after completion of the programme/course provided that the applicant has not committed any further offence or infringement to which s21 of the Act applies.

¹² Section 21 of the Act

¹³ Section 24 of the Act

¹⁴ Section 23A of the Act

- 11.9. Council shall consider the application for removal of classification and will take into consideration all relevant circumstances of the applicant as a dog owner and may, at its discretion terminate the classification.
- 11.10. Unless earlier terminated by Council the probationary owner classification shall continue 12 months after the date of the offence or, as the case may be, the date of the third infringement offence, in respect of which the classification was made.

12. DOG CONTROL

- 12.1. There is a general duty on every dog owner to ensure that their dog is kept under control at all times¹⁵.
- 12.2. Dog owners must ensure at all times that, when their dog is on their property, it is either
- 12.2.1. under the direct control of an appropriate person, or
 - 12.2.2. confined in such a manner that it cannot freely leave the property¹⁶.
- 12.3. Dogs not kept under proper control may be required by Council to be neutered or complete a dog obedience course approved by Council.

OBJECTIVE 6 - NEUTERED DOG

Council shall reward the neutering of dogs by providing a 20% reduction in the registration fee

Example Only: Full fee 14/15 is \$110.00; ND reduction is \$22.00

13. NEUTERED DOG

- 13.1. Council encourages the neutering of dogs as part of promoting responsible dog ownership and reducing the incidents of straying and unwanted dogs and has therefore set a lower rate of registration for neutered dogs.
- 13.2. A dog owner whose dog has been neutered generally imposes less demand on the Animal Control Officers and therefore should be rewarded for that aspect of responsible dog ownership.

¹⁵ Section 5(1)(b) of the Act

¹⁶ Section 52(A) of the Act

OBJECTIVE 7 – MENACING DOGS

Menacing dogs are required to be kept on a lead and muzzled when in public

14. MENACING DOG

- 14.1. 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.
- 14.2. A menacing dog is also one which belongs wholly or predominantly to one of the five breeds/types¹⁷:
- 14.2.1. Dogo Argentino; Brazilian Fila;
 - 14.2.2. Japanese Tosa;
 - 14.2.3. Perro de Presa Canario;
 - 14.2.4. American Pit Bull Terrier.
- 14.3. A dog that has been classified as a Menacing dog by Council under s33A of the Act (a dog that may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife), or any dog classified as menacing under s33A of the Act which is transferring to the Wanganui District, is required to be neutered.
- 14.4. A dog that has been classified as a Menacing dog by Council under s33C of the Act (reasonable grounds to believe belongs wholly or predominantly to 1 or more breeds or types listed in Schedule 4 of the Act), is required to be neutered if
- 14.4.1. The dog owner is convicted of an offence under s57(2) or 57A(2)(a) of Act; or
 - 14.4.2. The dog owner admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
 - 14.4.3. The dog has been impounded for a second time within a continuous 12 month period.

¹⁷ Section 30A and Schedule 4 of the Act

OBJECTIVE 8 – DANGEROUS DOG REGISTRATION

The owner of a dog classified as dangerous shall pay a registration fee 150% of the full fee

Example only: Full fee 14/15 is \$110.00; DD registration is \$165.00.

15. DANGEROUS DOG

- 15.1. A dangerous dog is one which 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.
- 15.2. 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.
- 15.3. The owner of a dangerous dog must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog¹⁸.

OBJECTIVE 9 – MICROCHIP TRANSPONDER

A dog owner must have their dog implanted with a functioning microchip transponder

16. MICROCHIP TRANSPONDER MUST BE IMPLANTED¹⁹

- 16.1. Dogs are able to slip their collars with tags on, but the microchip stays with the dog. The microchip transponder is the most efficient method of identifying a dog that has wandered off its property or in some cases has been recovered after being stolen. Early identification means that a dog can be reunited with its owner before it becomes impounded. Implantation of the microchip is quick and does no harm to the dog. For more information please talk to an Animal Control Officer or your local vet.
- 16.2. The owner of a dog that is classified as dangerous²⁰ or is classified as menacing²¹ or is registered for the first time must arrange for the dog to be implanted with a microchip transponder.

