1 DOG CONTROL POLICY

1.1 PURPOSE

Queenstown Lakes District Council (QLDC) is responsible for dog control across the district. This policy serves to meet the Council's obligations under the Dog Control Act 1996 (the Act), and provides the framework on which the Dog Control Bylaw 2020 and associated fees regarding dog registration and offences are based.

1.2 OBJECTIVES

QLDC's principal objectives are:

1. To have all dogs registered and microchipped;
2. To minimise danger, distress and nuisance caused by dogs;
3. To minimise the risk of dog attacks;
4. To minimise the fear of dogs attacking or intimidating people;
5. To avoid the danger from uncontrolled dogs entering children's play areas;
6. To ensure the protection of public health and safety in areas used by the general public;
7. To provide for exercise and recreational needs of dogs;
8. To provide for service users to meet the costs of services.

1.3 STRATEGIC CONTEXT

The Local Government (Community Well-being) Amendment Act 2020 amended the purpose of local government to promote the social, economic, environmental and cultural well-being of communities in the present and for the future.

This policy has been written in alignment with the four wellbeings and QLDC's key strategic document, Vision Beyond 2050. In particular, the policy's objectives align with the vision statements of 'Thriving People' and 'Pride in Sharing our Places'.

This policy also contributes to the following community outcomes as outlined in QLDC's Ten Year Plan 2018-28:

- Appropriate public access;
- Communities are inclusive for all; and
- Quality built environments that meet local needs and respect the local character.

2 LEGISLATION

The legislation that relates to the control of dogs and specifies the obligations imposed on QLDC and dog owners are:

2.1 DOG CONTROL ACT 1996

Section 4 of the Act states that the purpose is to:

a) make better provision for the care and control of dogs:
   - i- by requiring the registration of dogs; and
   - ii- by making special provision in relation to dangerous dogs and menacing dogs; and

iii- 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

iv- 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

b) to make provision in relation to damage caused by dogs.

2.2 DOG CONTROL POLICY

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

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.

2.3 DOG CONTROL BYLAW

Section 20 of the Act states that any territorial authority may, in accordance with the Local Government Act 2002, make bylaws regarding the control of dogs. The QLDC Dog Control Bylaw 2020 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.

3 FEES AND REGISTRATION

QLDC'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.

3.1 REGISTRATION FEES

All dogs are required to be registered in accordance with the Act. 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

QLDC will refund registration fees where a registered dog dies in the period of registration, as per Section 39 of the Act.

3.2 OTHER FEES

The demand for dog control services can be caused by non-compliance with the Act 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:

Section 68 of the Act

- Impounding
- Feeding (during period of impoundment)
- Microchipping

Section 150 of the Local Government Act 2002

- Multiple dog licence

4 MULTIPLE DOG LICENCE

No more than two dogs of registrable age i.e. three 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 QLDC.

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 QLDC Dog Control Bylaw 2020, or that the criteria below are met to the satisfaction of QLDC:

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;
- Whether the adjoining neighbours consent to the keeping of more than two 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 Act 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 QLDC 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 QLDC 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 QLDC Dog Control Bylaw 2020 must be paid by an applicant.

5 EDUCATION AND DOG OBEDIENCE

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

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

6 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. QLDC will prescribe classifications in accordance with the Act.

7 PROBATIONARY AND DISQUALIFIED OWNERS

Owners can be classified as a Probationary or Disqualified owner in accordance with sections 21 and 25 of the Act. QLDC 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 QLDC's Dog Control Policy 2020.

8 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 Act 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 one month of the classification.

9 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.

10 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. QLDC 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

11 DOG EXERCISE AREAS

QLDC has determined that all tracks and reserves (except those listed below) within the control of QLDC 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;

6) Bremner Bay;

7) Matakauri Park;

8) Earnslaw Park.

The precise description of these areas is defined in the QLDC Dog Control Bylaw 2020. QLDC 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.

12 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.

13 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 Act. 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.

14 WELFARE OF DOGS

QLDC undertakes, promotes and encourages services and programmes that promote responsible dog ownership and the welfare of dogs. QLDC responds to complaints of wandering dogs and barking dogs, assists with lost and found services,

registration information, patrols and undertakes education programmes. This ensures residents are safe, whilst the welfare of animals is protected. If the welfare of a dog is at risk, the Dog Control Officer will respond as necessary by exercising the powers under the Act.

14.1 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.

15 TEMPORARY EXEMPTIONS

QLDC may temporarily exempt any person or premises from any duty or restriction in the QLDC Dog Control Bylaw 2020 where it is satisfied that the grant of an exemption is not contrary to the purpose of this policy, the Act 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 QLDC Dog Control Bylaw 20 may be temporarily suspended.