

porirucity

Dog Control Policy

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Statutory Requirement:	Section 10, Dog Control Act 1996
Business Unit/Author:	Policy, Planning and Regulatory Services
Next Review Date:	

Introduction

1. This Policy outlines the Council's regulations and management plan for dog ownership and recreational dog activity for Porirua City. It is intended to provide for the positive aspects of dog ownership and management while recognising the contribution made to the community and economy of Porirua City. It also recognises that actions such as regulation of dog ownership, behaviour and owner education of dog owners, will improve dog management and mitigate the potentially adverse aspects of dog ownership in Porirua City.

Purpose and scope

2. The purpose of this policy is to enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs, while minimising danger, distress and nuisance to the wider community.
3. This policy is to be read in conjunction with the Porirua City Council Dog Control Bylaw 2021.
4. In the development of this policy and Bylaw the Council has given regard to:
 - The positive aspects of dog ownership, while mitigating the potentially negative aspects of negligent dog ownership and management.
 - The need to minimise danger, distress, and nuisance to the community generally.
 - The need to avoid inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children.
 - 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.
 - The exercise and recreational needs of dogs and their owners.

Statutory framework

5. The Policy is prepared in accordance with the provisions of section 10 of the Dog Control Act 1996 (the Act) and sets out the:
 - 1) Controls on Dogs in Public places,
 - 2) Dog classifications and Controls.
 - 3) Role and responsibilities of Dog Owners, and
 - 4) Role and responsibilities of the Council.
6. The Council is required under the Dog Control Act 1996 to:
 - a) Identify any public places in which dogs are prohibited;
 - b) Identify any particular public place and areas or parts of the district where dogs, in public places, are to be controlled on a leash;
 - c) Identify dog exercise areas; and
 - d) Develop a dog control policy which may include:
 - i) Fees or proposed fees
 - ii) Owner education programmes
 - iii) The classification of owners
 - iv) The disqualification of owners
 - v) The issuing of infringement notices.

Control of dogs in public places

7. Dog owners are responsible for ensuring that their dog is under control at all times in public places. The Council has identified specific areas where dogs are prohibited, where dogs must be controlled on a leash, and areas where dogs may be exercised off leash. These control areas are listed in Schedule 1 of the Bylaw. The schedule can be amended at any time by Council resolution.

8. Non-compliance with the controls set out in Schedule 1 of the bylaw will result in the owner being issued with an infringement for breach of bylaw and the dog may be seized and impounded.

Dog classifications and controls

Menacing Dogs

9. The Council will consider the classification of a dog as menacing if the dog poses a threat to any person, stock, poultry, domestic animal or protected wildlife because of any observed or reported behaviour of the dog.
10. All dogs listed in Schedule Four of the Act will be classified as menacing. This includes the following breed or type of breed:
- Brazilian Fila
 - Perro de Presa Canario
 - Dogo Argentino
 - Japanese Tosa
 - American Pit Bull Terrier
11. Dogs classified as menacing:
- a) Are required to be muzzled and on a leash when in a public place;
 - b) Must be neutered; and
 - c) Are required to be microchipped within one month of being classified.
12. In the event that an owner fails to meet these requirements when requested to do so in writing by the Council, the Council may seize that dog and impound it until 11.b) and c) above are met.
13. If the dog is impounded, Council may hold the dog until the owner pays for neutering at a certified veterinary clinic. The Council will then deliver the dog to the vet.
14. Every owner has the right to object to the classification, as per section 33B and 33D of the Act.
15. The Council shall consider the objection through a hearing. The Council may uphold or rescind the classification.
16. The Council shall provide notification in writing within ten days of a decision. The notification may include reasons for the decision.

