

# **DOG CONTROL POLICY**

**June 2020**

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## **1 Introduction**

1.1 Nelson is known as a place that welcomes dogs, recognising the role they play in:

- Encouraging people to exercise, as they take their dogs for a walk or run.
- Enhancing social wellbeing, as dog owners interact with others while exercising their dogs.
- Providing companionship for many people. This is particularly important for people living on their own, which is an increasing trend.

1.2 The Council is also mindful of the need to minimise adverse impacts of dogs on the community. The Dog Control Act 1996 (the Act) places an obligation on the Council to adopt a policy about dogs, and to adopt a bylaw to give effect to this policy. In adopting a policy under section 10 of the Act, the Council must have regard to:

- the need to minimise danger, distress, and nuisance to the community generally; and
- 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
- 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
- the exercise and recreational needs of dogs and their owners.

## **2 Dogs in Public Places**

2.1 Some areas have been set aside as areas where dogs are not allowed to go at all, where there are important recreation, conservation or human safety values to be protected.

2.2 There are high concentrations of people in Nelson's central business district, and the Stoke and Tahunanui shopping centres. For this reason, it is safer to require dogs to be on a leash in these areas.

2.3 Neighbourhood parks are generally relatively small and are commonly used by children. To avoid risks to children, dogs should be on a leash in these areas. There are some exceptions to this, where neighbourhood parks are larger and there are no children's playgrounds within them. Examples are Grampian Oaks Reserve and Andrews Farm Reserve.

- 2.4 In all public places where dogs are not prohibited or required to be on a leash, dogs must be under the control of their owner at all times. Some owners are able to control their dogs using voice commands, and others will need to have their dogs on a leash to achieve adequate control. It will be the responsibility of the dog owner to decide how best to ensure they are in control of their dog's movements and actions.

### **Dogs Prohibited**

- 2.5 No person shall allow any dog of which they are the owner to enter upon or remain on any part of any public place or area specified in Schedule One.

### **Dogs Permitted on a Leash**

- 2.6 No person shall allow any dog of which they are the owner to enter upon or remain on any part of any public place or area specified in Schedule Two, unless the dog is at all times controlled on a leash.

### **Dogs in all other Public Places**

- 2.7 In all public places where dogs are not prohibited or required to be on a leash, dogs must be kept under control by the owner. It is the responsibility of the owner to decide whether this control can be achieved off leash or on a leash. Nothing in this clause absolves the owner from the obligation to carry a leash at all times while he or she is with the dog in a public place.
- 2.8 Every dog owner shall ensure that at all times the dog is under an appropriate degree of control which will ensure that the dog does not cause a nuisance to any other person using the area, or rush at or startle any person in a manner that causes that person to be injured or endangered, or causes any property to be damaged or endangered.
- 2.9 The ability to exercise dogs without a leash does not absolve owners from their obligation under the Act to ensure that their dog is kept under control, and to carry a leash at all times while with the dog in a public place.
- 2.10 Keeping a dog under control includes the obligation to ensure that the dog does not stray on to any private property.

### **Exemptions**

- 2.11 A working dog, as defined in the Dog Control Act as well as any Land Search and Rescue dog, is exempted from clauses 2.5, 2.6 and 2.7–2.10 subject to conditions, while it is engaged in or being used for its working purpose.
- 2.12 Nothing in clauses 2.6 and 2.7–2.10 shall prevent the Council from excluding dogs from any area for the purpose of holding an event.
- 2.13 Nothing in the above clauses (dogs prohibited, dogs permitted on a leash) shall prevent the Council from issuing a permit for dogs to enter a Schedule One or Two area for a special purpose such as feral animal control or the management of indigenous wildlife.

