

DOG CONTROL POLICY

Effective from 1 July 2018

This Policy outlines how Invercargill City Council's Animal Services Department will fulfil its responsibility under the Dog Control Act 1996. This Policy is a tool to create a mutual understanding of the roles and responsibilities of Dog Owners and Animal Control Officers. The Invercargill City Council acknowledges that dog ownership contributes to people's health and well-being through companionship and the need to regularly exercise dogs. This Policy promotes good dog care and control through the use of education and registration as well as enforcement measures.

Purpose

To help promote responsible dog ownership, dog care and dog welfare by striking an appropriate balance between the protection and safety of the public and the advantages to individuals and communities of dog ownership.

To clarify the roles and responsibilities of Dog Owners when dogs are in public spaces by the identification of places in which dogs are:

- prohibited including areas where children play;
- may be taken on lead; and
- may be exercised off lead.

with the aim of minimising danger, distress and nuisance caused by dogs.

Scope

This policy applies to all dog owners in the Invercargill City Council area and to all employees of Invercargill City Council.

Fees

The Act provides that Council can set reasonable fees for the registration and control of dogs. In setting fees the Council has regard to the relative costs of the registration and control of dogs in the categories described in this policy and such other matters as the Council considers relevant. Council has given considerable thought to what level of fee is fair and reasonable and the guiding considerations are:

- The overall philosophy is that the principle of user pays will apply, with a greater emphasis on recovery of fees from those owners who fail to meet their legal obligations.
- In setting fees and charges for dog control in any year, Council is required to decide the most appropriate means of collecting revenue, having regard to fairness and efficiency for dog owners and the public alike.
- The cost of registration should be in proportion to the level of service required for that class of owner/dog.
- As nearly every function provided by the Animal Services Department has some element of public good, it is appropriate that ratepayers make some contribution.

The Dog Control Act provides that different fees may apply for different classes of dogs or owners. This recognises and rewards a high level of responsible ownership and acts as an incentive for all dog owners to attain a high standard of care and control of their dog.

Definitions

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| Act | means the Dog Control Act 1996. |
| Council | means the Invercargill City Council. |
| Disability Assist Dog | means a dog defined as a disability assist dog under Section 2 of the Dog Control Act 1996 and specifically includes a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability: Hearing Dogs for Deaf People New Zealand Mobility Assistance Dogs Trust New Zealand Epilepsy Assist Dogs Trust Royal New Zealand Foundation of the Blind Top Dog Companion Trust |
| Infringement Offence | means an offence specified in Schedule 1 of the Dog Control Act 1996. |
| Leash | means a lead which is capable of restraining a dog. |
| Officer | means an Animal Control Officer or Dog Ranger appointed under the Dog Control Act 1996 and includes an Honorary Dog Ranger. |
| Owner | means someone who owns a dog or has it for more than 72 hours or is a parent or guardian of an owner of a dog where the owner is under the age of 16 and is living with the parent or guardian. |
| Responsible Dog Owner | means an owner who has been granted this status by the Council and has had a dog registered for a minimum of one |

year with no complaints, has adequate fencing to contain the dog at all times and has unimpeded access to the dwelling that still keeps the dog contained.

The District means the area under the authority of the Invercargill City Council.

Working Dog means working dog as defined under Section 2 of the Dog Control Act 1996.

Background

Dog control remains an important regulatory function for all territorial local authorities. Council recognises the need to achieve positive and enduring relationships with the community. It is important that our Animal Control Officers do not just enforce the laws under the Act, but also educate and build strong relationships with the community. This means being supportive and helpful to both dog owners and non-dog owners.

The Act reinforces responsible dog ownership through provisions for education, welfare, and training of dogs. Owners, who fail to fulfil their obligations, may face a wide range of penalties including infringement notices, higher registration fees and the potential for prosecution. It is the Council's duty to ensure that they develop and adopt policies which support the intention of the Act. This document serves to clarify and give detail to dog control in the District.

Where dogs are impounded and/or require euthanasia Council acknowledges the important roles that Animal Services can play in ensuring that they are treated humanely at all times.

