



DOG CONTROL POLICY 2014

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INTRODUCTION

Queenstown Lakes District Council is responsible for dog control across the district. This policy serves to meet the Council's obligations under the Dog Control Act 1996, and provides the framework on which the Dog Control Bylaw and associated fees regarding dog registration and offences are based.

OBJECTIVES

The Council's principal objectives are:

- (a) To have all dogs registered and micro-chipped;
- (b) To minimise danger, distress and nuisance caused by dogs;
- (c) To minimise the risk of dog attacks;
- (d) To minimise the fear of dogs attacking or intimidating people;
- (e) To avoid the danger from uncontrolled dogs entering children's play areas;
- (f) To ensure the protection of public health and safety in areas used by the general public;
- (g) To provide for exercise and recreational needs of dogs;
- (h) To provide for service users to meet the costs of services.

LEGISLATION

The legislation that relates to the control of dogs and specifies the obligations imposed on Queenstown Lakes District Council and dog owners are:

Dog Control Act 1996

The purpose of the Dog Control Act¹ is to make better provision for the care and control of dogs:

- (a) by requiring the registration of dogs; and
- (b) by making special provision in relation to dangerous dogs and menacing dogs; and
- (c) by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and
- (d) by 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; and
- (e) to make provision in relation to damage caused by dogs.

Dog Control Policy

All Territorial Authorities must adopt a Dog Policy under the Dog Control Act 1996², which must have regard to the following:

¹ Section 4, Dog Control Act 1996

² Section 10, Dog Control Act 1996

- (a) the need to minimise danger, distress, and nuisance to the community generally; and
- (b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
- (c) the importance of 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; and
- (d) the exercise and recreational needs of dogs and their owners.

Dog Control Bylaw

Section 20 of the Dog Control Act 1996 states that any territorial authority may, in accordance with the Local Government Act 2002, make bylaws regarding the control of dogs. The Queenstown Lakes District Council Dog Control Bylaw includes the following provisions:

- (a) prohibiting dogs, from specified public places;
- (b) regulating and controlling dogs in any other public places;
- (c) limiting the number of dogs that may be kept on any land or premises;
- (d) requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces, and
- (e) requiring any bitch to be confined but adequately exercised while in season.

FEES AND REGISTRATION

The Council's policy is to apply a graduated fee scale to target fees to high demand users and deter non-compliance. For example, fees for repeat impounding of a dog increase for each subsequent impounding.

Registration Fees

All dogs are required to be registered in accordance with the Dog Control Act 1996. That Act provides:

- Dog registration fees are set by Council resolution;
- Dog registration fees, fines and impound fees are used to fund the dog control service;
- Registration fees paid after 31 July will have a late payment penalty applied. The penalty is an additional 50% of the registration fee; and
- Infringements for not registering a dog may also be issued in accordance with the Queenstown Lakes District Enforcement Strategy.
- Where there is a negative dog or dog owner history, no dogs owned will qualify for a reduction in registration fees.

While there are specific registration fees set for differing classifications of dogs, registration fee reductions are prescribed to recognise and reward dog ownership behavior that complies with the legislation i.e. self-compliance. Compliant dog ownership will be recognised by applying fee reductions. Rewarding self-compliance with the legislative requirements transfers the burden of service costs to non-complying dog owners. Examples of where registration fee reductions shall apply are as follows:

- Dogs that are kept within an effectively fenced area on the property they are registered at, to prevent escape from the property;
- Dog owners that have not received infringements or had dogs impounded in the two years leading up to the current registration period;
- Neutered Dogs;

The Council will refund registration fees where a registered dog dies in the period of registration³.

Other Fees

The demand for dog control services can be caused by non-compliance with the Dog Control Act 1996 and the applicable bylaws. There are a range of other fees which are applied for the administration of dog control associated with responding to non-compliance incidents within the Queenstown Lakes District. These fees are set by Council resolution and include:

- Impounding⁴
- Feeding (during period of impoundment)⁵
- Microchipping⁶
- Multiple dog licence⁷

MULTIPLE DOG LICENCE

No more than two dogs of registrable age i.e. 3 months old and over (whether or not such dogs are registered) may be kept on any premises unless the owner or occupier of the property has a licence from the Council.