### **3 Registration Fees**

- 3.1 The Council has adopted a fee structure which recognises the following types of dogs:
- Urban Dogs.
  - Rural Dogs. Note: Dogs and their owners are classified as Rural if they reside on a property which has an area in excess of 1 hectare.
  - Police dogs, Search and Rescue Dogs and any disability assist dogs.
  - Dogs classified as dangerous.
- 3.2 The Act requires that all money received from registration fees or other charges levied under the Act are to be applied only for purposes authorised by or under the Act. The Council acknowledges that good dog owners tend to subsidise the cost of activity related to irresponsible owners and to this end will encourage owners to take responsibility for their dogs to ensure that fees can be kept as low as possible.
- 3.3 The Council will endeavour to operate the Pound on a cost recovery basis so that, as far as possible, Council operates a user pays system.

### **4 Barking Dogs**

- 4.1 Section 55 of the Act authorises Dog Control Officers to issue an abatement notice to any person who owns a dog which the Officer considers is causing a nuisance by persistent and loud barking or howling. Non compliance with this notice may result in enforcement action.
- 4.2 Section 56 authorises the Officer to remove the dog from the property if the owner takes no action and a further complaint is received.
- 4.3 The Council will continue to implement these provisions on complaint.

### **5 Dogs with Contagious Diseases**

- 5.1 No owner of any dog with a contagious disease shall take the dog to a public place, or allow the dog to remain in a public place.

### **6 Menacing and Dangerous Dogs**

- 6.1 The Act contains a number of provisions which enable the Council to require specific control action to be taken in respect of menacing and dangerous dogs.
- 6.2 A menacing dog is one which has not been classified as a dangerous dog, but which the Council considers may pose a threat to any person, stock, poultry or domestic animal or protected wildlife because of observed or reported behaviour or any characteristics typically associated with the breed or type.

- 6.3 The Council must classify a dog as a menacing dog if it believes that the dog belongs wholly or predominantly to one or more breeds or types listed in Schedule 4 of the Act.
- 6.4 Section 30A of the Act states that no person may import into New Zealand any dog that belongs wholly or predominantly to one or more breed or type of dog listed in Schedule 4 of the Act (listed below).

Breed of dog:

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

Type of dog:

- American Pit Bull Terrier.

- 6.5 In accordance with section 31(1) of the Act, a territorial authority must classify a dog as a dangerous dog if:
- the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or
  - the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
  - the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.
- 6.6 Sections 31 to 33 of the Act outline the reasons why, and the manner in which, a dog may be classified as dangerous, and the obligations which this imposes on an owner which includes having the dog on a leash and muzzled when in public and compulsory neutering of the dog.
- 6.7 Sections 33A to 33EC of the Act contain similar provisions relating to menacing dogs. These dogs are also required to be on a leash and muzzled when in public but neutering of these dogs is at the discretion of the Council. As a matter of policy, the Council will require all dogs classified as menacing to be neutered, including dogs which are classified as menacing by other territorial authorities and which are later registered in Nelson.
- 6.8 The Council will require the neutering of any dog of the breed or type to which section 30A of the Act applies, and will require any other dog to be neutered when the classification is confirmed.

## **7 Enforcement**

- 7.1 The Act provides that the Council may issue Infringement Notices which provide an instant fine for a number of offences. As the Council's aim is to promote owner responsibility, an education and advisory approach will generally be taken. However, enforcement action may be taken against repeat offenders. Infringement Notices may be preceded by a written warning. In those instances where the actions of the owner amount to a wilful disregard for the safety or convenience of any person or animal, or a fraudulent or deliberate attempt to circumvent the requirements of the Act or the Dog Control Bylaw 2020, an Infringement Notice is likely to be issued without warning.
- 7.2 Where a written warning is ignored, or the offence is repeated within two years, or the behaviour is seen to be becoming habitual, a person may receive further Infringement Notices or be prosecuted.
- 7.3 In certain circumstance (for example where it is a serious offence) enforcement action may proceed directly by way of prosecution.
- 7.4 Any dog found at large in any public place at any time, in contravention of the Dog Control Bylaw 2020, may be seized and impounded by any Dog Control Officer, Dog Ranger or other person authorised by the Council. Consideration will be given to reducing impounding fees on a case by case basis, if the dog owner carries out an assessment of their property and rectifies any fencing inadequacies. Council will assist in assessment of properties if requested.
- 7.5 The Council will enforce the requirement for owners to remove their dog's faeces and the Dog Control Bylaw 2020 will require persons to have a bag with them when exercising any dog.
- 7.6 Where the offence relates to a failure to register a dog, Council will issue a notice that a dog is not registered. Then, if the registration fee is not paid within seven days, the owner will receive an Infringement Notice.
- 7.7 Section 42 of the Act authorises a Dog Control Officer to enter any land or premises (except a dwelling house) occupied by the owner of the dog for the purpose of seizing and impounding an unregistered dog.
- 7.8 The Council will also make use of the provisions of the Act relating to Probationary Owners and Disqualification of Owners to, over time; improve the level of owner responsibility or to bar irresponsible persons from future ownership or control of any dog.

