

Papakura District Council

# Policy on Dogs for Papakura District 2004

1<sup>st</sup> September 2004

**Included within:**

**Policy on Dogs 2004  
Dog Control Bylaw 2004**

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# Policy on Dogs for Papakura District

Prepared Pursuant to Section 10 of the Dog Control Act 1996

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## INTRODUCTION (Reason for a Policy on Dogs)

The Dog Control Act 1996 (“the Act”) contains obligations that require all owners to register their dogs, ensure they are kept under control, and ensure 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.

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

To ensure these powers are used effectively and fairly, and form part of a broad approach to the management of dogs (for example, rewards to responsible dog owners), the Act requires the Council to adopt a policy on dogs in its area through a public consultation process.

The approach adopted by this Policy on Dogs recognises the benefits and problems of dogs to their owners and the community as a whole, and that everyone in the community, dog owners, the general public, and Council, has a role to play in order to continue to realise these benefits and minimise the problems.

This Policy on Dogs states how the community wants to live with dogs (Our Objectives), what needs to be done to achieve our objectives (Our Policies), and what the Council can do to help the community achieve those policies (Methods).

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## OUR OBJECTIVES (How We as a Community Want to Live With Dogs)

### Objective 1

We want dog owners to act responsibly with their dogs and ensure their dogs are given due care.

### Objective 2

We want to minimise any danger, distress, and nuisance from dogs to the community generally.

### Objective 3

We want 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.

### Objective 4

We want to use streets and public amenities without fear of attack or intimidation by dogs.

### Objective 5

We want dog owners to be able to provide for the exercise and recreational needs of their dogs and themselves in appropriate areas.

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# OUR POLICIES

## (What We as a Community Need to Do Achieve Our Objectives)

### 1. Identify the Owner of Every Dog

#### ***Policy 1***

All dog owners must register their dogs. All dogs first registered on or after 1 July 2006 will be required to be microchipped. Also from that date, all dogs that are classified as dangerous or menacing under the Act, including dogs classified since 1 December 2003, will be required to be microchipped.

#### ***Methods (What can Council do to help achieve this policy?)***

- 1.1 Meet the Act's requirement to keep a register of dogs, provide information to the National Dog Control Information Database, set registration fees, and provide dog owners who register their dog with relevant information.
  - 1.2 Provide information and education campaigns to encourage registration and microchipping in accordance with the Act.
  - 1.3 Send an annual reminder to all known dog owners to register their dog in accordance with the Act.
  - 1.4 Offer incentives to owners to register and microchip their dog in accordance with the Act. For example, lower registration fees may apply to owners who demonstrate a specified level of competency in terms of responsible dog ownership.
  - 1.5 Take enforcement action against owners of unregistered dogs.
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### 2. Make Provision for Dog Access to Public Places

#### ***Policy 2***

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

#### ***Methods (What can Council do to help achieve this policy?)***

- 2.1 When planning or making bylaws controlling, the access of dogs to public places the Council will:
  - a) Recognise the dog owner as a user of public places.
  - b) Aim to maximise the number and range of opportunities for the control of dogs both on and off leash.
  - c) Aim for integration of dogs and their owners with other park users, not separation.
  - d) Consider dog access to parks and reserves on a District wide basis rather than on a piecemeal park-by-park basis.
  - e) Aim to provide for a diversity of opportunities for dogs and their owners in planning, design and management for public places depending on their needs (eg. provision of off leash areas or bins and bags for dog faeces in designated dog exercise areas).
  - f) Ensure controls on dog access are easily definable on the ground (ie. obvious to the observer) to both dog owners and the general public, or adopt a precautionary approach and apply the more restrictive level of dog access.
- 2.2 The Council will make bylaws that:
  - a) Prohibit dogs from the following public places:
    - (i) Any cemetery, crematorium or public building, including any library, swimming pool, recreation centre, and visitor centre, under the control or management of the Council or the Auckland Regional Council unless permitted by the occupier or person having control of the premises and subject to compliance with any reasonable conditions imposed.
    - (ii) Any area developed or marked out as a sports field, outdoor court, skateboard park and cycle park.