DOG OWNER CLASSIFICATION

Council has two dog owner classifications, and these determine the classification.

The two categories are Standard Dog Owners and Responsible Dog Owners.

Standard Dog Owners

All owners not classified as category "Responsible Owner", along with those owners whose dogs have been classified as Dangerous shall be classified as "Standard".

Responsible Dog Owners

Responsible dog owners will receive a discount on registration to recognise their good dog ownership history. An owner may be granted this category upon fulfilling the following criteria;

- having the dog registered for a period of at least one year and Council having received no justified complaints or infringements;
- the owner must be able to show an Officer that their property is adequately fenced to contain the dog(s) at all times;
- the owner must be able to keep the dog contained in a manner that allows unimpeded access to the dwelling;
- the dog must be micro-chipped;
- registration must be paid on time;

- the owner must show sufficient understanding of responsible dog ownership.

The owner will need to fill in a responsible dog owner application and accept the terms required for inclusion in this category.

An Officer may revoke the privileges associated with this category and remove the owner's classification if they have good reason to believe that the terms of the classification have not been or are not being complied with. The owner concerned will then be ineligible for reassessment for inclusion in the "Responsible Owner" status for a two year period.

Probationary Owners

Owners will be included in this class if they have received three or more infringement notices in a 24 month period or if they have been prosecuted under the Act. The Director of Environmental and Planning Services has the delegation to declare any owner probationary, in accordance with the provisions of section 21 of the Act. An owner will remain a probationary owner for a period of 24 months.

The probationary classification has the following effect:

- The owner is not allowed to own any additional dogs other than the ones registered and in their possession at the time probationary status is given.
- The owner must dispose of any unregistered dogs.

The Council will provide any probationary owner with notice of the effects of the classification and information on how to object to the classification.

Owners have the right to object to this classification at any time, but no objection may be lodged within 12 months of the hearing of any previous objection to the classification. In the event of an objection the matter will be referred to Council's Hearings Panel for determination. Council may choose to appoint an independent commissioner to hear and determine any objection. In considering an objection Council will take the following factors into account:

- The circumstances and nature of the offence(s).
- The competence of the person in terms of being a responsible dog owner.
- The matters advanced in support of the objection and any other relevant matters.

Council encourages owners to undertake approved education and obedience courses as a means of reducing the probationary period.

Disqualification of Owners

Individuals will be disqualified from owning dogs for a period of up to five years in accordance with section 25 of the Act. These include:

- A person commits three or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months.

- A person is convicted of an offence (not being an infringement offence) against the Act.

If an owner is classified as probationary and they commit further offence/s the owner will be disqualified from owning a dog. The disqualified owner must dispose of any dogs in their possession within 14 days and may not transfer ownership to another person residing in the same dwelling. Council will provide any disqualified owner with notice of the effects of disqualification and information on how to object to the disqualification.

Council has delegated authority for disqualifying owners to the Director of Environmental and Planning Services. Any owner disqualified may object to the disqualification. Council's Hearings Panel would then determine the matter.

DOG OWNER OBLIGATIONS

General Health and Welfare

The owner of any dog must ensure that the dog receives proper care and attention, is supplied with proper and sufficient food and water, and receives adequate exercise.

Every owner of a dog shall ensure that the dog is provided with proper and sufficient shelter. Any kennels provided are required to be weatherproof and of adequate size with access to clean water, constructed on well drained ground and, in the case of a kennel without other means of confinement, provided with a fixed chain or running wire which allows the dog free movement about the kennel, and such kennel or place of confinement shall be kept in a clean and sanitary condition.

A place of confinement may include a dwelling. If a kennel is not provided, dogs must have access to the interior of a building with an adequate sleeping area provided at night time.

Registration

Every person in possession of a dog greater than three months in age must register their dog annually with the Council. Owners registering their dog for the first time will be required to come into Council's office to complete a dog registration form and to sign it as the dog owner. Registration commences for any given year on 1 July.

When a dog is re-homed from one owner to another, both owners are required to notify Council of the change of ownership for registration purposes.

When a dog is relocated to the District from another council's district, the tag is to be surrendered to Council, upon which a new tag containing Invercargill City Council details will be issued to the owner at no extra charge provided the registration is current.