¹⁸ Section 32(1)(e) of the Act

¹⁹ Section 36A and 69A of the Act

²⁰ Section 31 of the Act

²¹ Sections 33A or 33C

- 16.3. For a dog registered for the first time on or after 1 July 2006, the dog owner must, within 2 months after the date on which is registered, provide to the territorial authority a certificate issued by a veterinarian certifying that the dog is or has been implanted with a microchip transponder.
- 16.4. A registered dog that has been impounded a second time may not be released to any person without first being implanted with a microchip transponder.
- 16.5. An unregistered dog that has been impounded may not be released to any person without first being registered and implanted with a microchip transponder.

NB: This requirement does not apply to a working dog²² kept solely or principally for the purposes of herding or driving stock that is registered and that is wearing a specially marked collar, label, or disc identifying the dog as exempt from microchip implantation.

17. CARE AND MANAGEMENT OF DOGS

Number of Dogs

- 17.1. No more than three dogs can be kept on any property in the urban area without written permission from Council provided that not more than one unspayed bitch may be kept on the property. (The urban area is the area so zoned by the Wanganui District Plan) Puppies up to three months old are exempt from this limit.
- 17.2. There will be a one-off additional charge for keeping more than three dogs on an urban property, to cover the costs of reviewing the suitability of the property for more than three dogs. Assessment, and any conditions imposed on the dog owner, will focus on the 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.
- 17.3. Dog owners in the urban area who have more than three registered dogs as at 1 August 2014 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.
- 17.4. This approach will increase Council’s ability to control the effects of multiple dogs without generating high administration costs.
- 17.5. There are no limits on the number of dogs that may be kept on a property which is not within the urban area.

²² Section 2 of the Act

Abatement of Nuisance

- 17.6. If in the opinion of an Animal Control Officer the keeping of any dog or dogs on a premises is, or is likely to become, a nuisance or injurious or hazardous to health, property or safety, the Animal Control Officer may, by notice in writing, require the dog owner or Occupier of the premises, within the time specified in such notice, not being less than 14 days, to do all or any of the following:
- 17.6.1. To reduce the number of dogs kept on the premises;
 - 17.6.2. To alter, reconstruct or otherwise improve the accommodation for dogs;
 - 17.6.3. To require such dogs to be tied up or otherwise confined;
 - 17.6.4. To take other such precautions as may be considered necessary.

18. DOG POUND

Release of Dogs

- 18.1. Council will operate a pound for the temporary confinement of any dog which is seized and impounded by an Animal Control Officer pursuant to the provisions of the Act.
- 18.2. A dog impounded will be retained in the pound for the statutory period in order to give the owner an opportunity to claim the dog. If the dog is not claimed the dog will be disposed of.
- 18.3. Where a dog is claimed by its owner the dog will not be released from the Pound until all fees and charges have been paid or appropriate arrangements for payment are made and all other requirements in accordance with the Act are met.
- 18.4. The person claiming the dog must satisfy the Animal Control Officer that he or she is the owner of the dog or has been duly authorised by the owner to claim the dog.
- 18.5. Where a dog is released from the Pound to a new owner, the new owner is not required to pay a standard release fee, but is required to pay the cost of registration and the cost of microchip implantation.
- 18.6. Where a dog has been impounded and claimed by its owner; the owner will be encouraged to have the dog vaccinated and neutered on the first impounding.
- 18.7. Where a dog has been impounded for a second time in the same registration year and claimed by its owner; the dog will not be released unless it has been vaccinated and neutered.
- 18.8. The new owner of a dog that has been rehomed from the pound will be encouraged to have the dog vaccinated and neutered.
- 18.9. It is an offence to attempt to unlawfully release a dog from a Council controlled pound or to be in possession of a dog that has been unlawfully released from such a pound.

Part II

OBJECTIVE 10 - COMPLIANCE

Compliance without Prosecution

19. COMPLIANCE

- 19.1. The Policy recognises that while the majority of dog owners are responsible dog owners, on rare occasions, through an unforeseen event, even a responsible dog owner may breach the Bylaw, or the Act.
- 19.2. A person responsible for the management of Animal Control may use discretion and issue a written warning where a breach of the Bylaw or the Act has occurred, providing that the incident does not involve injury or distress to a person or an animal; or a health issue e.g. non removal of dog faeces.
- 19.3. Where a written warning is ignored, or the offence is repeated within a continuous 12 month period an Infringement Notice will be issued.
- 19.4. An Infringement Notice provides for an infringement fee and is an alternative to a prosecution under the Act.
- 19.5. An infringement notice waiver shall not apply where the dog owner has failed to register the dog for the current year; or where the dog owner has been issued with an infringement notice for non-registration in the previous year.

