



CARTERTON DISTRICT COUNCIL DOG CONTROL BYLAW 1997

The bylaw was made on 1st August 1997 and has been subject to a review on 18th September 2007 and adopted on 26th September 2007.

The bylaw with amendments shall be operative from 10th October 2007

Unless revoked or reviewed sooner, it shall be reviewed no later than 9th October 2017. If not reviewed by 9th October 2017, this bylaw terminates on 10th October 2019.

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Mayor

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Chief Executive Officer

10th October 2007
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Date

CARTERTON DISTRICT COUNCIL
CONTROL OF DOGS BYLAW Amendment 2007

**Objectives of the Dog Control Act 1996 & Dog
Control Amendment Act 2007**

The Objectives of the Dog Control Act are:-

- a) To make better provision for the care and control of dogs by:-
 - i) Requiring the registration of dogs.
 - ii) Making special provisions in relation to dangerous dogs;
 - iii) Imposing on the owners of dogs obligations to ensure that dogs do not
cause
a nuisance to any person and do not injure, endanger, or cause distress to
any person;
 - iv) Imposing on owners of dogs obligations designed to ensure that dogs do
not
injure, endanger or cause distress to any stock, poultry, domestic animal
or
protected wildlife.
- b) To increase powers of Dog Control Officers to better enable them to take steps to minimize the risk to public, and make provision in relation to damage caused by dogs.
- c) To maintain and contribute to the National Dog Database and enforce the Micro-chipping of menacing and dangerous dogs and dogs first registered after 1st July 2006.
- d) To provide for the reasonable exercise and recreational needs of dogs and their owners.

Objectives of the Carterton District Council

The Objectives of the Carterton District Council are:-

- i) To eliminate nuisance caused to the community by dogs by means of education, enforcement and publicity.
- ii) To administer the Dog Control Act and associated bylaws.
- iii) To operate the District Pound to cater for the needs and welfare of impounded animals.
- iv) To promote responsible ownership and the care and welfare of dogs.

Classification of Dogs

The Dog Control Act requires the council to classify as menacing dogs, those wholly or predominantly 1 or more breeds or types listed in schedule 4, as listed below.

- Breed of Dog
 - Brazilian Fila
 - Dogo Argentino
 - Japanese Tosa
- Type of Dog
 - American Pit Bull Terrier

OR

Dogs that the council considers may pose a threat to any person or animal because of observed or reported behaviour of the dog, or any characteristics typically associated with the dogs breed or type.

Classification of Owners

The Dog Control Act provides for the Council to classify dog owners as probationary owners if they are convicted of certain offences under the Act. A probationary owner is liable to pay 150% of the usual registration fee and must dispose of any unregistered dog. The council may also require that person to undertake, at their own expense a dog owner education programme or dog obedience course (or both).

A decision to classify an owner as a probationary owner can be appealed by the owner to the territorial authority.

The Council's policy will be to classify as probationary where provided for in the Act.

Disqualification of Owners

The territorial authority must, unless it is satisfied the circumstances of an offence do not warrant disqualification, disqualify a person from being the owner of a dog if that person is convicted of certain offences.

Where a person who is classified as a probationary owner and is convicted of certain offences the Council may disqualify that person from being the owner of any dog. The disqualification can be for any period up to a maximum of 5 years. A disqualified owner must dispose of any dog/s owned within 14 days.

A decision to classify an owner as a disqualified owner can be appealed by the owner to the territorial authority.

The Council's Policy will be to classify an owner as disqualified for an appropriate period as provided for in the Act.

Issuing of Infringement Notices

The Act provides for infringement notices for certain offences under the Act. Infringement notices can be served at the time of the offence on the owner as defined in the Act and generally the person in charge of the dog. The infringement requires an infringement fee to be paid or for the owner to request a court hearing in respect of the alleged offence.