In the event of the death of a dog, the owner must notify Council in writing. On receipt of written notification, Council will issue a refund for the remainder of the registration year.

If owners do not meet the obligations to register their dogs or notify Council of a change of address or ownership, enforcement action may be initiated and fines may be imposed

Micro Chipping

- All dogs, except working dogs registered for the first time as of 1 July 2006, must be micro-chipped.
- A micro-chip certificate is to be provided for all newly registered dogs within 30 days of registering the dog. Failure to do so may result in the issue of an infringement notice.
- Any dog that is unregistered and is impounded will be required to be micro-chipped and registered prior to release.

DOGS IN PUBLIC SPACES

Dog Prohibited Areas

The Council may prohibit dogs from certain areas where it considers it necessary for the protection of the health and safety of the public or where it is considered desirable due to:

- Intense public use, or
- The need to protect an area from dogs, or
- For such other purpose as the Council may from time to time consider appropriate.

The following areas within the District are designated as prohibited areas for dogs:

Children's Playgrounds Within ten metres of children's play equipment, skateboard ramps and paddling pools.

Events that are organised by Council unless otherwise publicised.

Ponds and Lagoons on Reserves Including the areas around Sandy Point and Donovan Park ponds and lagoons.

Sports Fields The designated playing areas of all marked sports fields.

Tiwai Peninsula. This area is within the Invercargill City Council Boundaries but controlled by the Department of Conservation and is subject to their rules in relation to dogs.

Controlled Dog Area

The following Controlled Dog Areas apply in the District:

Awarua Wetlands – Department of Conservation Permit is required to bring a dog into this area.

Leash Control Areas

Dog owners must ensure that their dog is kept under control at all times, and when in public places, excluding dog exercise areas, dogs must be on a lead held by a person who is capable of controlling the dog. This is to protect public safety and also help to ensure the safety of dogs and other animals.

A public area includes:

- ALL streets and roads.
- Footpaths and walkways.
- Parks and reserves. (Excluding the Elles Road Dog Park)

- Cemeteries and crematorium.
- Formed walking tracks on reserves.

Non Designated Dog Areas

All dogs must be kept under proper and effective control at all times. A dog may be allowed to be unrestrained in any area that is not defined by a Council Bylaw as a leash control area or prohibited area provided that the dog is properly controlled.

Dog Exercise Area

Invercargill is a city characterised by large amounts of open space to which the public has access. Most of this open space is suitable for exercising dogs provided they are kept under control and owners are responsible in exercising control. Council does not intend to designate any area within a leash control area for use as a dog exercise area. Dogs may be exercised off the lead in the following areas (*Appendix 1*):

Donovan Park excluding marked sports fields and the pond area.

Elizabeth Park excluding playgrounds and walking tracks.

Elles Road Dog Park within the confines of the fenced Dog Park.

Oreti Beach a reasonable distance away from people so as not to cause a nuisance or distress.

Sandy Point Domain excluding playgrounds, marked sports fields and the ponds and lagoons. Dogs must be on a lead while on or within five metres of the walking track.

Turnbull Thomson Park excluding playgrounds and marked sports fields.

Waihopai Walkway the river margins along the entire walkway upstream of Stead Street, excluding areas where stock is being grazed. Dogs must be on a lead while on or within five metres of the walking track.

Owners are responsible for keeping their dogs under control at all times and must use their own discretion to determine whether their dog is sufficiently well trained to remain off leash when walking near stock, even when the stock is fenced.

CUSTODY OF DOGS

Impounding Dogs

The Animal Care Facility will provide adequate and properly maintained facilities and resources for the care and safety of impounded dogs. Such dogs shall be humanely handled. Appropriate action will be taken to prevent the suffering of any diseased or injured dogs. Impounded dogs must be kept for a minimum of seven days if no owner has been contacted or come forward to collect the animal.

Where a dog is repeatedly found wandering, the Officer must be satisfied that the correct measures have been taken to prevent wandering before the dog will be released back to the owner.

