

# APPENDIX TWO

## Wellington City Council Dog Policy 2009

### 1. BACKGROUND

The Dog Control Act 1996 and its subsequent amendments together referred to as 'the Act' requires the Council to develop a policy on dog control. The Dog Policy specifies:

- the nature and application of any bylaws made to give legal powers to implement the Dog Policy and determine what is considered to be an offence
- public places where dogs will be controlled on a leash, prohibited or allowed off leash (exercise areas)
- whether dogs classified as menacing must be neutered and the criteria used to decide whether to neuter
- fees
- education programmes (for dogs and owners)
- when owners may be classified as probationary or disqualified from owning dogs
- infringements set by the Dog Control Act 1996.

The Council recognises that the majority of dog owners in Wellington are responsible and that most interaction between dogs and the public is positive.

This policy aims to achieve a balance between the control of dogs and recognition of the community health benefits of dog ownership. The policy will be implemented in conjunction with the Wellington Consolidated Bylaw 2008 – Part Two: Animals.

### 2. POLICY OBJECTIVES

- To ensure that the owners of dogs comply with their obligations under the Act<sup>1</sup>, that dogs are well cared for and Wellingtonians are able to enjoy dog ownership.

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<sup>1</sup> The obligations of dog owners under the Act are to:

- ensure that the dog is registered and that the Council is notified of any change of address or ownership of the dog
- ensure that the dog is kept under control at all times or confined in such a manner it cannot freely leave its premises
- ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter
- ensure that the dog receives adequate exercise
- take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means
- take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person
- take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife:
- take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person
- comply with the requirements of this Act and of all regulations and bylaws made under this Act.

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- To prevent any potential danger caused by dogs to the public, wildlife and natural habitats.
- To minimise the risk of distress and nuisance caused by dogs to the public, wildlife and natural habitats.
- To actively promote the responsible ownership of dogs.
- To provide for the reasonable exercise and recreational needs of dogs and their owners.

### 3. DEFINITIONS

**Dangerous dog** - means any dog that behaves aggressively and threatens the safety of the public, stock, poultry, domestic animal or protected wildlife.

**Disability assist dog** - means a dog trained (or in training) to assist a person with a disability as defined under the Act.

**Domestic animal** includes: any animal (including a bird or reptile) kept as a domestic pet; any working dog; any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

**Infringement offence** has the meaning given to it in section 65(1) of the Act.

**Menacing dog** means any dog the Council considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife due to observed or reported behaviour or dogs classified as menacing under sections 33A or 33C of the Dog Control Act 1996.

**Neutered dog** means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised.

**Owner** has the meaning as defined under the Act including every person who owns a dog; or has a dog in his or her possession; or the parent or guardian of a person under the age of 16 years who owns a dog.

**Probationary** means any owner who has received three or more infringement notices in a period of 24 months.

**Protected wildlife** has the same meaning as defined under the Act.

**Public place** 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.

**Under control** a dog can be kept under control by physically limiting its movements or by using direct commands.

**Roaming dog** means any dog that is found in any public place or on any land or premises other than that occupied by the owner which is unaccompanied by their owner.

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**Rushing** is defined as when a dog in a public place rushes at, or startles, any person or animal in a manner that causes any person to be killed, injured, or endangered; or any property to be damaged or endangered; or rushes at any vehicle in a manner that causes, or is likely to cause, an accident.

**Stock** has the meaning as defined under the Act.

**Substantiated complaint** means a complaint where a Dog Control Officer considers there is enough evidence to support a case in a court of law.

**Working dog** means any guide dog, hearing ear dog, or companion dog or dog defined as working under the Act.

## 4. POLICY STATEMENTS

- Dogs and their owners will be provided with a reasonable level of access to public places, however this will be balanced with the need to prevent potential danger and to minimise distress and nuisance to the public at large.
- The Council will provide designated exercise areas enabling dog owners to exercise their dogs off-leash provided the dogs are kept under control at all times.
- Where the likelihood of conflict exists between dogs and the public at large, access for dogs to public places will be restricted.
- Where the likelihood of conflict exists between dogs and wildlife, access for dogs to public places will be restricted.
- The Council will actively encourage responsible dog ownership through the promotion of the Responsible Dog Owner (RDO) status.
- The Council will promote public safety, responsible dog ownership and provisions of the Act and the Council's Dog Policy through education programmes to dog owners and the public.
- The Council will encourage the use of approved education and obedience courses for dogs.

## 5. ACCESS TO PUBLIC PLACES

Under the Act, Councils can designate public places where dogs are prohibited or allowed on or off-leash. These areas are enforced using the related bylaws.

Designated public places are classified as follows:

- **Controlled public places** – dogs are allowed on a leash
- **Exercise areas** – dogs can exercise and socialise off-leash
- **Prohibited areas** – dogs are not allowed in these areas at any time

Dogs must be under the control of their owner at all times on or off-leash.