OBJECTIVE 11 - INFRINGED OWNERS FOR DOG DEFECATING IN PUBLIC PLACE

Infringement notice issued where the dog owner fails to immediately remove dog faeces

20. DEFECATING IN PUBLIC PLACES

- 20.1. There is a continuing problem with dogs fouling private and public places. Not only is it unsightly and a nuisance, it is also a health risk. The Council will enforce the requirement for dog owners to remove their dog's faeces.
- 20.2. Council will encourage dog owners to have a bag with them when exercising their dog.

OBJECTIVE 12 – BARKING DOGS

Encourage dog owners to address barking issues before it becomes an enforcement matter

21. BARKING DOGS

- 21.1. All dogs bark, some more persistent and louder than others. There are different reasons why dogs bark; some common reasons are: warning, fear, attention seeking, play, excitement, boredom, lonely, anxious.
- 21.2. Most of these barking issues can be dealt with either through better dog care, a bark collar or, if recurrent, a dog behaviourist specialist. Animal Control Officers can offer initial advice on a barking dog and dog owners are encouraged to contact them before the issue becomes one of enforcement.
- 21.3. Where Council has received a complaint and the Animal Control Officer has reasonable grounds for believing that a nuisance is being created by the persistent and loud barking or howling of the dog the Officer may issue a notice to the dog owner requiring them to abate the nuisance²³. However, prior to doing so, and at its sole discretion, Council may undertake a Barking Dog Assessment.
- 21.4. If the notice is not complied with and Council receives a further complaint and the Animal Control Officer has reasonable grounds for believing that the nuisance is continuing and is causing distress to any person the Officer may remove the dog from the property²⁴.
- 21.5. Non-compliance with the notice to abate the nuisance will result in enforcement action.

OBJECTIVE 13 – DOGS NOT UNDER CONTROL

Every dog owner is required to ensure that the dog is kept under control at all times.
A Dog Control Officer may seize and impound any dog found at large in contravention of the Act

22. DOGS NOT UNDER CONTROL

- 22.1. A dog is not under control if it is found at large on any land or premises other than a public place or a private way without the consent of the occupier or person in charge of that land or those premises; or if it is found at large in any public place or in any private way in contravention of any bylaw.

²³ Section 55 of the Act

²⁴ Section 56 of the Act

- 22.2. A dog that is 'at large' is often referred to as a wandering dog and is a dog that is not under control. Dogs not under control can frighten, intimidate, annoy or otherwise cause harm to people and can also cause damage to farm stock, poultry, domestic pets and wildlife. Wandering dogs, if they cannot be returned to a secure property will be impounded.
- 22.3. Council may consider reducing the impound fee, on a case by case basis, if the dog owner carries out an assessment of their property and rectifies any fencing inadequacies immediately. Council will assist in the assessment of properties if requested.

OBJECTIVE 14 - DOGS RUSHING

Every dog owner is required to ensure that the dog is kept under control at all times.
Council may prosecute the owner of a dog involved in a serious rushing incident

23. DOGS RUSHING AT PERSONS, ANIMALS, OR VEHICLES

- 23.1. There are occasions when a dog will rush at people, other animals or vehicles. A dog is not under control when it rushes at any person, animal, or vehicle. Keeping the dog confined within its property and allowing free access to the front door can help avoid such situations. Warning signs that a dog is on the property also assists in preventing rushing incidents.
- 23.2. Where a dog in a public place rushes at, or startles, any person or animal in a manner that causes any person to be killed, injured, or endangered; or any property to be damaged or endangered; or where a dog in a public place rushes at any vehicle in a manner that causes, or is likely to cause, an accident the owner of the dog commits an offence and is liable on conviction to a fine not exceeding \$3,000 in addition to any liability that he or she may incur for any damage caused by the dog and the court may make an order for the destruction of the dog.
- 23.3. Owners or people caring for dogs have a responsibility under section 5(1)(f) of the Dog Control Act 1996 to 'take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person', which will include where a dog on private property rushes at, or startles, any person or animal.