Infringement Offences and Fees

Section	Description of Offence	Infringement Fee
18	Wilful obstruction of a dog control officer or ranger	7
19(2)	Failure or refusal to supply information or wilfully providing false	7

	particulars	
19A(2)	Failure to supply information or wilfully providing false particulars about a dog	7
20(5)	Failure to comply with any bylaw authorised by the section	3
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	3
24	Failure to comply with obligations of probationary owner	7
28(5)	Failure to comply with effects of disqualification	7
32(2)	Failure to comply with effects of classification of dog as dangerous dog	3
32(4))	Fraudulent sale or transfer of dangerous dog	5
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	3
33F(3)	Failure to advise person of muzzle and leashing requirements	1

36A(6)	Failure to implant microchip transponder in dog	3
41	False statement relating to dog registration	7
41A	Falsely notifying death of dog	7
42	Failure to register dog	3
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	5
48(3)	Failure to advise change of dog ownership	1
49(4)	Failure to advise change of address	1
51(1)	Removal, swapping or counterfeiting of registration label or disc	5
52(A)	Failure to keep dog controlled or confined	2
53(1)	Failure to keep dog under control	2
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter and to provide adequate exercise	3
54A	Failure to carry leash in public	1
55(7)	Failure to comply with barking dog abatement notice	2
62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	3
62(5)	Failure to advise of muzzle and leashing	1

	requirements	
72(2)	Releasing dog from custody	7

The Council's policy is to issue infringement notices where appropriate to promote the objectives set out in the Control Of Dogs Bylaw 2005

Owner Education

Owner education is seen as an important part of the Control of Dogs Bylaw 2005. The Council will continue to promote responsible dog ownership by producing and distributing information material to owners and by providing regular publicity on dog control matters.

The Council will also liaise with other groups such as S.P.C.A and the Dog Obedience Club to provide a coordinated dog owner education module and a programme for delivery to schools.

IMPORTANT NOTICE TO DOG OWNERS

**An application to register dogs can not be accepted unless all relevant information is completed including:
Owner's Date of Birth, Signature, Full Address, Location of Property (i.e. Fire No) and Dog Details**

The Carterton District Bylaw, 1997 Amendment (2007)

A By-law to amend Carterton District By-Law 1997 (Control of Dogs)

THAT under and by virtue of and in exercise and pursuance of the powers and authorities conferred by, and the provisions contained in the Local Government Act 2002, the Dog Control Act 1996 and all other powers and authorities enabling it in this behalf, the Carterton District Council **HEREBY MAKES** by special order the following By-Law:-

Short title	1.. THIS By-law may be cited as the Carterton District Bylaw Amendment 2007
Commencement	2. THIS Amended By-Law shall come into force on the 26 September 2007
Amendment	3. THIS By-Law is an amendment of and shall be read together with, and form part of the Carterton District By-Law 1997 (hereinafter referred to as “The Principal By-Law)
Amendment	4. THE Principal By-Law is hereby amended as follows:

CARTERTON DISTRICT COUNCIL Control Of Dogs Bylaw Amendment 2007

1.0 Short Title

This Bylaw may be cited as the Carterton District Council Control of Dogs Bylaw Amendment 2007

2.0 Commencement

This Amended Bylaw came into force on 26 September 2007

3.0 Interpretation

“Continuous Control” means the act of a dog being kept under the control of a person to prevent that dog causing a nuisance or a danger to other persons, animals, damage to property and includes a dog on a leash.

“District” means the Carterton District.

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

“Person” means the owner or such other person who has a dog in their possession or control.

“Public Place”

- (a) means 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 a place is lawfully entitled to exclude any person or object from that place, and
- (b) Includes any aircraft, hovercraft, ship or ferry or vessel, train or vehicle carrying or available to carry passengers for reward.