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A list of exercise areas and prohibited places are attached at Appendix A and included in the Wellington Consolidated Bylaw 2008 – Part Two: Animals.

Wellington City has the additional classifications of:

- **Beach exercise areas** – beach areas where dogs can exercise off-leash.
- **Beach areas restricted during summer** – dogs are prohibited from these areas from 9am – 7pm every day during national Daylight Savings hours. These areas are classed as controlled public places where dogs can be on-leash before 9am and after 7pm in summer and on-leash at all times in winter.
- **Exercise area (specified times)** – dogs are allowed off-leash before 9am and after 7pm in summer during national Daylight Saving hours and off-leash at all times in winter.
- **Prohibited place (specified time)** – where dogs are prohibited during the times specified.

## 5.1 Controlled public places

Most areas in Wellington City are classified as ‘Controlled public places’ where dogs are welcome on-leash and under the control of their owners.

## 5.2 Exercise areas

The Council provides 51 designated off-leash exercise areas<sup>2</sup> and 7 beach exercise areas<sup>3</sup> across the city.

Dogs can exercise and socialise off-leash at all times in these areas as long as they remain under the control of their owner.

A list of all exercise areas is provided in Appendix A. Maps of all exercise areas are provided in Appendix B.

The city also has two exercise areas<sup>4</sup> where dogs are allowed off-leash before 9am and after 7pm in summer during Daylight Saving hours and off-leash at all times in winter.

### 5.2.1 Criteria to determine exercise areas

The criteria used to determine exercise areas for dogs include:

- the area is not used extensively for sporting or other purposes
- the area is of significant size and has appropriate access
- there are sufficient sight lines
- the area is well bounded from adjacent areas
- no potential risk to other groups.

## 5.3 Prohibited areas

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<sup>2</sup> Appendix A - Table 1: Exercise areas.

<sup>3</sup> Appendix A – Table 2: Beach exercise areas.

<sup>4</sup> Appendix A – Table 2: Beach exercise areas (specified times)

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Dogs are prohibited in:

- play areas
- sports fields
- areas where there is the presence of significant wildlife and/or habitat.

Dogs will be restricted or prohibited in places that are used frequently by the public.

Prohibited areas are listed in Appendix A, Table 5.

The city also has 6 'Prohibited places (specified times)' where dogs are prohibited during the times specified. These places are listed in Appendix A, Table 6.

### **5.3.1 Right of access to a prohibited area**

Dog owners/handlers are allowed:

- to move through a play area specifically to move from one side to the other if there is no alternative route but they cannot stop with their dog in the play area
- access to Wellington International Airport if they intend to transport their dog
- outside of the boundary of a sports field, however the dog must not go onto the sports field area.

### **5.3.2 Seal colony restrictions – seal 'haul out' areas**

Areas where seals congregate and 'haul out' in the area of Sinclair Head and on the South Coast will be classed as prohibited public places from 1 May to 31 August each year. Note: seal 'haul out' areas along the South Coast may change from year to year.

### **5.3.3 Central city restriction**

The area of the central city (defined on Map 1 in Appendix B) is classed as a restricted area. Dog owners are allowed to move through the central city with their dog on-leash to travel to or from the waterfront; however they cannot stop in the central city.

### **5.3.4 Summer beach restrictions**

The following beach areas are classed as prohibited public places between 9am and 7pm every day during national 'Daylight Savings' hours:

- Balaena Bay beach
- Hataitai Bay beach
- Island Bay beach (from the pier to the western end of the beach)
- Seatoun beach (including Churchill Park)

These areas are classed as controlled public places where dogs can be on-leash before 9am and after 7pm in summer during national Daylight Saving hours and on-leash at all times in winter.

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## 5.4 Exemptions

Disability assist dogs are exempt from all public place restrictions specified in this policy. They do not need to be on a leash in controlled or prohibited public places.

Disability assist exemption requires written authorisation from the appropriate organisation.

Certain working dogs will also be exempt from the restrictions specified. The definition of a 'working dog' can be found in section 3 of this policy. Working dogs must be working at the time to be exempt. All working dogs will not need to be on-leash in a controlled public place. All working dogs, except those kept to herd stock will not need to be on-leash in a prohibited public place.

## 5.5 Classification of areas under other legislation

Access for dogs can be controlled by other legislation, for example the:

- Conservation Act 1987 – “controlled dog areas” and “open dog areas”
- National Parks Act 1980 – “national park”

At present there are no areas in Wellington City that are classified according to these provisions.

## 6. DOG WELFARE

Dog owners have a responsibility to provide for their dog's welfare.

To support dog owners and the welfare of dogs in Wellington, the Council will:

- provide specific exercise areas where dogs can exercise off leash
- promote responsible dog ownership through the Responsible Dog Owner (RDO) status
- provide information to owners about the welfare requirements of dogs and how to provide for them

When dogs have not received proper care and attention the Council will ensure that the appropriate action is taken and may:

- issue a warning or infringement notice
- prosecute where the offence or the effects of the offence are significant.