Dangerous Dogs

17. The Council will consider the classification of a dog as dangerous if:
- a) Any dog in respect of which the owner has been convicted of an offence under section 57A(2) of the Act.
 - b) Any dog which the Council has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe constitutes a threat to the safety or any person, stock, poultry, domestic animal, or protected wildlife.
 - c) Any dog that the owner admits in writing constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife.
18. Dogs classified as dangerous:
- a) Are required to be muzzled and on a leash when in a public place;
 - b) Must be neutered; and
 - c) Are required to be microchipped within one month of being classified.
 - d) The owner of the dog must ensure that, from a date not later than 1 month after the receipt of notice of classification, the dog is kept within a securely fenced portion of the owner's property that allows safe access to at least 1 door of any dwelling on the property.
19. If the dog is impounded, Council may hold the dog until the owner pays for neutering at a certified

veterinary clinic. The Council will then deliver the dog to the vet.

20. Every owner has the right to object to the classification, as per section 31 of the Act.
21. The Council shall consider the objection through a hearing. The Council may uphold or rescind the classification.
22. The Council shall provide notification in writing within ten days of a decision. The notification may include reasons for the decision.

Working Dogs

23. Any person who wishes to declare their dog a working dog (as defined under the Act), must complete the declaration form and provide evidence that the dog is kept solely or principally for use as a working dog.
24. Any person declaring their dog a working dog in terms of herding or driving stock, may be required to allow a Dog Control Officer to observe the dog in the process of herding or driving stock.
25. Council reserves the right to decline in writing, any declarations of classification of a dog as a working dog, if the dog does not meet the criteria under the Act.
26. Any dog classified as a working dog will be issued with a microchip exemption tag for working dogs.

Behavioural Issues

Barking Dogs

27. Where a dog is considered to be causing a nuisance through persistent and loud barking or howling, a Dog Control Officer may issue the owner of the dog with a notice requiring the owner to take reasonable steps so as to abate the nuisance.
28. A Dog Control Officer may remove and impound the dog from the land or premises immediately if considered necessary. Every effort will be made to first issue a written abatement notice to the dog owner before that action is taken.
29. The owner of the dog has seven days to object in writing against the requirements of the abatement notice.
30. If after seven days, the notice has not been complied with, no written objection has been lodged and further complaints have been received, a Dog Control Officer may remove the dog from the land or premises.
31. If an appeal to a barking abatement notice is received, the Council shall consider the objection through a hearing. The Council may confirm, modify or cancel the notice.
32. The Council shall provide notification in writing within ten working days of a decision. The notification may include reasons for the decision and if the decision is to modify the notice, it shall include the modified requirements.

Roaming Dogs

33. If a dog is found roaming or without direct control of an owner or when not confined by its owner a Dog Control Officer may remove and impound the dog from any land or premises.

RESPONSIBILITIES OF DOG OWNER

Limitation on number of Dogs

34. The Porirua City Council Dog Control Bylaw restricts the number of dogs allowed at each premises (other than that zoned rural) to two dogs over the age of three months. If a person wishes to keep more than two dogs, they must apply for a Three Plus Permit to do so.

Mandatory registration and microchipping of all dogs

35. This section applies to a dog that is:

- a) Registered for the first time on or after 1 July 2006;
- b) Classified as dangerous; or
- c) Classified as menacing.

36. This section does not apply to a working dog (defined under the Dog Control Act), registered under section 46(1) of the Act and wearing a collar, label or disc issued under section 34(4)(b) of the Act.

37. It is a requirement under the Act that all dogs over 3 months old are registered with their local council every year by 1 July. Information on the registration process can be found on the Porirua City Council website: <https://poriruacity.govt.nz/services/animals/dog-registrations/>.

The owner of the dog must, for the purposes of providing permanent identification of the dog, arrange for the dog to be implanted with a functioning microchip transponder (in the prescribed type and in the prescribed manner).

38. The owner must provide to the Council a certificate issued by a veterinarian certifying:

- 1) That the dog is or has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner; or
- 2) That, for the reasons specified on the certificate, the dog will not be in a fit condition to be implanted with a functioning microchip transponder before a date specified on the certificate.

Three Plus Permit (TPP)

39. Council will take into consideration the criteria stated below for any Three Plus Permit (TPP) application:

- a) No justified complaints received against the owner or dog;
- b) Suitable kennelling and fencing;
- c) No substantiated objections from neighbours most likely to be affected;
- d) Condition of the dogs;
- e) Good knowledge of the dog's health and welfare; and
- f) Property which is a suitable size for the type of dogs.