4.0 Prohibited Public Places

Dogs shall be prohibited in the areas of the District specified as:

- The children’s play area of Carrington Park
- The children’s play area of Howard Booth Park
- The public Swimming Baths in Pembroke Street
- The Landfill in Dalefield Road

Nothing in clause 4.0 of this bylaw shall apply to any dog which is a guide dog, a hearing ear dog, a companion working assistance dog or any dog which is used by the Police or any security guard in the course of their respective functions and duties and to any dog which is secure in or restrained on any vehicle.

Sites to be appropriately signposted.

5.0 Dogs in Public Places on a Leash

Dogs shall, unless restrained on a leash, be prohibited in those areas of the District specified as:

- The Central Business area of Carterton in High Street from the Victoria/ Wakelin Street Intersection at the south end, terminating at High Street North, being the entrance of the Rugby grounds on the western side and the property currently occupied by Carterton Motors Ltd, on the eastern side, a distance of 106 metres from the Belvedere / Park Road intersection.
- Memorial Square

- Cemetery
- Camping Ground

Sites to be appropriately signposted.

6.0 Dogs in All Other Public Places

In all public places other than those in which dogs are prohibited or required to be on a leash, dog owners must use or carry a leash and dogs must be under continuous control of a person at all times. Dogs found in a contravention of these Bylaws may be seized or impounded by an authorised officer forthwith.

Dog Exercise Areas

No specific dog exercise areas are defined. There are sufficient open spaces around the district in parks and reserves and on low traffic rural road verges where it is appropriate for dogs to be exercised.

7.0 Minimum standards of Accommodation of Dogs

The owner of any dog shall provide adequate accommodation for the dog. Kennels are to be provided on a hard surface, provide shelter from the elements and be free from dampness. Kennels are to be kept in a clean condition.

8.0 Dogs Causing or Becoming a Nuisance or Injurious to Health

- 1) The owner of the dog or owner or occupier of any premises whereupon any dog or dogs are customarily kept shall take adequate precaution to prevent the dog or dogs or the keeping thereof from becoming a nuisance or injurious health.

- 2) If in the opinion of the Council's Dog Control Officer the dog or dogs or the keeping thereof on premises has become or is likely to become a nuisance or injurious to health, the Council, the Dog Control Officer or any person duly authorised on that behalf of the Council, may by notice, in writing require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:
 - a) Reduce the number of dogs kept on the premises.
 - b) Construct, alter or reconstruct or otherwise improve the kennels or buildings used to house or contain dogs.
 - c) Require such dog or dogs to be tied up or otherwise confined.
 - d) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health.

Any person to whom notice is given under the preceding provisions of this clause who fails to comply with such notice within the time therein specified shall be guilty of an offence against this part of this bylaw.

9.0 Barking Dogs

No owner of any dog in the district or owner, or occupier of any premises shall suffer or permit such dog to bark in such a manner or for such a period as to be offensive or likely to be injurious to health.

10.0 Defecating dogs and removal of faeces

The owner of any dog that defecates in a public place or on land or premises other than that occupied by the dog owner shall immediately remove the faeces. Excludes working dogs being used to drive stock on roads, Police and security dogs, hearing ear dogs, guide dogs and companion working assistance dogs in the course of their functions and duties.

11.0 Restriction On Diseased Dogs

Any dog which is infected with mange, distemper or other infectious disease, shall not be taken or lead in any public place.

12.0 Maximum number of Dogs within the Urban zone area

- 1) No owner or any other person in charge of or in control of any dog shall keep, confine, control or harbour more than two dogs over the age of three months on any one property within the urban area of the Carterton District except with the written consent of the Council and in accordance with any conditions thereof.
- 2) Applications to keep more than two dogs on any one property in the Urban area shall be in the form as contained in the first schedule hereto and subject to the payment of an administrative application fee approved by resolution of Council.

13.0 Offences and Penalties

Every person who commits a breach of the provisions of this Bylaw shall be liable on summary conviction to a fine in accordance with Section 683 Local Government Act 1974, not exceeding \$20,000.

14.0 Fees

The structure of dog control fees will be aligned with the Annual Plan process each year. Council's policy measures on which Annual Plan consideration will be based will include.