### 6.1 Registration

The maintenance of a dog registration system is both a statutory requirement and an essential component of the efficient running of a dog control service.

Information will be provided to owners and potential owners about their obligation to register their dog.

Registration will be monitored and the following action taken against owners that fail to register their dog:

- issuing of a warning or infringement notice

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- impounding of unregistered dogs. (Note: all dogs will be required to be registered before they are released from the shelter).

## **6.2 Fees**

### **6.2.1 Registration fees**

Registration fees are due on 1 July every year. There are penalties for late dog registration.

Dog registration fees are set by Council resolution in accordance with the Revenue and Financing Policy. They are consulted on with levels of service through the Annual Plan or Long Term Council Community Plan.

A full registration fee must be paid for entire dogs. A discounted dog registration fee is available for owners who:

- hold Responsible Dog Owner status
- have a neutered (spayed or castrated) dog
- have a working dog(s).

There is no registration fee for disability assist dogs.

Funds generated from dog registration fees are used to provide: signs and advertising about dog bylaws, education programmes and campaigns for schools, community groups and businesses, dog control including law enforcement and attending to complaints and incidents, administering the shelter at Moa Point, administering the dog control programme.

### **6.2.2 Other fees**

Fees are also charged for:

- Dogs who have been impounded (impounding fees and daily sustenance fees)
- Licences for more than three dogs (in urban premises not rural)
- Collection or delivery of a dog on behalf of an owner
- Euthanasia of a dog at the owner's written request
- Replacement registration tags
- Responsible Dog Owner status (this includes site inspection fees).

Fees are set and advertised before the beginning of each registration year (1 July to 30 June).

The Council recovers 75% of the total cost associated with dog control through registration and control fees, and enforcement. Residential rates are used to meet the remaining 25% of dog related costs. The Council will actively pursue appropriate sponsorship to offset its capital or operating costs.

## **7. ACTIVELY PROMOTING RESPONSIBLE DOG OWNERSHIP**

### **7.1 Responsible Dog Owner (RDO) status**

The Council encourages responsible dog ownership through the promotion of its Responsible Dog Owner (RDO) status.

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Dog owners can apply for RDO status if they meet the criteria listed at 7.1.1.

Once RDO status is obtained owners receive a discount on their annual registration fee. Unless cancelled for one of the reasons set out at 7.1.2, an owner can maintain their RDO status for as long as they require it.

Additional payment for RDO status will only occur if:

- a) the owner moves house and requires another site inspection
- b) the owner's RDO status is cancelled for reasons detailed.

Note: Responsible dog owners still require a licence to keep more than three dogs.

An owner's RDO status can be held in suspension for up to 24 months if the owner is travelling away from Wellington or their dog dies. The owner must make a written request and provide appropriate documentation to the Council to ask for a suspension.

### **7.1.1 Criteria for Responsible Dog Owner Status**

To be classified as a Responsible Dog Owner the following criteria must be met:

- a) The owner must comply with Council bylaw requirements as they relate to dogs (e.g. dogs must be under control at all times, owners must remove their dog's faeces in public places);
- b) The owner's dog must have been registered in Wellington for at least one year; or  
the owner must provide adequate proof of having held this status from their previous authority. If an owner has not been registered in Wellington for at least one year the owner will be required to attend and pass an approved Responsible Dog Owner Education and Obedience course;
- c) The owner must not have:
  - received a conviction under the Act
  - received an infringement notice in the last year
  - had a dog impounded in the last year
  - been the subject of a substantiated public complaint in the last year
  - been classified as a Probationary or Disqualified owner
- d) The area of the property that the dog has free access to must be fully fenced and gated;
- e) Any outside kennels must be weatherproof and hygienic.

An application must be made to Council and approved before the benefits of the *RDO* status can be gained.

### **7.1.2 Cancellation of Responsible Dog Owner (RDO) status**

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An owner's Responsible Dog Owner (RDO) status will be cancelled if the owner:

- a) Is convicted of an offence under the Act. *The owner will never be permitted to be reinstated as a Responsible Dog Owner.*
- b) Is issued with an infringement notice. *The owner will not be permitted to be reinstated as a Responsible Dog Owner for a year.*
- c) Has their dog impounded. *The owner will not be permitted to be reinstated as a Responsible Dog Owner for a year.*
- d) Has one substantiated complaint then the owner *will not be permitted to be reinstated as a Responsible Dog Owner for one full year.*
- e) Fails to pay dog registration fees by 10 July (allowing a ten day grace period from the official 1 July deadline). *If this occurs, the owner will lose their Responsible Dog Owner status and need to apply again the following year.*

### **8. EDUCATION**

The Council will offer an education programme free of charge to promote public safety and responsible dog ownership as defined under Act and the Council's Dog Policy. The programme will include:

- presentations to schools on dog behaviour and safety
- educational materials to dog owners on dog welfare, dog control problems and their avoidance, dog safety, the handling of dogs and the rights of the general public.