No licence shall be required to keep more than two dogs (working dogs) within the Rural General zone, as defined in the Queenstown Lakes District Plan.

No licence shall be granted to the owner or occupier of any premises for more than two dogs if the owner or occupier cannot demonstrate compliance with the Queenstown Lakes District Council Dog Control Bylaw 2014, or that the criteria below are met to the satisfaction of the Council:

Dogs:

- The number of dogs requested;
- Type or breed of dogs;
- Whether any of the dogs applied for are classified as dangerous or menacing;
- Registration status of the dogs;

Premises:

- Size of premises;
- Housing conditions;
- Location of the premises;
- Actual or potential effects on any other premises;

³ Section 39, Dog Control Act 1996

⁴ Section 68, Dog Control Act 1996

⁵ Section 68, Dog Control Act 1996

⁶ Section 68, Dog Control Act 1996

⁷ Section 150, Local Government Act 2002

- Whether the adjoining neighbours consent to the keeping of more than 2 dogs;
- Fencing;

Other:

- Whether there is any increased risk to the safety of children or other vulnerable members of society;
- If the Owner of the premises is a member of a kennel club, and/or is a registered dog breeder;
- If the Owner has been infringed or warned for non-compliance with the Dog Control Act 1996 within the 24 months prior to the application date of the licence;
- Whether the owner has been convicted or infringed for any animal welfare offences;
- Whether the keeping of more than two dogs achieves the objectives of this policy;
- Any other matter that in the opinion of a Dog Control officer is relevant to the determination of the application;

Any licence issued may be revoked by the Council for breach of conditions.

Applications for a licence to keep more than two dogs must be made on the prescribed form and shall provide such information in respect of the application as the Council may reasonably require.

A new licence is required where any one of the following circumstances apply:

- where the licence has expired or has been revoked by Council;
- the number of dogs on the premises exceeds the number of dogs specified in the licence;
- where the breed of dog kept at the premises has changed;
- where the dogs are no longer kept at the address specified in the licence;
- where a new dog is kept at the address specified in the licence (whether or not it replaces a dog the subject of the licence).

A fee as prescribed in Schedule 1 of the Queenstown Lakes District Council Dog Control Bylaw 2014 must be paid by an applicant.

EDUCATION AND DOG OBEDIENCE

Council encourages dog owners to attend dog obedience courses to assist in the training and socialising of dogs, particularly puppy training classes.

The Council may require owners to attend specified courses where a dog is classified as menacing or dangerous.

MENACING AND DANGEROUS DOGS

Dogs can be classified as Menacing in accordance with sections 33A and 33C of the Act or Dangerous in accordance with section 31 of the Act. The Queenstown Lakes District Council will prescribe classifications in accordance with the Act.

PROBATIONARY AND DISQUALIFIED OWNERS

Owners can be classified as a Probationary or Disqualified owner in accordance with sections 21 and 25 of the Dog Control Act 1996. The Queenstown Lakes District Council

will prescribe classifications in accordance with the Act. The maximum period of probation or disqualification will apply, unless the owner can demonstrate that the maximum period is unnecessary for the purpose of achieving the objectives of the Council's Dog Control Policy.

NEUTERING DOGS

Any dog classified as menacing or dangerous by the Queenstown Lakes District or any other Council in accordance with section 33A or 33C of the Dog Control Act 1996 must be neutered.

The owner of a dog classified must if required by the Council, produce a veterinary certificate showing the dog has been neutered or that the dog is unfit to neuter before a certain date.

In all cases the classification documents served on the owner of a menacing or dangerous dog will advise the owner of the requirement to neuter the classified dog.

Owners must comply with this policy on neutering within 1 month of the classification.

DOG FOULING

Dog fouling is not tolerated in any form across the district. Dog owners must ensure that they have a suitable receptacle to collect dog faeces and remove dog faeces immediately.