Releasing Dogs

Dogs shall only be released by prearranged appointment from the Animal Care Facility under the following circumstances:

- All fees must be paid prior to release.
- An Officer is satisfied that the dog is registered.
- An Officer is satisfied that the dog is micro-chipped.
- An Officer is satisfied that the person obtaining the dog is the rightful owner of the dog or has been duly authorised by the rightful owner to act in that capacity.

Rehoming Unclaimed Dogs

A suitable unclaimed dog may facilitate the release to any person or organisation provided that:

- An Officer at the Animal Care Facility considers that person or organisation to be a suitable person.
- The dog is vaccinated, registered, micro-chipped and the costs of such are met by the person or organisation wishing to provide a home for the dog.

Council will not be held responsible for any dog that has fallen ill after re-homing or found to be ill once it has been released. Officers will always do their best to ensure the safety and health of dogs in the possession of Council.

Euthanasia of Dogs

Impounded dogs that are not claimed within 7 days, and that are deemed by an Officer as unsuitable for re-homing, will be euthanised by humane means. Dogs that are suitable for re-homing that have not found a suitable owner will be euthanised by humane means at the discretion of an Officer.

Where the owner wishes that an impounded dog be euthanised, it will be arranged at the owner's cost. All other relevant or accrued fees shall remain as a debt due to Council.

ENFORCEMENT AND INFRINGEMENT NOTICES

Council recognises that the majority of dog owners are responsible and that for most owners, an explanation of an issue will suffice in fixing the problem. This will be the first step in Council's enforcement protocol, unless the incident involves injury or distress to an animal or person and there are health issues associated.

In some instances a written warning will be issued. If Council records indicate that two or more written warnings have been issued in a 12 month period, the offence may be dealt with by issuing an infringement notice.

Officers have the authority to issue an infringement notice at any time if they feel the situation warrants. This can occur either in the field or after subsequent investigation.

Abatement of Nuisance

Where in the opinion of the Officer the keeping of any dog(s) on a premise is, or is likely to become, a nuisance the Officer may issue the owner with a written notice requiring the owner to take specific steps to solve the problem.

Barking Dogs

When Council receives a complaint about a barking dog, the Officer will initiate a process to investigate the issue. If the problem continues despite efforts being taken to educate the owner and steps being taken to rectify the issue a notice may be issued requiring the dog/s to be removed from the property. The owner can appeal this notice and any appeal will be determined by Council's Hearings Panel. If the notice is not complied with Council may undertake enforcement actions.

Wandering Dogs

Where an Officer sees a dog wandering in a public place, that Officer will seize the dog. The dog will be treated in accordance with the Council's process for the treatment of wandering dogs including, at the Officer's discretion and in accordance with Council's process it may be returned to its home address and released provided that the owner is at home to establish ownership and take possession of the dog. A warning or infringement notice may be issued and a return fee will be charged.

Dog Attacks or Biting

Where a dog attacks or bites a person, and where the victim was going about their lawful business, Council will consider instigating legal action under section 57 and / or 58 of the Act against the dog owner or person in charge of the dog at the time of the offence. Council will require a written statement of complaint from the complainant.

Upon conviction Council may ask the Court for a destruction order or declare the dog a dangerous dog.

Prosecution

Where an offence is considered to be serious enough, and sufficient evidence exists, Council will prosecute an offender in the District Court. These offences include, but are not limited to, the following situations where the dog has:

- Caused significant damage to property.
- Caused significant damage or injury to any person or animal, domestic or wild.
- Caused severe distress.
- Caused danger, distress or nuisance to any person or the community on a number of occasions.
- Not complied with the dangerous or menacing classification requirements.

Prosecution will be considered for offences against the Act or any Council Bylaw. In all circumstances, Council has delegated to the Director of Environmental and Planning Services the authority to determine whether to proceed with prosecution.

Offences and Penalties

Offences and Penalties are set by the Act. Council does not have the authority to set or alter fines. Penalties are reasonably high to discourage non-compliance and are set out in Schedule One of the Act.

Please note if you are prosecuted under the Bylaw or a breach of the Act prosecution has higher penalties including terms of imprisonment and/or Community work.