Media publicity will be used to promote public awareness of:

- Dog registration obligations
- Owner responsibilities
- The Council's Dog Policy and related bylaws.

A copy of the Council's Dog Policy and related bylaws will also be available to every dog owner through the Council website. These publications will also be available on request in hard copy.

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## **8.1 Dog obedience**

The Council will encourage the use of approved education and obedience courses by promoting them as a criterion to attain Responsible Dog Owner status and for owners that have been classified as probationary. A list of Wellington dog trainers will be provided on the Council website.

## **9. MINIMISING RISK OF DISTRESS AND NUISANCE**

### **9.1 Nuisance**

Nuisance caused by dogs can include:

- barking dogs
- dog faeces
- roaming dogs.

In managing nuisance caused by dogs the Council will:

- educate owners about major nuisances associated with the ownership of dogs and how to avoid them
- require owners to take steps considered necessary to abate dog nuisance such as remove faeces left by their dog in public places
- provide appropriate deterrents against non-compliance with dog control laws by issuing warning or infringement notices, prosecuting where the offence or the effects of the offence are significant, impounding roaming or unregistered dogs
- control the number of dogs kept on a property
- provide incentives such as Responsible Dog Owner status to encourage responsible dog ownership.

### **9.2 Abatement of nuisance**

Where a complaint has been received and a dog control officer considers that a nuisance exists the officer may issue the owner with a notice requiring the owner to stop the nuisance. These notices will be issued pursuant to the Wellington Consolidated Bylaw 2008: Part 2 - Animals.

### **9.3 Barking dogs**

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 make such reasonable provisions to stop the nuisance.

The owner of the dog has seven days to either comply with the notice or object to Council about the content of the notice. If after the seven day period the notice has not been complied with and further complaints have been received, a dog control officer may remove the dog from the land or premises.

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If an objection has been received the objector will have the right to be heard by the Council. The Council will consider the notice and any evidence submitted with the objection and will confirm, cancel or modify the notice.

### **9.4 Classification as a menacing dog**

The Council may classify 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; or
- has characteristics typically associated with a prohibited dog breed or type.

In addition to all other obligations the owner of any dog that is classified as menacing must:

- ensure the dog is muzzled in any public place
- ensure the dog is neutered within one month of classification
- ensure the dog is microchipped within two months of classification

When a dog is classified as menacing due to the dog's deeds or behaviour the Council may order the owner to have the dog neutered within one month of notification. The Council will consider the likelihood of the dog posing a threat in public and whether neutering is likely to curb the menacing behaviour when requiring a dog to be neutered.

### **9.5 Dangerous dogs**

Under the Act dogs can be classified as dangerous where:

- an owner of the dog has been convicted of an attack offence;
- the territorial authority has sworn evidence that the dog has shown aggressive behaviour; or
- the owner admits that the dog constitutes a threat to the safety of any person, animal or stock.

This procedure is prescribed by law and is not open to interpretation by Council.

Where dogs through their actions have shown themselves to be dangerous or menacing the Council will:

- issue a warning or infringement notice
- prosecute where the offence or the effects of the offence are significant
- classify the owners as probationary or disqualified
- classify the dogs as dangerous or menacing
- seize and retain in custody any menacing dog
- require dogs impounded to be retained in the shelter pending a decision of the Court
- prosecute the owners of any prohibited dog breeds without a Council approved exempting statutory declaration.

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In addition to all other obligations the owner of any dog that is classified as dangerous must:

- ensure the dog is kept within a securely fenced portion of the owner's property (note: the dog should not be kept in an area required to obtain access to at least one door of the property)
- ensure the dog is muzzled in any public place
- ensure the dog is neutered within one month of classification
- ensure the dog is microchipped within two months of classification
- pay a higher registration fee
- not dispose of the dog to any other person without the written consent of the Council.

### **9.6 Dogs prohibited from being imported into New Zealand**

The Act identifies certain dogs that are prohibited from being imported into New Zealand. These are:

- Brazilian Fila, Dogo Argentine, Japanese Tosa (breed of dog)
- American Pit Bull Terrier (type of dog)

### **9.7 Microchipping dogs**

Owners must provide permanent identification of their dog by arranging for the dog to be implanted with an approved microchip when the dog is:

- registered for the first time
- classified as dangerous or menacing
- impounded.

Where microchipping has not occurred the Council may:

- issue a warning or an infringement notice
- seize the dog for non-compliance
- prosecute the owner.

The Council requires a copy of the implantation certificate at the time of registration.

### **9.8 Impounding and seizing**

The Act sets out certain provisions for the impounding of dogs. Where any dog is found at large in a public place in contravention of a bylaw or, on any property other than the owners, it may be impounded.