- (iii) On or within 10 metres of any area that is developed or marked out as a playground or contains children's play equipment, or within 5 metres of any marked sports field.
- (iv) Averill Street.
- (v) Great South Road (Between Wood Street and Subway Road)
- (vi) East Street (Between Queen Street and Wood Street)
- (vii) Queen Street (Between East Street and Great South Road)
- (viii) Broadway
- (ix) O'Shannessey Street
- (x) Elliot Street (Between East Street and Great South Road)
- (xi) Southern Park (excluding 5 metre strip along western boundary of Kirks Bush)
- (xii) Graham Tagg Park
- (xiii) Rollerson Park
- (xiv) Drury Domain
- (xv) Bruce Pulman Park
- (xvi) Village Green (bounded by Coles Crescent, Queen Street and East Street)
- (xvii) Central Park

b) Require dogs to be kept on a leash in the following public places (unless otherwise prohibited):

- (i) Any place not otherwise prohibited or allowed off leash.
- (ii) On any road, private way, or recreational walkway.
- (iii) Any area developed or marked out as a picnic area, fitness apparatus, boat ramp, boat marshalling area, or car park.
- (iv) Any area developed or marked out as a public garden.
- (v) Any sportspark (prohibited on sportsfields).

c) Allow dog owners to exercise his or her dog without a leash, but under control, in the following public places (unless otherwise prohibited):

- (i) The Children's Forest
- (ii) Wharf Street Reserve
- (iii) Jack Farrell Park
- (iv) Wellington Park - Monday to Friday 9am to 6pm
- (v) Brylee Reserve (North East area)
- (vi) Walter Strevens Reserve (South of car park to Pine Tree Point)
- (vii) The foreshore walkway around the Pahurehure Inlet from Wellington Park to the Southern Motorway boundary (excluding area to the east of Gills Ave)
- (viii) The Red Hill Scenic Reserve - (the scenic reserve situated between Red Hill Road and Hays Stream).
- (ix) Boundary Road Reserve (situated to the west of Lipton Grove)
- (x) The land immediately adjoining the eastern boundary of the Ngakoroa Stream extending from Bremner Road to State Highway 22.
- (xi) The reserve situated along the southern edge of the Papakura Stream extending from the Southern Motorway to Porchester Road.

d) Recognise that working dogs while working, dogs that are confined in a vehicle or cage, or dogs taking part in Council approved special events, should not be prohibited from public places or required to be on a leash

e) Requires the owner of a 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

f) The Council will maintain this policy to inform dog owners of which land within the District is included in a controlled or open dog exercise area under the Conservation Act and a national park under the National Parks Act 1980. At present there are no such areas.

- 2.3 The Council will take enforcement action against owners who breach the Act or bylaws by failing to contain or control their dogs.
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### **3. Encourage Responsible Dog Ownership**

#### ***Policy 3***

Dog owners must be encouraged to meet their obligations under the Act to make neighbourhoods more safe and pleasant.

#### ***Methods (What can Council do to help achieve this policy?)***

- 3.1 Reward dog owners demonstrating a specified level of responsible dog ownership.
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### **4. Enforce Dog Owner Obligations**

#### ***Policy 4***

Powers of enforcement under the Dog Control Act 1996 should be used to the fullest extent necessary to ensure public safety and comfort and to penalise and deter irresponsible dog ownership.

#### ***Methods (What can Council do to help achieve this policy?)***

- 4.1 Establish a response service to receive, investigate and resolve dog complaints from members of the public.
- 4.2 Use powers to remove dogs threatening public safety and comfort.
- 4.3 Use powers to issue infringement notices, prosecute owners, and use menacing or dangerous dog classifications, and probationary and disqualified dog owner classifications.
- 4.4 The Council will make bylaws that:
- a) Prescribes minimum standards for the accommodation of dogs to require every dog owner to provide their 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.
  - b) Requires a licence to be obtained where more than two dogs are kept on any land or premises.
  - c) Requires the containment of bitches in season, and the containment of dogs infected with a contagious disease other than when being transported to a registered veterinary clinic for treatment.
  - d) May require the neutering of dogs where they have not been kept under control on three or more occasions.
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### **5. Educate the Community About Dogs**

#### ***Policy 5***

The community must be made aware of how to live with dogs to minimise danger, distress and nuisance.

#### ***Methods (What can Council do to help achieve this policy?)***

- 5.1 Provide information and education to dog owners and the general public. For instance, the provision of information brochures, websites, dog owner groups and school education programmes.
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## **6. Apply a More Consistent Approach to the Management of Dogs in the Auckland Region**

### ***Policy 6***

The City and District Council's of the Auckland Region, the Auckland Regional Council and the Department of Conservation must work proactively towards closer alignment of policy, bylaws, services and practices in respect of dogs to provide greater certainty for the citizens of the Auckland region.

### ***Methods (What can Council do to help achieve this policy?)***

- 6.1 Participate in regional meetings to discuss policy, bylaws, and dog control issues and practices.
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## **7. Provide Adequate Funding for Dog Management Services**

### ***Policy 7***

- a) Adequate funding must be provided to maintain an acceptable level of dog management services.
- b) In fixing fees related to dogs, the Council must take into account the user pays principle, penalty based fees, legislative requirements, Council's Funding Policy, recognition of responsible dog ownership, and community responsibilities.