Offences other than Infringement Offences:

Dogs attacking persons or animals.

Dogs rushing at persons, animals or vehicles.

Dogs causing serious injury.

DOG CLASSIFICATIONS

Dangerous Dogs

Under the Act a dog will be classified as dangerous for the following reasons:

- If the owner has been convicted under section 57A(2) of the Act.
- Where there is sworn evidence that the dog has shown aggressive behaviour.
- Where the aggressive behaviour of any dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife.
- Where the owner admits that the dog is dangerous.

Council has delegated to both the Director of Environmental and Planning Services and the Manager Environmental Health and Compliance, the authority to classify dogs as dangerous.

Any owner of a dog classified as dangerous must follow these additional obligations:

- Ensure the provision of a secure area where it is possible to gain unimpeded access to a door of the residential dwelling house.
- Ensure that the dog is muzzled in any public place when not confined in a vehicle or cage.
- Not dispose of the dog to any other person without the written consent of Council.
- Ensure that the dog is desexed.
- Pay 150% of the standard owner registration fee.

Menacing Dogs

Council considers a dog menacing if there has been reports or observations of menacing behaviour or Council considers that it poses a threat to people, wildlife, stock, domestic animals or poultry. Dog owners have up to 14 days after receiving notice of the classification to object in writing to Council in regard to the classification; and have the right to be heard in support of the objection.

The following breeds are automatically considered menacing under the Act:

- American Pit Bull Terrier

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

Any owner of a dog classified as menacing must follow these additional obligations:

- Ensure that the dog is muzzled in any public place when not confined in a vehicle or cage.
- Ensure that the dog is desexed within one month of notification.

GENERAL

De-Sexing

Council recognises desexing as an effective means of reducing the negative aspects of a dog's behaviour in many cases.

Council may elect to subsidise the desexing of a dog where criteria relating to hardship is proven, and where it is deemed to be essential.

A discount on registration fees is offered to owners who can show proof of desexing upon registration.

Dog Education

Council considers that owner education is an effective way of informing dog owners of their responsibilities and minimising problems arising from dog ownership.

Council intends to support education through training programmes, providing and promoting educational material and making Officers available for educational visits to schools and other groups when requested.

Council will also help educate people about on and off leash areas through the use of signage in public parks and other areas.