40. The Council reserves the right to grant or decline a TPP despite the matters listed above if there is good reason to do so. This could include, but not be limited to:

- a) unreasonable neighbour objections due to an existing dispute,
- b) proven record of previous good dog ownership outside of Porirua City,
- c) reasons relating to the age of the dog(s), or breed, or
- d) other mitigation measures which will reduce the potential for adverse effects to be experienced by neighbours.

41. Any person who owns a dog classified as dangerous or menacing by the Council will not be granted a TPP

42. The Council will survey any affected and adjoining neighbours to obtain their approval in writing, before any permit to keep more than two dogs is issued and the response from these neighbours will be considered when making a decision.

43. Council may use its discretion and approve the permit if approval is unreasonably withheld from affected neighbours.
44. Any permit issued by the Council may be subject to such terms, conditions or restrictions as the Council may consider necessary.
45. Council reserves the right to impose a non-refundable application fee for any Three Plus Permit applications.
46. Any permit issued will expire if the applicant changes address. A new permit application will be required.
47. Other than in situations included in the clause above, a permit shall remain in force from the time it is granted unless revoked, if revoked there will be no refund of fees paid or owed for the permit.
48. The Council may at any time whilst a permit is in force revoke or refuse to renew that permit if it is satisfied that:
 - 1) The dog or dogs on the land specified in the permit have caused injury to any person or animal
 - 2) A nuisance to any person; or
 - 3) The keeping of such dog or dogs has caused a detrimental effect upon the surrounding neighbourhood; or
 - 4) There has been a failure to comply with all or any of the terms, conditions and restrictions of the permit, or any subsequent notice issued by the Council.

Selected Owner Category (SOC)

49. The Council recognises that the majority of the District's dog owners are responsible; however, as an incentive to increase responsible dog ownership within Porirua the Council will recognise good dog ownership through a reduced fee under the Selected Owner Category (SOC). The requirements to qualify for SOC are outlined in schedule two of this Policy.
50. Any person who owns a dog classified as menacing or dangerous by the Council will not be granted SOC status
51. The Council reserves the right to impose a non-refundable application fee for SOC applications.
52. The Council reserves the right to impose a non-refundable re-inspection fee for SOC owners who have moved addresses.
53. The Council reserves the right to decline an application or revoke the SOC status of a dog owner due to failure to:
 - a) provide information; or
 - b) pay application fee; or
 - c) comply with SOC conditions; or
 - d) other demonstrated dog management failures.

Removing Dog waste

54. For reasons of health, safety and aesthetics, if a dog fouls in a public place (or on land or premises occupied by anyone other than the owner of the dog), the excrement must be immediately removed and disposed of hygienically.

Dog obedience courses

55. The Council encourages dog owners to attend dog obedience courses (of a standard approved by Council or an Dog Control Officer) to assist in the training and socialising of their dog.
56. Dog obedience course attendance can be taken into consideration for any SOC applications.

Neutering Dogs

57. Dogs which have been classified as menacing by the Council (and other territorial authorities) are

required to be neutered under section 33E(1)(b) of the Act.

58. All dogs classified as dangerous must be neutered as required under the Act.
59. If the dog has not been neutered, the Council requires the owner to produce a certificate issued by a veterinarian, certifying reasons as to why the dog is in an unfit condition to be neutered.

Rehoming of Dogs

60. Any person wishing to adopt a dog from the Porirua City Council pound must:
- a) Must pay adoption costs including dog registration;
 - b) Have an adequately fenced area; and
 - c) Be a good dog owner with no history of substantiated recent complaints (if the person has previously owned a dog).
61. The Council will make investigations into an owner's history if they are residing outside of the District.
62. The Council does not take any responsibility for sickness or defect of any dogs rehomed.
63. The Council does not rehome dogs which have a menacing or dangerous classification or that will require a level of dog control, management or confinement that a potential owner is unlikely to be able to provide.