## **8 Owner Education**

- 8.1 The Council carries out the following initiatives to encourage responsible dog ownership. These are:
- The Doggy Do project
  - Discounts
  - Publicity material

- Patrols by Dog Control Officers

### **The Doggy Do Project**

- 8.2 The Council provides dispensers for plastic rubbish bags as a convenience for people exercising their dogs in a number of areas within the city. The presence of these is one way the Council can encourage owners to pick up their dog's faeces.
- 8.3 However, the main focus will continue to be on the owner's personal responsibility to remember to take a bag and to pick up after their dogs. The provision of dispensers is limited to high use sites only. Dog owners will also be encouraged to make use of bags which are readily available from other sources such as recycled bread bags and plastic shopping bags.

### **Discounts**

- 8.4 An ongoing discount applies for any dog that has evidence of being neutered, or for dogs registered as members of the New Zealand Kennel Club.

### **Publicity Material**

- 8.5 The Council will provide information to owners and carry out periodic publicity of dog control matters.
- 8.6 The Council will produce pamphlets and website information that includes maps clearly identifying dog prohibited areas and areas where dogs are required to be on a leash. Guidance will also be provided on:
- What dog owners can do to avoid conflicts with other people in the community, including respecting the space around other people (particularly children and cyclists) when exercising dogs.
  - Locking extendable dog leashes where there is a risk of tripping cyclists and pedestrians.
  - Dog training options.
- 8.6 The Council will also provide signage in high use areas which will include the contact details for Dog Control.

### **Patrols by Dog Control Officers**

- 8.7 One important education tool is the advice and assistance which Dog Control Officers can provide to dog owners and to the general public. Dog Control Officers will be readily visible to the public through patrols aimed at assisting dog owners using the more popular public places to understand the obligations imposed on them by the Act and the Council's Dog Control Bylaw 2013.



## **9 Number of Dogs**

- 9.1 No more than two dogs can be kept on any property in the urban area without written permission from the Council. Puppies up to three months old are exempt from this limit.
- 9.2 There will be a one-off additional charge for keeping more than two dogs on an urban property, to cover the costs of reviewing the suitability of the property for more than two dogs. Assessment, and any conditions imposed on the dog owner, will be focused on all reasonable steps being taken to ensure that the dogs will not cause a nuisance to any person or be likely to be injurious to the health of any person.
- 9.3 Dog owners who have more than two dogs in February 2013 will have an "existing use right" to continue to own their existing dogs, until the end of the dogs' lives. Written permission will be required for ownership of any additional dogs after this date.
- 9.4 This approach will increase the Council's ability to control the effects of multiple dogs without generating high administration costs.
- 9.5 There are no limits on the number of dogs that may be kept on a property which is not within the urban area. The urban area is as defined in the Nelson Air Quality Plan, or any other resource management plan/s which replace it after this Policy is adopted.