### ***Methods (What can Council do to help achieve this policy?)***

- 7.1 Fix fees for the registration and control of dogs in accordance with Policy 7(b).
  - 7.2 Fix lower registration fees for owners demonstrating a specified level of competency in terms of responsible dog ownership and for working dogs.
  - 7.3 Fix a higher registration fee for the late registration of dogs.
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## **8. Gather Information to Assess the Effectiveness and Fairness of Our Policy on Dogs**

### ***Policy 8***

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

### ***Methods (What can Council do to help achieve this policy?)***

- 8.1 Meet the Act's requirement to report on the Council's administration of the Policy on Dogs and its dog control methods in accordance with the Act.

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# **Dog Control Bylaw 2004**

## **EXPLANATORY NOTE**

*This bylaw supplements the provisions of the Dog Control Act 1996 for the care and control of dogs within Papakura District and gives effect to the Policy on Dogs Papakura District.*

### **1.0 Short Title, Commencement and Application**

1.1 This bylaw is the Dog Control Bylaw for Papakura District Council and comes into force on 1<sup>st</sup> September 2004, minute number 2004/193.

1.2 This bylaw applies to the Papakura district.

### **2.0 Interpretation**

2.1 In this bylaw unless the context requires otherwise:

**BEACH** means any land covered and uncovered by the ebb and flow of the tide between mean low water springs and mean high water springs.

**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.

**COUNCIL** means the Papakura District Council.

**DISTRICT** means the area under the control of the Papakura District Council.

**DOG OWNER** means owner as defined in section 2 of the Dog Control Act 1996 and includes every person who:

- (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 and dependent on the parent or guardian;—

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

**ON A LEASH** means that the dog is kept under control by means of a leash, lead or chain which is secured or is held by a person capable of restraining the dog so that the dog cannot break loose.

**PUBLIC PLACE** means public place as defined in section 2 of the Dog Control Act 1996 and includes:

- (a) 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.

**PRIVATE WAY** means private way as defined in the Local Government Act 1974 and includes any way or passage whatsoever over private land within the district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally.

**RESERVE** means:

- (a) Any land vested in the Council and declared as a reserve by resolution of the Council, under section 14 of the Reserves Act 1977; or
- (b) Any park, domain or recreational area under the control or ownership of the Council; or
- (c) Any land under the control or management of the Auckland Regional Council.

**WORKING DOG** means any working dog as defined in section 2 of the Dog Control Act 1996 and includes:

- (a) Any guide dog, hearing ear dog, or companion dog:
- (b) Any dog—
  - (i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or
  - (ii) Kept solely or principally for the purposes of herding or driving stock; or
  - (iii) Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
  - (iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
  - (iva) Kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
  - (ivb) Kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
  - (ivc) Certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
  - (v) Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or
  - (vi) Declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

### **3.0 Control of Dogs in Public Places**

#### **Prohibited Areas**

- 3.1 Every dog owner must ensure that his or her dog does not enter or remain in any public place designated as a prohibited area in the First Schedule.

#### **Leashed Areas**

- 3.2 Every dog owner must ensure that his or her dog is kept on a leash in any public place or private way designated as a leashed area in the Second Schedule.

#### **Off Leash Areas**

- 3.3 Every dog owner may exercise his or her dog other than on a leash, but must keep the dog under control, in any area designated as an off leash area in the Third Schedule.

#### **Designated Dog Exercise Areas**

- 3.4 Every dog owner may exercise his or her dog other than on a leash, but must keep the dog under control, in any area designated as a dog exercise area in the Fourth Schedule.

#### **Exemptions**

- 3.5 Clauses 3.1 and 3.2 do not apply to the owner of:
- (a) A working dog while it is working; or
  - (b) Any dog which is confined completely within a vehicle or cage; or
  - (c) Any dog taking part in a special event approved by the Council, such as a dog show or dog training seminar.

#### **4.0 Removal of Faeces**

- 4.1 Where any dog defecates in a public place or on land or premises other than that occupied by the owner, the dog owner must remove the faeces immediately and dispose of them in a way that does not cause a nuisance.

#### **5.0 Housing**

- 5.1 Every dog owner must provide his or her dog with suitable housing or kennelling which –
- (a) Is weatherproof, dry, clean and gives the dog adequate space, warmth and shade; and
  - (b) Is situated in a position that does not cause a nuisance to any person.

#### **6.0 Limitation on Number of Dogs**

- 6.1 No person may keep a dog over the age of three months on any land or premises in the District which results in more than two dogs being kept on land or premises for more than 14 days, unless that person holds a valid permit for that purpose, issued by the Council.
- 6.2 Every application for a permit must supply the information that the Council requires to issue the permit and must pay any fee prescribed from time to time by resolution of the Council.
- 6.3 The Council may place conditions on the permit and the holder must comply with them. If the holder fails to comply with the conditions the Council may cancel the permit.