Disqualification of owners

64. Any owner convicted of an offence under the Act, or who has received three infringement notices (unrelated to a single incident) within a continuous period of 24 months, may be immediately disqualified from owning any dog, as required under the Act.
65. The disqualified owner must dispose of all dogs they own and cannot own any more dogs for up to five years. Under the Act a disqualified owner has the right to object to the classification.
66. A probationary owner who is convicted of a further offence or receives three further infringement notices (unrelated to a single incident) within a continuous period of 24 months, may be disqualified from owning a dog. It is not necessary for an owner to be classified as a probationary owner before being disqualified.
67. The disqualification classification has the following effects:
- a) The owner must within 14 days of the date on which the notice of the decision is given, dispose of every dog owned by the disqualified person; and
 - b) The dog shall not be disposed of to any person who resides at the same address as the person disqualified.
 - c) The owner may not subsequently be in possession of a dog at any time, except for the purposes of:
 - i) Preventing a dog from causing injury, damage or distress; or
 - ii) Returning a lost dog to the Council for the purposes of restoring the dog to its owner.
68. Under the Act, Council is required to consider the following matters in relation to the objection to determine if the classification should be upheld, to bring forward the termination date or immediately terminate the disqualification:
- a) The circumstances and nature of the offence(s);
 - b) The competence of the person in terms of responsible dog ownership;
 - c) Any steps taken by the person to prevent further offences;
 - d) The matters advanced in support of the objection; and
 - e) Any other relevant matters.

Probationary Owners

69. If an owner is convicted of an offence under the Act or has received three infringement notices (unrelated to a single incident) within a continuous period of 24 months, the Council may, depending of the severity of the incidents decide to classify that owner as a probationary owner for the period of 24

months, rather than disqualifying the owner.

70. The probationary classification has the following effects:

- 1) The owner is not allowed to own any dogs other than were owned at the time of the offence or the 3rd infringement in respect of which the classification was made; and
- 2) The owner must dispose of any unregistered dogs.

71. A probationary owner has the right to object to the classification and the objection may be made any time during the period of the classification, but no objection shall be lodged within 12 months of the hearing of any previous objection to the classification.

72. Under the Act, Council is required to consider the following matters in relation to the objection to determine if the classification should be upheld or terminated:

- a) The circumstances and nature of the offence(s);
- b) The competence of the person in terms of responsible dog ownership;
- c) Any steps taken by the person to prevent further offences;
- d) The matters advanced in support of the objection; and
- e) Any other relevant matters.

73. The Council may require all owners classed as probationary to undertake approved education courses and to require their dog to undertake obedience courses (to an approved standard as directed by Council or a Dog Control Officer).

COUNCIL FUNCTIONS AND RESPONSIBILITIES

Fees and the distribution of dog control costs

74. Registration fees are set by councils to take into account the cost of providing dog control services in their area and the balance between dog owners bearing the costs of dog control and the benefits to ratepayers of having safe and well controlled dogs in their community.

75. Council may from time to time, by resolution publicly notified, set and or change fees relating to the Dog Control Policy. Fees can be found in the current Fees and Charges Schedule of the Long-term Plan.

76. It is a requirement under the Dog Control Act that all dogs be registered. Infringement fines may be issued to owners who fail to register their dog(s) in the required timeframe, and the dog(s) may be seized and impounded if it remains unregistered after the penalty date for registration has passed each year if that dog is listed on council's registration records. All other dogs may be seized and impounded immediately without warning to the dog owner.

77. Late payment of dog registration fees incurs a late payment penalty of 50% of the outstanding total of the registration fee, which is imposed on 1st August, unless otherwise notified by the Council.

78. Disability Assist Dog are provided free registration in the Porirua City District.

Note: Council recognises that not all dog owners require the same level of dog control service. Council recognises responsible ownership through lower fees.

79. Factors which may affect the registration fee are:

- a) Spaying/neutering status; and
- b) The level of Animal Management services required); and
- c) Compliance with Selected Owner Category (SOC) requirements.