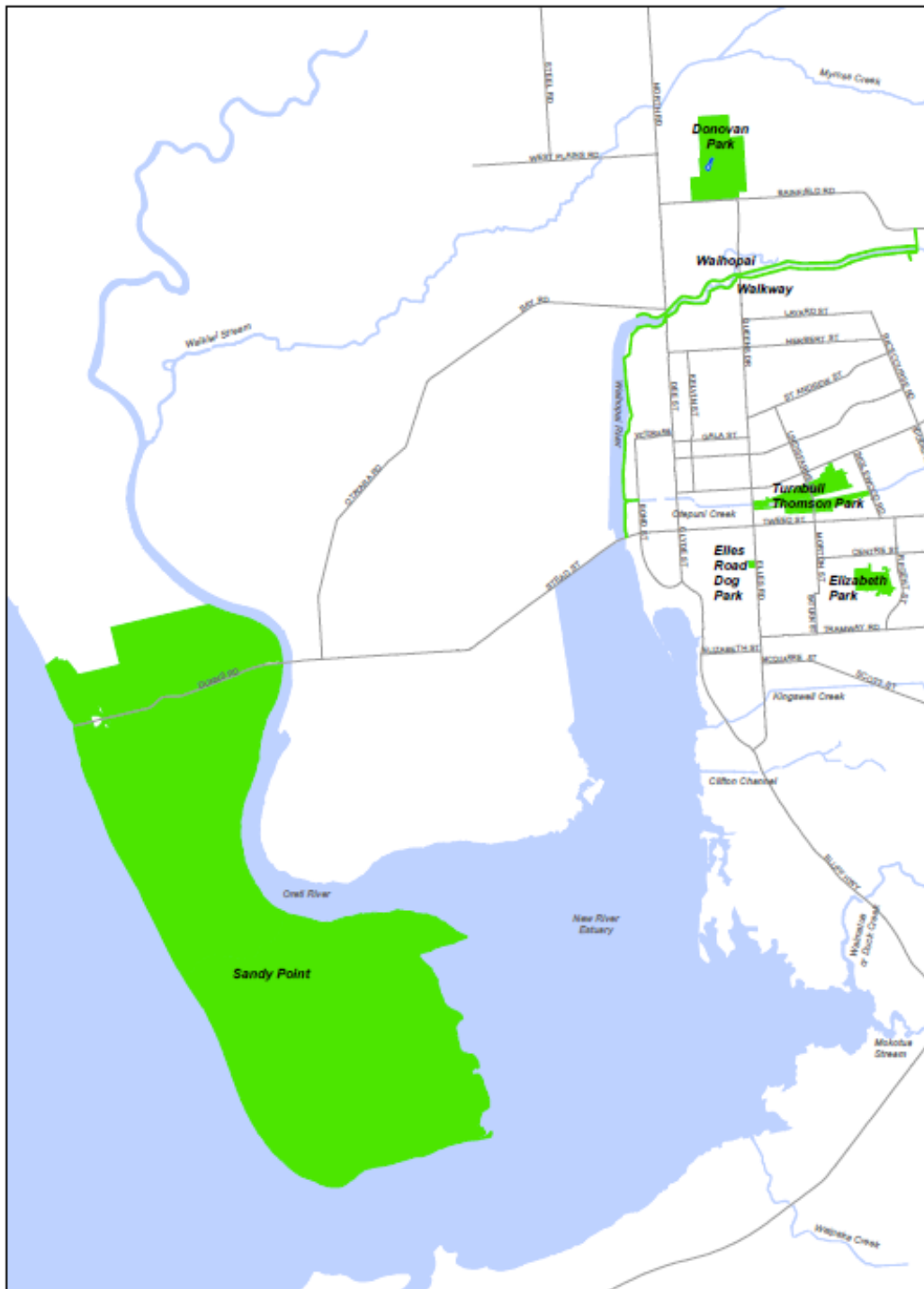
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| Revision History: | NIL |
| Effective Date: | |
| Review Period: | This policy will be reviewed every three years, unless earlier review is required due to legislative change, or is warranted by another reason. |
| New Review Date: | |
| Associated Documents / References: | Delegations Register; Dog Control Bylaw |
| Supersedes: | Dog Control Policy 2015 |
| Reference Number: | A1291593 |
| Policy Owner: | Invercargill City Council/Director of Environmental and Planning Services |

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Appendix 1

Dog Off Lead Map

Parks where dogs can be exercised off lead. The green areas of the map indicate the general areas where dogs can be exercised off lead. More detailed maps of the specific areas are provided on the following pages.



Parks where dogs can be exercised off lead

Turnbull Thompson Park

The areas marked in grey are dog off lead areas.

The areas marked in green hatch include sports fields. The sports fields, so marked, from season to season are dog prohibited areas.

The areas marked in red hatch are special purpose sites and are dog on lead areas.



Donovan Park

The areas marked in blue include sports fields. The sports fields, so marked, from season to season are dog prohibited areas.

The area marked in red is a dog prohibited area.

The lagoon area is a dog prohibited area.