Where any dog is impounded and the owner is known, the Council will make all attempts to contact the owner. The owner then has seven days to recover the dog from the pound.

Where the owner of the dog is unknown the Council must keep the dog for seven days. If the dog is not claimed, after this time the dog may be disposed of (e.g. a new owner found) or destroyed as the Council sees fit.

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Where the owner of a dog does not comply with registration or microchipping requirements or the requirements of a menacing or dangerous dog classification the dog(s) may be seized and impounded.

All registration requirements, fees and pound fees must be paid and the dog microchipped before a dog will be released from the pound.

## **9.8.1 Impounding fees**

Under section 68 of the Act the Council can set fees for the impounding of dogs. Fees are set for seizure, sustenance, and the destruction of a dog. These fees can be varied for registered and unregistered dogs and may be graduated for repeated impounding of the same dog.

## **10. ENFORCEMENT**

### **10.1 Infringement notices**

The Act empowers Dog Control Officers to issue infringement notices which impose an instant fine on the recipient. Infringement notices can only be issued for particular offences (called infringement offences) as listed in Appendix D.

Fine amounts are set by the Act and range from \$100 - \$750. The Council has no discretion to alter these fees.

Once a fine has been issued the recipient has 28 days to settle. After this period of time a reminder notice is issued. Twenty-eight days after issue of a reminder notice the infringement can be filed with the court. The court can then serve proceedings to recover any outstanding fines and any additional costs incurred.

The use of infringement notices is considered an efficient method of enforcement and allows the Council to fulfil its objectives under this policy. The Council may consider issuing an infringement notice rather than referring an offence to the court. As part of this system the Council may issue warning notices for particular infringement offences.

### **10.2 Prosecution**

Where an offence is considered to be serious and sufficient evidence exists, the Council will consider prosecuting an offender in a Court of Law. This includes situations where a dog has:

- caused significant damage to property
- caused significant damage or injury to any person or animal
- caused severe distress
- caused danger, distress or nuisance to any person or the community on a number of occasions.

Situations for which a person can be prosecuted are defined in the Act and are set out in Appendix C.

### **10.3 Probationary dog owners**

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When an owner is convicted of an offence under the Act or has received three infringement notices within 24 months, the Council will classify that owner as a probationary owner for the period of 24 months.

The probationary classification has the following effects:

- the owner is not allowed to own any other dogs than were owned at the time the classification was made
- the owner must dispose of any unregistered dogs.

A probationary owner has the right to object to the classification. The Act sets out a number of matters whereby the two year probationary period can be reduced. In considering an objection the Council will have regard to:

- the circumstances and nature of the offence(s)
- the competence of the person in terms of responsible dog ownership
- any steps taken by the person to prevent further offences
- the matters advanced in support of the objection and any other relevant matters.

The Council will encourage all owners classed as probationary to undertake approved education and obedience courses.

### **10.4 Disqualification of ownership**

Any owner convicted of an offence under the Act, or who has received three infringement notices can be immediately disqualified from owning any dog.

A probationary owner who is convicted of a further offence, or receives three further infringement notices can be disqualified from owning a dog. It is not necessary for an owner to be classified as a probationary owner before being disqualified.

The disqualified owner must dispose of all dogs they own and can not own any more dogs for up to five years. A disqualified owner has the right to object to the classification.

## **11. BYLAWS**

Under the Act the Council has the ability to create bylaws to give effect to the Dog Policy. The Act lists the particular matters for which bylaws can be made. Bylaws relating to this policy are contained in the Wellington Consolidated Bylaw – Part Two: Animals.

### **11.1 Notice to abate dog nuisance**

Where a Dog Control Officer considers that any dog or the keeping of any dog has become a nuisance, injurious or hazardous to the health, property or safety of any member of the public, an officer may in writing require the owner to do any or all of the following:

- reduce the number of dogs kept on a premises;
- construct, alter, reconstruct or improve the kennels or other buildings used to house or contain the dog or dogs; and

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- take such action as an officer deems necessary to minimise or remove the likelihood of nuisance, or injury or hazard to health, property, or safety to any member of the public.

### **11.2 Restriction on diseased dogs or dogs on heat**

Where a dog is infected with mange, distemper or other infectious disease; or any bitch is on heat, the owner of that dog will not allow the dog in any public place.

### **11.3 Fouling of public places**

The owner or handler of the dog will immediately remove and dispose of their dog's faeces if the dog defecates in a public place or on land or premises other than that occupied by the owner.

### **11.4 Dogs in public places**

The bylaw identifies public places where dogs will be:

- controlled (allowed on a leash)
- allowed to be exercised (allowed off a leash) and
- prohibited (not allowed).

These areas will be identified, from time to time by resolution of Council. These areas are specified in the bylaw to allow Dog Control Officers to enforce the public place restrictions made under this policy.