80. Factors affecting the impounding fees are:

- 1) The costs involved in the feeding of dogs, pound maintenance, cleaning and veterinary care.
- 2) Transport costs
- 3) Costs involved in tracing and notifying owners.
- 4) The number of times the dog has been impounded (graduated deterrent penalty).

Information and Education

81. Information is available from the Council, from all administration centres or via the Council website for the following:
- a) Basic understanding of a dog's needs;
 - b) Obligations of a dog owner;
 - c) Desexing, vaccinations, worming, and microchipping;
 - d) Behavioural issues;
 - e) Information on exercise areas, leashed, unleashed and prohibited areas (this includes signage where appropriate); and
 - f) Where to obtain further assistance if required.
82. Information can be provided to dog owners where this is considered necessary. This includes; educational programmes on dog behaviour to interest groups and/ or Problem dog behaviour prevention advice.

Dog Pound, Impounding and Release of Dogs

83. All dogs impounded by the Council will be held in a secure dog pound and will be cared for with shelter, exercise and sustenance appropriate for that dog and its health, temperament and needs. That care could involve foster care outside of a dog pound and residing at the premises of a Veterinarian for the purposes of treatment.
84. All dogs released from the Dog Pound must be currently registered before release and have a microchip implanted. Other conditions may be imposed, such as neutering of menacing dog breeds and dogs classified as menacing, or other dogs that are likely to breed and contribute to the number of unwanted dogs.
85. The Council will maintain a relationship with local Veterinarians and the SPCA to assist in the effective operation of the Dog Pound.
86. The Council will issue written notice to known owners of impounded dogs, issued to the postal address last provided by that owner.
87. If, after seven days of impound and notice being issued to an owner, a dog remains unclaimed in the Pound, or an owner has not made effective arrangements for the payment of fees and release of that dog, the dog will become the property of the Council.
88. Prior to destruction of a dog consideration will be given to reasonable extenuating circumstances that provides and extension of time for payment up to 21 days.

Penalties

89. The Council reserves the right to issue infringement offence notices under the Dog Control Act 1996 or file a charging document under the Criminal Procedure Act 2011 for breaches of the Act and Bylaw. All infringement offence notices will include a fine set by the Act. For a list of offences which infringement notices may be issued see Schedule 1 of the Dog Control Act 1996 (and all amendments).

Review of Policy

90. This Policy shall be reviewed every five years to ensure the policy is effective and efficient at achieving the objectives.
91. The Council may from time to time by resolution publicly notified, alter any schedules attached.

Definitions

92. Definitions can be found in the Dog Control Act 1996 and the Porirua City Council Bylaw.

Schedules

Schedule 1 – Dog Control Areas

Schedule 2 – Criteria to meet Selected Owner Category

Contacts

Manager Monitoring and Compliance

Porirua City Council 04 237 5089

SCHEDULE ONE – DOG CONTROL AREAS

The Dog Control Areas described below can be seen on Porirua City Council website at porirua.govt.nz/services/animals/walking-your-dog/

Prohibited Areas

Dog prohibited areas in Porirua are:

- all public buildings
- any playground, skate park or splash pad owned or controlled by the Council
- any hard-court recreation area or marked playing field when it is being used for an organised public event.
- the following parks and parts of parks:
 - Te Rahui o Rangituhi (except dogs are permitted on leash on the summit road up to the stock gate)
 - Porirua Scenic Reserve
 - Aotea Lagoon - Rose Garden, playground and splash pad (dogs must be on leash for all other parts of Aotea Lagoon)

Restricted Areas

Dogs are prohibited at certain times in the following areas:

- the following parks and tracks between 1 August and 1 November (due to lambing season):
 - Taua Tapu Track, Plimmerton, between The Track and Airlie Road.
- the following beaches between 1 December and 31 March from 10am to 7pm:
 - Karehana Beach (the sandy beach south of Plimmerton Boating Club to south of Cluny Road before the rocks). Dogs are permitted off leash at other times.
 - Pukerua Bay Beach. Dogs are permitted off leash at other times.
 - Titahi Bay Beach. Dogs are permitted off leash at other times.
 - Plimmerton Beach (south of the Fire Station from the sandy beach beginning at Sunset Parade and south to Taupō Stream). Dogs must be controlled on leash at other times.