## **10 Co-operation with Other Organisations**

### **Ministry of Agriculture**

- 10.1 The Ministry for Primary Industries now has responsibility for the control and eradication of true hydatids and sheep measles under the provisions of the Biosecurity Act 1993.
- 10.2 There is no requirement for people to dose their dogs for hydatids or sheep measles. However, Council publicity material will explain the benefits of general worming of dogs and it will be up to the dog owner to talk to their vet about the best worming regime for their dog.

### **Society for Prevention of Cruelty to Animals**

- 10.3 The Council will work in conjunction with the Society for Prevention of Cruelty to Animals where possible to promote dog welfare.
- 10.4 The Council will periodically review its assistance to the Society for Prevention of Cruelty to Animals in respect of euthanasia of unwanted dogs or other services to ensure that this represents an appropriate benefit to the community.

### **Interest Groups**

- 10.5 The Council will continue to liaise with relevant interest groups.

## **11 Bylaws**

11.1 The Council is required to introduce a bylaw to give effect to this policy.

11.2 The approach of the Dog Control Bylaw 2020 is to ensure as far as possible that:

- Dog owners are not penalised for owning a dog.
- Members of the public are able to make use of the public areas within the city without intimidation or inconvenience brought about through the actions of dogs or their owners.
- The welfare of dogs kept within the city is preserved and/or enhanced.
- Dogs do not pose threats to rare or protected wildlife.

### **Dog Control Bylaw 2020 Provisions**

11.3 The Dog Control Bylaw 2020 makes provision for the following matters:

- Specifying areas where dogs are prohibited.
- Specifying areas where dogs are required to be on a leash.
- Seizing and impounding of any dogs found wandering at large on public or private property.
- Requiring owners of dogs with contagious diseases to keep them away from public places.
- Requiring owners to ensure their dog does not cause a nuisance or an injury to any person.
- Requiring persons controlling a dog to remove its faeces from property other than that occupied by that person.
- Impounding of dogs.

## **12 Operation of a Pound**

12.1 The Council will operate a pound for the temporary confinement of any dog which is seized by a Dog Control Officer pursuant to the provisions of the Act. This includes:

- Wandering dogs.
- Barking dogs causing distress.
- Dogs attacking persons or animals.
- Dogs rushing at persons, animals or vehicles.
- Dogs in the vicinity of protected wildlife.

- Unregistered dogs.

12.2 All impounded dogs will be retained in the pound for at least the required time in order to give the owners an opportunity to reclaim them. Unless reclaimed, and all fees and charges paid, the dogs will be disposed of in accordance with the Act.

## **SCHEDULE ONE**

### **Dogs Prohibited Areas**

Dogs are prohibited from the following areas for the reasons as set out:

1. Nelson Airport (unless transporting dogs for air lift in or out of Nelson; or dogs securely restrained in the owner's vehicle). This is for safety reasons.
2. Eastern two thirds of Tahunanui Main Beach. This is an important beach providing seaside recreation/swimming for a large number of residents and visitors to enjoy, free from nuisance or inconvenience. In addition the setting aside of the western end of the beach and the back beach area for dogs provides adequate opportunity for swimming, beach exercise and socialising.
3. The playing area of any Council sports grounds. The exception is Maitai Cricket Ground, for which the prohibition only applies from October to March each year.

Playing areas of sports fields used for active recreation – dogs are not compatible with active recreational pursuits and owners need to ensure that their dogs are kept off the marked playing fields. However, dogs are allowed to exercise around the edges of these areas. The exception is Maitai Cricket Ground, for which the prohibition only applies from October to March each year.

4. Children's playgrounds - the section of the reserve set aside for playground equipment. One of the main areas of concern in respect of children's interaction with dogs is that they are generally instantly attracted to animals. This coupled with the pack instincts of adult dogs can lead to instances of biting and other injurious behaviour. In addition, the bark surfaces of playgrounds mean that faeces left by dogs can be overlooked.
5. Nelson City Council Water Reserves (without Council permits):
  - Maitai Valley
  - Roding

In order to preserve the integrity of the city water supply and the natural environment of the catchments, dogs are not permitted within the Maitai and Roding Water Reserves. However, permits may be given for dogs to be used in these areas for specific feral animal control purposes.