This bylaw will also specify particular dispensations for particular dogs where the general provisions of the bylaw may not apply or may be altered.

### **11.5 Council permission required for more than three dogs**

The bylaw requires that any owner or occupier of premises (other than rural premises) who keeps more than three dogs in total on the property must obtain Council permission to do so. In considering whether to grant permission the Council will have regard to the danger, distress and nuisance that would be caused to the community generally if permission is granted.

The Council will have the right to impose terms and conditions on the granting of permission, including:

- specifying the number of dogs that may be kept at any one time
- specifying the duration of the permission
- restrictions as to the purpose for which such dogs may be kept
- provision for hygiene, control and confinement
- provision for the protection of other persons or property from being affected in any way by the dogs.

The Council may fix an annual fee for permission to keep more than three dogs on a property.

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## APPENDIX A

**TABLE 1: EXERCISE AREAS**

Dogs must be under control of their owner at all times but can exercise and socialise off-leash in these areas.

	<b>Exercise Areas</b>	<b>Locations</b>
1	Arthur Carman Park <b>1 November to 31 January only</b> <b>Prohibited the rest of the year</b>	Collins Ave, Linden
2	Duncan Park	Linden Ave, Tawa – area between stream and Nathan St
3	Grasslees Reserve	Main Rd, Tawa – western side of stream to Main Rd
4	Taylor Park	Taylor Tce, Tawa – southern area of park behind badminton hall
5	Willowbank Park	Main Rd, Tawa – area north of scout hall and area on eastern side of stream
6	Churton Park	Halswater Dr, Churton Park – southern side of Halswater Dr up to sports field area
7	Edward Wilson Park	Churton Dr, Churton Park – hill slopes to Middleton Rd
8	Seton Nossiter Park	Mark Ave, Paparangi/Newlands – valley floor, not including the Mark Avenue access path, up to the stream crossing adjacent to the Paparangi School boundary and the titoki grove
9	Spemore St Park	Spemore St, Newlands
10	Waihinahina Park	Ladbrook Dr, Newlands - large flat area to the south on right-hand side of car park
11	Meekswood Reserve	Ohariu Rd, Johnsonville – Ohariu Rd side of reserve up to crest of hill
12	Flinders Park	Flinders Place, Johnsonville – area to south of carpark
13	Cashmere Park	Onslow Rd, Khandallah
14	Silverstream Rd Reserve	Silverstream Rd, Crofton Downs – part of Huntleigh Park, area south of play area
15	Cummings Park	Ottawa Rd, Ngaio – area to east of stream in central part of reserve
16	Chelmsford Reserve	Chelmsford Street, Ngaio
17	Trelissick Park	Exercise area starts at entrance number six on Kaiwharawhara Road (bottom of Ngaio Gorge) and ends at entrance number two on Waikowhai Street (by Crofton Downs Railway Station), Ngaio
18	Odell Reserve	Punjab St, Khandallah – area up to reservoir
19	Kaiwharawhara Park <b>1 November To 31 January only</b> <b>Prohibited the rest of the year</b>	Hutt Rd, Kaiwharawhara
20	Izard Park	Wilton Rd, Wilton – area north and east of play equipment
21	Top of Tinakori Hill	Weld St, Wadestown – open areas along summit
22	Tinakori Slopes	Wadestown Rd, Thorndon – hill slopes from summit to Wadestown Rd
23	Ian Galloway Park	Curtis St, Northland – bottom area adjacent to BMX track and skateboard ramp
24	Karori Park	Karori Rd, Karori – area north of sports fields
25	Monaghan Rd Reserve	Monaghan Rd, Karori
26	Wrights Hill	Wrights Hill Rd, Karori – parade ground area
27	The Terrace	The Terrace behind numbers 230-242, grassed area above motorway entrance to Terrace Tunnel
28	Mitchelltown School Site	Holloway Rd, Aro Valley – area above Holloway Rd/Aro St
29	Ohiro Park (aka Tanera)	Ohiro Rd, Brooklyn – open area on ridge