Central Business District

The area of land bounded by Titahi Bay Rd, and Porirua Stream and the edge of the harbour.

Urban Area

The residential areas, streets, parks, and open spaces of the following suburbs:

- Titahi Bay
- Takapūwāhia
- Elsdon
- Kenepuru
- Ranui
- Cannons Creek
- Waitangirua
- Aotea
- Ascot Park
- Whitby

- Papakowhai
- Paremata
- Mana
- Camborne
- Plimmerton
- Pukerua Bay

Dog Exercise Areas

Porirua has the following dog exercise areas where dogs can be exercised off leash and under control of the owner/handler:

- Ascot Park (fenced dog exercise area)
- Bothamley Park
- Brandon Reserve
- Cambourne Walkway (north of the boatsheds)
- Cardiff Park
- Greenmeadows Reserve
- Ivey Bay Reserve
- Kenepuru Park
- Muri Reserve (western grassed area)
- Ngāti Toa Domain (foreshore area)
- Papakōwhai Reserve
- Plimmerton Park (fenced dog exercise area)
- Rangituhi Park
- Spinnaker Reserve
- Stuart Park
- Takapūwāhia Park (between Tangare Drive and Main Rd)
- All beaches, **except** that:
 - dogs are prohibited between the signs during the period 10am to 7pm, 1 December to 31 March on:
 - Karehana Beach (the sandy beach south of Plimmerton Boating
 - Club to south of Cluny Road before the rocks)
 - Pukerua Bay Beach
 - Titahi Bay Beach.

Schedule 2: Selected Owner Category

The Council will offer an incentive fee for the desexing of dogs on Selected Owner Category (SOC). A lesser incentive fee will apply to dogs on SOC which are not desexed.

Requirements to qualify with the Selected Owner Category:

- 1) Owner must ensure that dog/s is well cared for. This includes feeding, housing, exercise and a secure section (fencing).
- 2) The owner must provide Veterinary Health Records as proof of current vaccination and provide details on worming treatments.
 - a) Current vaccinations, as defined for the purposes of this Policy, are the Canine Parvovirus, Distemper, and Infectious Hepatitis inoculations (all in one vaccination recommended by Veterinary Centres and the New Zealand SPCA).
- 3) The owner must be present during the inspection of the property for their SOC classification, as required by a Council Officer.
- 4) Any owner of a dog classified as menacing or dangerous (as defined under the Act) cannot apply for SOC status.
- 5) For new SOC applications an owner/s must have resided in the district and owned a dog for the previous 12 months and have no history of dog control issues for the previous 24 months; however:
 - a) If an owner has held SOC status in another district, they may apply for SOC immediately. Granting of the SOC status is subject to no reported dog control issues within the previous 24 months in the district from which they are moving from.

Requirements to comply with the Selected owner category (once SOC has been granted):

- 1) Continue to ensure their dog is well cared for, which includes feeding, housing, exercise and a secure section (fencing).
- 2) Comply with all requirements of the Dog Control Act 1996, the current Porirua City Council Dog Control Bylaw and the current Porirua City Council Dog Control Policy. Any breach will result in the SOC being cancelled.
- 3) Offences (such as infringements/impounding/prosecution) will result in the SOC status being revoked. Under Council's discretion this may be waived due to extenuating circumstances.
- 4) An owner must advise Council in writing within 14 days if they have moved addresses, as required under the Act. Failure to advise Council will result in forfeiture of SOC status.
- 5) Existing SOC can be transferred to a new address but will require a property inspection to ensure the property conforms to policy standards. Inspections incur a non-refundable fee.
- 6) Any SOC dog owner who obtains a dog classified as menacing or dangerous (as defined under the Act) will have their SOC status cancelled.