INFRINGEMENTS

Infringement notices will be issued for infringement offences issued in accordance with the Queenstown Lakes District Enforcement Strategy.

The following infringement offences are set by the Dog Control Act 1996. Council has no discretion to alter these fees.

Offence	Penalty
Wilful obstruction of a Dog Control officer	\$750
Failure or refusal to supply information or wilfully providing false particulars	\$750
Failure to supply information or wilfully providing false particulars about a dog	\$750
Failure to comply with any Dog Control Bylaw	\$300
Failure to undertake dog owner education programme or dog obedience training (or both)	\$300
Failure to comply with obligations of probationary owner	\$750
Failure to comply with effects of disqualification	\$750
Failure to comply with effects of dangerous dog classification	\$300
Fraudulent sale or transfer of a dangerous dog	\$500
Failure to comply with requirements of menacing classification	\$300
Failure to advise person of muzzle and leashing requirements	\$100
Failure to implant a microchip transponder in dog	\$300
False statement relating to dog registration	\$750
Falsely notifying death of dog	\$750
Failure to register dog	\$300
Fraudulent procurement or attempt to procure replacement dog registration label or disc	\$500
Failure to advise change of dog ownership	\$100
Failure to advise change of address	\$100
Removal, swapping or counterfeiting of registration label/disc	\$500
Failure to keep dog controlled or confined on private land	\$200

Failure to keep dog under control	\$200
Failure to provide proper care and attention, to supply proper and sufficient food, water, shelter, or adequate exercise	\$300
Failure to carry leash in public	\$100
Failure to comply with barking dog abatement notice	\$200
Allowing dog known to be dangerous to be at large unmuzzled or unleashed	\$300
Failure to advise of muzzle and leashing requirements	\$100
Releasing dog from custody	\$750

DOG EXERCISE AREAS

The Council has determined that all tracks and reserves (except those listed below) within the control of Council are dog exercise areas. The exceptions to this policy are:

- 1) Queenstown Gardens:
- 2) Marine Parade:
- 3) Marine Parade Reserve:
- 4) Queenstown Bay:
- 5) Queenstown Hill Reserve and Queenstown Hill Walkway.

The precise description of these areas is defined in the Queenstown Lakes District Council dog control bylaw. The Council will review the need for the amendment, addition or removal of specified dog exercise areas in suitable locations as necessary. The designation of specified dog exercise areas is to be made by Council resolution.

DOGS ON LEASH

Every owner of a dog shall keep that dog on a leash in public areas at all times except within the Rural General Zone or in a dog exercise area. However, where any playground or cemetery is located in a Rural General Zone or dog exercise area, dogs must still be leashed.

DOG RESTRICTIONS

The Department of Conservation (DOC) manages dog restrictions by the use of on-site access signage and brochures. Dog owners are expected to adhere to restrictions displayed on signage and in brochures as to where dogs are permitted or prohibited.

Further information on dog restrictions on DOC-managed land can be obtained from the Wanaka or Queenstown DOC Offices and Visitor Centres.

Despite the above, dogs must be kept under effective control at all times as required by the Dog Control Act 1996. This is expected to be sufficient to ensure that dogs do not injure, endanger, or cause distress to any protected wildlife and that people are free to enjoy conservation land without fear of attack or intimidation by dogs.

WELFARE OF DOGS DURING AN EMERGENCY

All dog owners are expected to plan and prepare for the care and welfare of their dog(s) in anticipation of an emergency. While a state of emergency is in place dog owners must:

- a) keep their dog under effective control at all times;

- b) ensure that their dog does not injure, endanger or cause distress to any person.

TEMPORARY EXEMPTIONS

The Council may temporarily exempt any person or premises from any duty or restriction in the Queenstown Lakes District Council Dog Control Bylaw 2014 where it is satisfied that the grant of an exemption is not contrary to the purpose of this policy, the Dog Control Act 1996 and where public safety is preserved.

Leisure activities such as dog trial competitions and special events (such as the street parade which occurs in Buckingham Street in Arrowtown), are circumstances where the provisions of the Queenstown Lakes District Council Dog Control Bylaw 2014 may be temporarily suspended.