OBJECTIVE 16 - SERIOUS INJURY

Council may seek the destruction of the dog when prosecuting under section 57

24. SERIOUS INJURY TO PERSON

24.1. In all cases where the victim of a dog bite was going about their lawful business, the Council may prosecute the dog owner or person in charge of the dog at the time of the offence. A written statement of complaint is required from the complainant.

Note: Upon conviction of an offence under s57 of the Act a Court is required to make an order for destruction of a dog unless it is satisfied that the circumstances of the offence were exceptional and do not warrant destruction.

FIRST SCHEDULE**PART A - PROHIBITED SPECIFIED PUBLIC PLACES**

<i>DOGS ARE PROHIBITED AT THE FOLLOWING LOCATIONS</i>	
PROHIBITED AREAS	Specific Part of prohibited area
Central Business District	Refer to definitions
Castlecliff Beach car park (off Rangiora Street)	Beach area in front of car park
Lake Wiritoa	Beach and boat ramp area
Virginia Lake	
Westmere Lake	
Bason Botanic Gardens	
Mowhanau Beach Domain	Children's play area and Beach area in front of domain.
Williams Domain	
Tawhero Golf Course	
Deer Park Reserve	
Spurdle Street Reserve	
Parks	Children's play areas
Kowhai Park	Children's play area
Matipo Park	
Laird Park	
Cooks Gardens	
Sports Grounds	Playing surfaces of sports grounds

PART B – PERMITTED OFF-LEASH BUT KEPT UNDER CONTROL AT ALL TIMES

DOG EXERCISE AREA	DEFINED AREA
ARAMOHO	
Riverbank Reserve	Railway Bridge to Aramoho School - walkway along riverbank
Riverbank Reserve	Aramoho School to Kells Avenue - road reserve
Seddon Street	Kaikokopu Road to Barrack Street - road reserve
Somme Parade riverbank reserve	Opposite cemetery
WANGANUI EAST	
Burton Avenue	Road Reserve islands
Eastown Road	grass reserve next to railway line
Riverbank Reserve	Jet Tours Building to the Railway Bridge
Riverbank Reserve	Fitness Trail to Ikitara Road extension
Wembley Park: Grounds 5 to 8	EXCEPT when being used for sporting events
CENTRAL CITY	
Davis Library	Grass reserve next to Davis Library
Somme Parade Riverbank Reserve	Riverside Walkway: Dublin Street Bridge to PS Waimarie Jetty
Wilson Street (corner of Taupo Quay) to Bedford Avenue	River Walkway adjacent to the intersection of Wilson Street and the corner of Taupo Quay to northern end of Bedford Avenue
CASTLECLIFF	
Castlecliff Beach area	EXCLUDING Front of Rangiora Street car park from 1 November to 1 April inclusive
Bamber Street	Bamber Street road reserve
Seafront Road	Seafront Road grass reserve
Karoro Road/Riverbank Reserve	AFFCO to Rivercity Meats, including Gilbert Street
GONVILLE	
Moore Avenue	Gonville Domain
Tawa Street	Tawa Street Reserve
Carlton Avenue	Handley Street Reserve
SPRINGVALE	
Springvale Park	Area between Splash Centre and St George's School EXCEPT when the sports areas are used for sporting events
Parsons Street Road Reserve	Next to Bridge Club
Babbage Place reserve	
Great North Road	Otamatea Reserve

Victoria Park – except when sports are being played	
OTHER AREAS	
North of the bridge and stream at Mowhanau Beach	
South Beach	

PART C – ON-LEASH PUBLIC PLACES

DOGS ARE PERMITTED ON A LEASH AT THE FOLLOWING LOCATIONS	
DOG EXERCISE AREA	DEFINED AREA
Aramoho Motor Camp Park	Aramoho Motor Camp Park
Hutton Park	Hutton Park
Lorenzdale Park	Lorenzdale Park
Lundon Park	Lundon Park
Peat Park	Peat Park
Queen's Park	Queen's Park
Riverbank road reserve	River Walkway: from PS Waimarie jetty to the river walkway area adjacent to the intersection at the corner of Wilson Street and the corner of Taupo Quay
Public Places	All other public places not identified in Parts A or C