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	Park)	
30	Kowhai Park	Mitchell St, Brooklyn
31	Charles Plimmer Park	Palliser Rd/Majoribanks St, Mt Victoria – area above petanque to Palliser Rd entrance
32	Ellice St Quarry	Ellice St, Mt Victoria
33	Lower portion of Treasure Island/Kainui Reserve (land opposite Cog Park)	Evans Bay Parade, Hataitai
34	Hataitai Park	Ruahine St/Alexandra Rd Hataitai – open area along Ruahine St from badminton hall to park entrance. Open area from Alexandra Rd to behind badminton hall
35	Vice Regal North	Coromandel Street
36	Alexandra Road West	Alexandra Road
37	Liardet & Balfour St Corner	Liardet St, Vogeltown – open area on west side of Liardet St
38	Macalister Park	Adelaide Rd, Berhampore – area south of sports field area
39	Owen Street	Lower terrace on southern end of Owen St
40	Newtown Park	Russell Tce – pine plantation at top end of Newtown Park
41	Mt Albert	Mt Albert Rd, Melrose – hill areas behind hockey stadium and Chinese Sports and Cultural Centre
42	Sinclair Park	Houghton Valley Rd, Melrose – terraced areas in park down from Houghton Valley School excluding bottom field
43	Tawa Tawa Reserve (Prestons Gully)	Murchison Rd, Happy Valley
44	Dorrie Leslie Park	Queens Dr, Lyall Bay – open space along coast north from Arthurs Nose to residential area
45	Bann St	Orchy Cres/Bann St, Island Bay - Hill top between Orchy Cres and Bann St
46	Reef St	Reef St/The Esplanade, Island Bay – corner opposite Shorland Park
47	Mapuia Walkway (Old Prison Rd)	Maupuia Rd/Akaroa Dr, Maupuia - open walkway accessed from Maupui Rd and Akaroa Dr
48	Ataturk Memorial	Eastern Walkway, grass valley on left arm of walkway heading north from the Memorial
49	Worser Bay/Awa Rd intersection	Awa Rd, Seatoun – corner of Awa Rd and Marine Parade opposite Worser Bay beach
50	Tukanae St Reserve	Tukanae St, Strathmore – reserve accessed from Tukanae St
51	Cliff Gaskin Reserve	Makara Rd, Makara Village

**TABLE 2: BEACH EXERCISE AREAS**

Beach areas where dogs must be under control of their owner at all times but can exercise off-leash.

1	Weka Bay Beach	
2	Kio Bay Beach	
3	Evans Bay Beach	
4	Lyall Bay Beach	From the steps in the seawall, opposite no. 30 Lyall Parade (200 metres from the eastern side of the children's playground) to the airport end of the beach
5	Little Karaka Bay Beach	
6	Makara Beach	
7	Houghton Bay Beach	

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**TABLE 3: EXERCISE AREAS (SPECIFIED TIME)**

Dogs are allowed off-leash before 9am and after 7pm in summer during national Daylight Saving hours and off-leash at all times in winter.

	<b>Exercise Areas</b>	<b>Location</b>
1	Seatoun Beach	Hector Street South to Point Dorset
2	Worser Bay Beach	Entire Beach

**TABLE 4: BEACH AREAS RESTRICTED DURING SUMMER**

Dogs are prohibited from these areas from 9am – 7pm every day during national Daylight Savings hours. These areas are classed as controlled public places where dogs can be on-leash before 9am and after 7pm in summer and on-leash at all times in winter.

	<b>Prohibited place</b>	<b>Location</b>
1	Balaena Bay Beach	
2	Hataitai Bay Beach	
3	Island Bay Beach	From the pier to the western end of the beach
4	Seatoun Beach	Including Churchill Park

**TABLE 5: PROHIBITED PUBLIC PLACES**

Dogs are prohibited from these public places at all times.

	<b>Prohibited place</b>	<b>Location</b>
1	Wellington Zoo	
2	Karori Wildlife Sanctuary	
3	Wellington International Airport	
4	Areas of Children's Play Equipment	
5	Sportsfields	
6	Freyberg Beach	
7	Oriental Bay Beach	
8	Scorching Bay Beach	
9	Princess Bay Beach	
10	Palmer Head	Wahine Park (penguin nests) to Tarakena Bay
11	Tarakena Bay Beach	To Moa Pt including Hue Te Taka - boat launching ramp and protected area
12	Lyall Bay Beach	From the steps in the seawall, opposite no. 30 Lyall Parade (200 metres from the eastern side of the children's playground) to the western end of the beach
13	Island Bay Beach	Pier to eastern end of beach

**TABLE: 6 - PROHIBITED PLACE – (SPECIFIED TIMES)**

The following areas are classed as *Prohibited Place (specified times)* where dogs are prohibited during the times specified.

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	<b>Prohibited place</b>	<b>Location</b>
1	Arthur Carman Park <b>Prohibited: 1 February to 31 October</b> <b>Exercise area: 1 November to 31 Jan</b>	Collins Ave, Linden
2	Kaiwharawhara Park <b>Prohibited 1 February to 31 October</b> <b>Exercise area: 1 November to 31 Jan</b>	Hutt Rd, Kaiwharawhara
3	Seal Colony Restrictions Sinclair Head and South Coast 'Haul Out' areas <b>Prohibited: 1 May to 31 August</b> <b>Controlled: dogs allowed on-leash rest of year</b>	The area of Sinclair Head and seal 'haul out' areas along the South Coast shall be classed as a Prohibited Public Place 1 May to 31 August each year.
5	Central City Restriction <b>Dog owners can move through the central city but not stop in the CBD.</b>	The area of the central city ( <b>defined on Map 1 in Appendix B</b> ) is classed as a restricted area. Dog owners are allowed to move through the central city with their dog on-leash to travel to or from the waterfront, however they cannot stop in the central city.
6	Beach areas restricted during summer <b>Prohibited: between 9am and 7pm every day during national 'Daylight Savings' hours</b> <b>Controlled: dogs allowed on-leash before 9am and after 7pm and on-leash at all times during winter.</b>	The following beach areas are classed as prohibited public places between 9am and 7pm every day during national 'Daylight Savings' hours: <ul style="list-style-type: none"> <li>▪ Balaena Bay beach</li> <li>▪ Hataitai Bay beach</li> <li>▪ Island Bay beach (from the pier to the western end of the beach)</li> <li>▪ Seatoun beach (including Churchill Park)</li> </ul> <p>These areas are classed as controlled public places where dogs can be on-leash before 9am and after 7pm in summer and at all times in winter.</p>