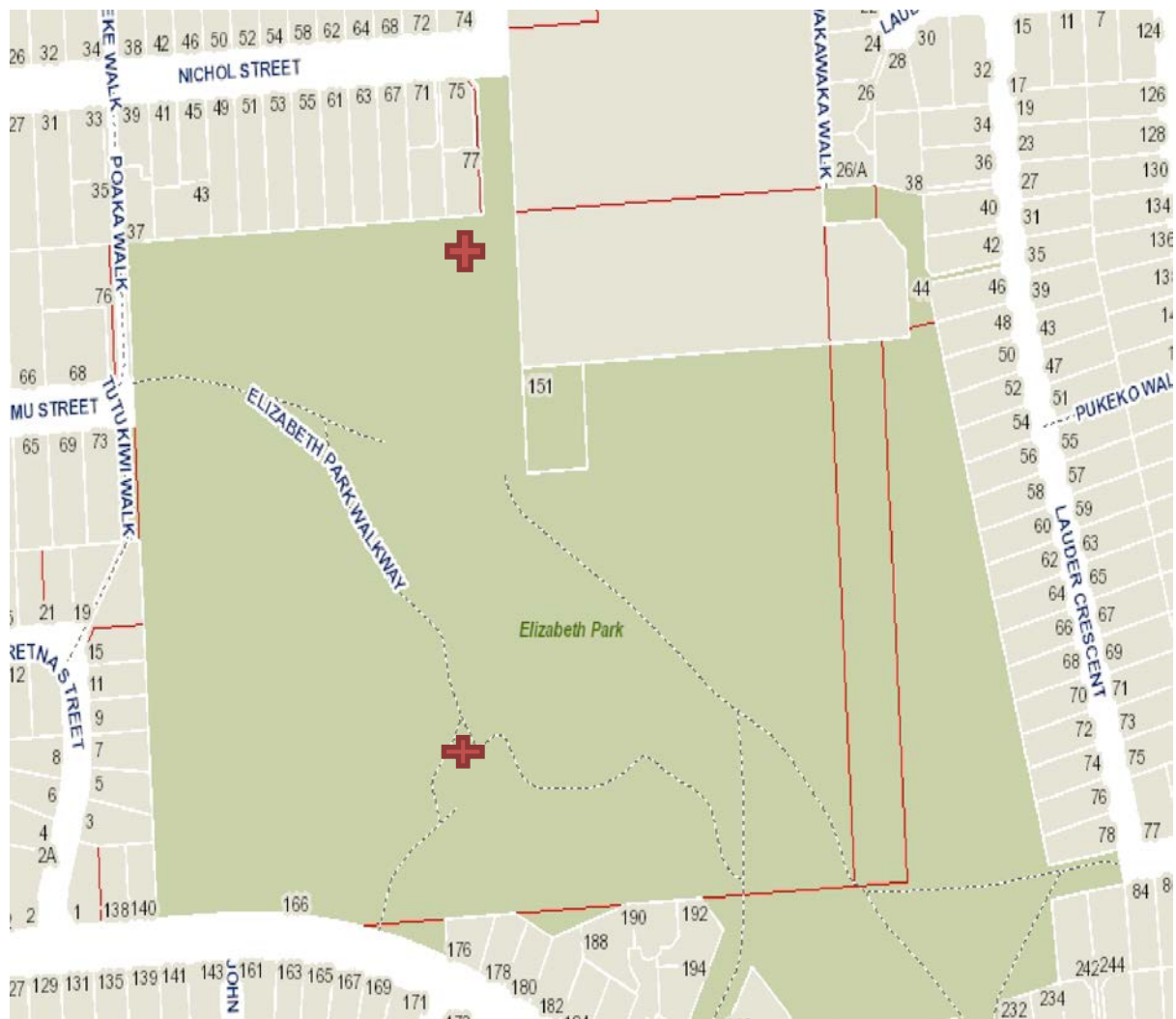


Elizabeth Park

The areas marked in green are dog of lead areas.

The red cross indicates playground equipment and/or a skate park and dogs are prohibited from being within 10 metres of this equipment.

The marked walkways are dog off lead areas noting the inconsistency with the current Parks Management Plans and Parks Dog Control Policy.



Elles Road

The dog park is an off lead area. All areas outside the dog park are on dog on lead areas.



Waihopai Walkway

The ICC Parks and Reserves are marked on the map below.

The walkway itself is controlled by Environment Southland.

The red crosses indicate playgrounds and are dog prohibited areas (within 10 metres).



Sandy Point

Sandy Point is a dog off lead area subject to the following restrictions.

Silver Lagoon – at the end of Round Tree Track is a dog prohibited area.

The leased areas identified below are excluded from the Council Dog Policy.



The Walkway and Walkway/Cycleway are dog off lead areas noting the inconsistency with the current Parks Management Plans and Parks Dog Control Policy.



Area of Dog Exercise/Off Lead in Bluff

The green hatch areas in Ocean Beach Reserve are a dog off leash area.