Calculation of an average base charge reached by the total budgeted costs of dog control divided by the estimated number of dogs in the district.

- A 50% rebate for guide dogs / hearing ear dogs / companion working assistance dogs.
- Discount for neutered dogs in the urban ward, as a preventive measure in terms of dog temperament, dog control, reduced wandering dogs and indiscriminate breeding.
- Any other factors that have a direct bearing on the incidence of the spread of cost and administering the activity.
- Substantial penalty fee in accordance with section 37(2) (t) in recognition of the effect on cash flows and collection costs of late payments.

15.0 Owner Education Programmes

Continuation of current initiatives and where possible enhancement being:

Minimum of one annual visit to dog owners in the urban area and tri-annual in the rural area for education, dog control, dog welfare and registration status.

Information educational leaflet to be handed to owners.

Promote educational opportunities regarding dog control, dog welfare and registration status to schools, Taratahi Training Farm and other interest groups.

16.0 Dog Obedience Courses

Endorse existing initiatives as follows:

Encourage dog obedience courses including some financial sponsorship through the Wairarapa Dog Obedience Club.

Co-ordinate with the SPCA Wairarapa Branch in respect of owner education, school education programmes regarding matters concerning the welfare and control of dogs.

17.0 Classification of Owners

Owners will be classified in accordance with the fee structure, e.g. neutered dogs. Owners with dogs in the probationary, menacing, dangerous and disqualified category will be classified in accordance with the procedures in the Act.

18.0 Probationary Owners, Owners of Menacing Dogs & Disqualified Owners

Sections 21 to 33 F of the Act. These sections will be used as a method of last resort and having clearly notified any offending dog owner of the implications.

18.1 All such dogs classified as menacing by breed, as under the Dog Control Amendment Act 2003, shall be required to be neutered.

18.2 All such dogs classified as menacing by deed (dogs that are considered to pose a threat, because of observed or repeated behaviour), as under the Dog Control Amendment Act 2003, shall be required to be neutered.

19.0 Issuing Infringement Notices

Sections 65 and 66 of the Act. Each Authorised Officer of the Council will have delegated authority to issue infringement notices in accordance with sections 65 and 66. Immediate issue of infringement notices will occur where cases warrant. In other instances infringement fees and notices will be issued as an intermediary step between having given the appropriate warning or notice and cases of summary prosecution through the District Court in serious or persistent cases.

Council will establish a Hearings Committee with delegated power to act for purpose of hearing and determining a request from any person issued with an infringement notice under Section 66(4) (f). The Hearings Committee will be the Chairperson of Council's Policy & Finance Committee (or in his/her absence or unavailability the Deputy Chairperson) plus any two members of the Policy & Finance Committee plus the Chief Executive Officer or in his absence the Planning & Regulatory Manager. The Chairperson or in his/her absence the Deputy Chairperson and Chief Executive Officer or in his/her absence the Planning & Regulatory Manager to have power to act in appointing the other two members of the Hearings Committee.

20.0 Animal Establishments

No person shall establish or maintain any animal boarding establishment, cattery or refuge centre without first obtaining Resource Consent from the Carterton District Council.

21.0 Lands in the District Designated Under the Conservation Act 1987 or National Parks Act 1980

The Department of Conservation have advised no such areas are classified. Any such identified areas notified to Council by the Department of Conservation shall be included in the Dog Policy.

Factors Taken into Account in Reaching this Policy In adopting the Policy Council has had regard to the following factors:

The exercise and recreational needs of dogs and their owners.

To minimise danger, distress and nuisance to the community generally.

Legislative requirements.

Knowledge of staff to existing practice and problem areas.

Policies are reasonable and easily interpreted.

Policies are realistically enforceable.

This policy shall remain in force until such time as Council in accordance with Section 10(8) Dog Control Act 1996 proposes any amendment in accordance with the special consultative procedures.

This policy was adopted by resolution of Council on 26 September 2007