6. Brook Conservation Reserve. This area is being developed as a wildlife sanctuary and dogs are not compatible with this aim. However, permits may be given for dogs to be used in this area for specific conservation purposes.
7. Any public building owned or controlled by the Council (except in respect of the Trafalgar Centre or Stoke Hall when a function involving dogs is being held).

8. Trafalgar Park.
9. Saxton Field Cricket Oval and the Athletics Track.
10. Saxton Field Hockey and Softball Areas.

(This reason applies to 7, 8, 9 and 10): It is not appropriate for dogs to be brought into facilities where people are undertaking recreational pursuits or leisure time activities, or engaged in business. Any disability assist dogs or dogs used by the Police or other agencies are exempt from this prohibition. The prohibition excludes approved dog shows at the Trafalgar Centre and Stoke Hall.

11. Haulashore Island. This island provides important wildlife habitats which need to be protected from predatory animals.
12. Oyster Island. This island provides important wildlife habitats which need to be protected from predatory animals.
13. Haven Holes Reserve. The area is being developed as a wading bird habitat.
14. The following Maitai River swimming holes and the listed picnic areas:
  - The picnic area and river bank beside Black Hole - true right side of the river only. (This is the right hand side, when looking downstream.)
  - Dennes Hole and the adjacent picnic area.
  - Sunday Hole and the adjacent picnic area.
  - Maitai Camp Hole and the adjacent picnic area.

(This prohibition only applies from 1 December to 31 March each year.) The Maitai swimming holes and adjacent picnic areas are important and highly popular recreation and swimming spots for large numbers of residents and visitors of all ages. The high numbers of families frequenting these areas during summer months can lead to potential conflict between children and dogs. Further, because the spaces are confined the potential approach and movement of dogs through people's picnics can be intimidating for some members of the public. When use is high there is also increased potential for conflict between dogs. In addition, any dog faeces left uncollected becomes a health risk. The nature of the river bank means that detection and clean up of faeces is more difficult and can be easily overlooked by owners. The setting aside of the river bank and picnic area on the true right side of Black Hole, whilst retaining the option for dogs to swim in this hole by accessing it from the true left side (the side with the Maitai walkway), still provides dogs with ample exercise and swimming opportunities. There are also picnic tables on this side of the river, allowing people to picnic with their dogs. Dog owners are still able to park their cars on the true right hand side of the river near Black Hole and walk across the nearby bridge to access the true left side of the river. The high levels of cyanobacteria detected immediately upstream of

Dennes Hole means that this swimming hole is not suitable as a dog swimming area during summer months.

15. Dogs are prohibited from land administered by the Department of Conservation that is not a common marine and coastal area unless the owner has specific authorisation, for example a dog control permit from the Department of Conservation; or the reserve has Department of Conservation signage identifying where a dog may be taken without a permit. (Dogs are permitted on common marine and coastal areas administered by the Department of Conservation unless it is an area listed in this Schedule.)
16. The beaches and estuary flat of Nelson Haven bounded by the Boulder Bank Scenic Reserve (to the west) and Boulder Bank Drive (to the east) for a distance of 500 metres along each of those boundaries. This area provides important habitat, roosting and nesting sites for endangered wader birds and needs to be protected from dog disturbance.
17. The Boulder Bank, from the Cut towards Boulder Bank Drive for 4 kilometres, from 15 August to the last day in February, to protect nesting birds.
18. Whakapuaka Raupo Swamp. It potentially has high biodiversity values as a bird sanctuary as the wetland improves, creating habitat for rails and crakes.
19. The fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of Paremata Flats Reserve, but excluding the northern most section of the walkway to the lookout adjacent to the Wakapuaka River and the fenced land adjacent to the swimming hole. A number of bird species, including banded rail, have established following fencing and extensive pest eradication works in this area. Permits may be given for dogs to be used in these areas for specific feral animal control purposes.
20. Dogs are permitted to be off leash on the formed cycling and walking tracks within Marsden Valley Reserve, including Involution Trail. However, they are prohibited from being in the bush areas (off the tracks) in the part of Marsden Valley Reserve to the east of the Barnicoat Walkway. This part of Marsden Valley Reserve, which is largely native bush, is habitat for a growing weka population. Permits may be given for dogs to access areas beyond the formed tracks for specific feral animal control purposes.
21. Sand Island. This site is of regional and national importance as both a breeding and roosting site for a number of birds including: Black Fronted Tern, Black-billed Gull, Pied Shag, Red-billed Gull, Caspian Tern, South Island Pied Oystercatcher, White-fronted Tern and the Variable Oyster Catcher. In addition, Godwits roost on this island during spring tides.