#### **7.0 Bitches in Season and Diseased Dogs**

- 7.1 Every dog owner must ensure that every bitch in season is confined on his or her land or premises in such a manner that it cannot freely leave the land or premises and in such a manner so as to prevent other dogs gaining access to the bitch.
- 7.2 Every dog owner must ensure that any dog infected with a contagious disease is contained on his or her land or premises in such a manner that it cannot freely leave the land or premises other than when being transported to a registered veterinary clinic for treatment.

#### **8.0 Neutering of Dogs**

- 8.1 Where any dog owner fails to keep his or her dog under control on three or more occasions the Council may, by written notice, require the owner to cause the dog to be neutered.
- 8.2 The dog owner must, within one month of receipt of the notice produce to the Council a certificate issued by a registered veterinary surgeon certifying:
- (i) That the dog is or has been neutered; or
  - (ii) That for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate.
- If a certificate under clause (ii) is produced, the dog owner must within one month after the date specified in the certificate, produce a further certificate to the Council under clause (i).

## **9.0 Offences and Penalties**

- 9.1 Every person who fails to comply with the requirements of this bylaw commits an offence and is liable to an infringement fee of \$500 or a fine not exceeding \$20,000.
- 9.2 The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a person from committing a breach of this bylaw.

## **FIRST SCHEDULE**

### **Prohibited Areas**

Every dog owner must ensure that his or her dog does not enter or remain in the following public places:

- (a) Any cemetery, crematorium or public building, including any library, swimming pool, recreation centre, and visitor centre, under the control or management of the Council or the Auckland Regional Council unless permitted by the occupier or person having control of the premises and subject to compliance with any reasonable conditions imposed.
- (b) Any area developed or marked out as a sports field (but excluding any spectator area), outdoor court, skateboard park and cycle park.
- (c) On or within 10 metres of any area that is developed or marked out as a playground or contains children's play equipment, or within 5 metres of any marked sports field.
- (d) In any of the following areas:
  - 1) Averill Street
  - 2) Great South Road (Between Wood Street and Subway Road)
  - 3) East Street (Between Queen Street and Wood Street)
  - 4) Queen Street (Between East Street and Great South Road)
  - 5) Broadway
  - 6) O'Shannessey Street
  - 7) Elliot Street (Between East Street and Great South Road)
  - 8) Southern Park (excluding 5 metre strip along western boundary of Kirks Bush)
  - 9) Graham Tagg Park
  - 10) Rollerson Park
  - 11) Drury Domain
  - 12) Bruce Pulman Park
  - 13) Village Green (bounded by Coles Crescent, Queen Street and East Street)
  - 14) Central Park

## **SECOND SCHEDULE**

### **Leashed Areas**

Every dog owner must ensure that his or her dog is kept on a leash in every private way or the following public places:

- (a) Any public place not included in the First Schedule, Third Schedule or Fourth Schedule.
- (b) On any road, private way, or recreational walkway.
- (c) Any area developed or marked out as a picnic area, fitness apparatus, boat ramp, boat marshalling area, or car park.
- (d) Any area developed or marked out as a public garden.
- (e) Any sportspark (prohibited on sportsfields).

### **THIRD SCHEDULE**

#### **Off Leash Areas**

Every dog owner may exercise his or her dog other than on a leash, but must keep the dog under control in the following public places:

- (a) In any of the following areas:
  - 1) The Children's Forest
  - 2) Wharf Street Reserve
  - 3) Jack Farrell Park
  - 4) Wellington Park - Monday to Friday 9am to 6pm
  - 5) Brylee Reserve (North East area)
  - 6) Walter Strevens Reserve (South of car park to Pine Tree Point)
  - 7) The foreshore walkway around the Pahurehure Inlet from Wellington Park to the Southern Motorway boundary(excluding area to the east of Gills Ave)
  - 8) The Red Hill Scenic Reserve - (the scenic reserve situated between Red Hill Road and Hays Stream).
  - 9) Boundary Road Reserve (situated to the west of Lipton Grove)
  - 10) The land immediately adjoining the eastern boundary of the Ngakoroa Stream extending from Bremner Road to State Highway 22.
  - 11) The reserve situated along the southern edge of the Papakura Stream extending from the Southern Motorway to Porchester Road.

### **FOURTH SCHEDULE**

#### **Designated Dog Exercise Areas**

Every dog owner may exercise his or her dog other than on a leash, but must keep the dog under control in the following public places:

- (a) In any of the following areas:

No areas identified.