## **SCHEDULE TWO**

### **Dogs are Permitted but must be Kept on a Leash**

1. All public footpaths and other public areas within the Central Business District, and within the Stoke and Tahunanui shopping centres.
2. Nelson Nelson cemeteries, both active and non-active. The active cemeteries are: Wakapuaka Cemetery, Marsden Valley Cemetery, Seaview Cemetery, and Hira Cemetery. The non-active cemeteries are, the Quakers Cemetery on Wellington Walkway and the Hallowell Cemetery near Shelbourne Street.
3. Horticultural Parks. These are: Miyazu Japanese Gardens, Anzac Memorial Park, Church Hill, Melrose Gardens, Queens Gardens, Broadgreen Gardens and Isel Park. The exception to the on leash requirement is the less cultivated part of Isel Park which begins at Main Road Stoke and extends to the Isel Park entrance gate, as well as the area south of the access road beyond the Isel Park entrance gate. This exception applies when events are not being held in Isel Park.
4. Neighbourhood Parks – excluding those listed in Schedule Three.
5. The margins, islands, sand and mudflats of Delaware Estuary, and the northernmost section of the walkway adjacent to the Wakapuaka River from Paremata Flats to the lookout.
6. Around the playing areas of sports fields when games or training sessions are occurring. (At other times dogs may be off leash on sports grounds other than the playing area of sports grounds.)
7. The Maitai walkway, from the river mouth up to the Collingwood Street bridge.
8. The grazed parts of the Grampians Reserve and the Sir Stanley Whitehead Park.  
  
(Note: The grazed parts of the Maitai River esplanade reserve, Tantragee Reserve and Paremata Flats Reserve are areas where dogs may be off-leash.)
9. The Boulder Bank from Boulder Bank Drive to the Cut.  
  
(Note: The Boulder Bank from the Cut toward Boulder Bank Drive for 4 kilometres is a dogs prohibited area from 15 August to the end of February, and dogs may be off leash on the Boulder Bank northwards from Boulder Bank Drive.)
10. Whakatū Drive Foreshore Reserve.

## **SCHEDULE THREE**

### **Neighbourhood Parks in which Dogs may be Off Leash**

- Abraham Heights Reserve
- Andrews Farm Reserve
- Bay View Reserve
- Betsy Eyre Park
- Bishopdale Reserve
- Bishop's Park
- Bledisloe North Reserve
- Branford Park
- Corder Park
- Custom House Reserve
- Fairfield Park
- Glenduan Reserve
- Grampian Oaks Reserve
- Hira Reserve
- Kowhai Reserve
- Monaco Reserve
- Murphy North Reserve
- Murphy South Reserve
- Ngapua Reserve
- Nikau Reserve
- Orchard Reserve
- Pipers Park
- Poplar Reserve
- Queen Elizabeth II Reserve
- Station Reserve
- Songer Reserve
- Te Manu Reserve



- Tosswill Reserve
- Waterhouse Reserve
- Wolfe Reserve