# **APPENDIX TWO**

## **APPENDIX B: MAPS OF ALL EXERCISE AREAS**

## APPENDIX TWO

### APPENDIX C: OFFENCES UNDER THE DOG CONTROL ACT 1996

<b>Name of Section</b>	<b>Description of the offence</b>	<b>Section of the Act</b>
Wilful obstruction of dog control officer or dog ranger	Obstructing an officer	18
Power of constable, dog control officer, or dog ranger to request information about owner	Failure or refusal to supply information	19
Power of constable, dog control officer, or dog ranger to request information about dog	Failure or refusal to supply information about dog	19(A)
Dog Control Bylaws	Failure to comply with a bylaw made under this section.	20
Territorial authority may require probationary owner to undertake training	Failure to undertake training	23A
Obligation of probationary owners to dispose of unregistered dogs	Failure to dispose of unregistered dog	24
Effect of disqualification	Failure to comply with the requirements of a disqualified owner classification	28
Effect of classification as dangerous dog	Failure to comply with requirements of a dangerous dog classification. Selling a dog classified as a dangerous dog without disclosing the information to the other person that the dog is classed as dangerous.	32
Offence to fail to comply with section 33E(1) or 33EB	Failure to comply with requirements of menacing classification	33EC
Owner must advise person with possession of dangerous or menacing dog of requirement to muzzle and leash dog in public	Failure to advise person of muzzle and leash requirements	33F
Microchip transponder must be implanted in certain dogs	Failure to implant microchip transponder in dog	36A
Penalty for false statement relating to application for registration	Supplying false information in application for registration.	41
Dead dogs	Supplying false information that dog has died	41A
Offence of failing to register dog	Failure to register dog	42
Issue of label or disc and completion of registration	Procuring or attempting to procure a replacement registration tag for a dog that has not lost its current tag.	46
Change of ownership of registered dog	Failure to notify territorial authority of change of ownership within 14 days.	48
Transfer of dog from one address or district to another	Failure to notify territorial authority of change of address	49
Offences relating to collars labels, and discs	Removal of registration tag, use of another dogs tag or making counterfeit tags	51
Control of dog on owner's property	Failure to keep dog under control	52A
Offence of failing to keep dog under control	Failure to keep dog under control	53
Obligations of dog owner	Failure to comply with the obligations of an owner.	54
Owner must use or carry leash in public	Failure of owner to carry a leash in a public place	54A
Barking dogs	Failure to comply with a barking notice issued under section 55	55
Dogs attacking persons or animals or rushing at vehicles	Dogs attacking persons or animals; dogs rushing persons, animals or vehicles causing an accident	57
Dogs causing serious injury	Dogs causing serious injury to any person or	58

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	death of protected wildlife	
Orders relating to dog seen worrying stock	Failure to comply with a notice issued under section 61.	61
Allowing dogs known to be dangerous to be at large unmuzzled	Allowing dog known to be dangerous to be in a public place unmuzzled	62
Offence to release dog from custody	Releasing a dog that is under the custody of a territorial authority other than in accordance with the Act	72
Regulations	Failure to comply with regulations made under the Act	78

### APPENDIX D - INFRINGEMENT OFFENCES UNDER THE DOG CONTROL ACT 1996

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

<b>Section</b>	<b>Brief description of Offence</b>	<b>Infringement Fee</b>
18	Wilful obstruction of dog control officer or ranger	\$750
19(2)	Failure or refusal to supply information or wilfully stating false particulars	\$750
19A(2)	Failure to supply information or wilfully providing false particulars about dog	\$750
20(5)	Failure to comply with any bylaw authorised by section 20 of the Act (For a more detailed description of bylaws within Wellington City see section 4.6 of this Policy)	\$300
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	\$300
24	Failure to comply with obligations of probationary owner	\$750
28(5)	Failure to comply with effects of disqualification	\$750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300
32(4)	Fraudulent sale or transfer of dangerous dog	\$500
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	\$300
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100
36A	Failure to implant microchip transponder in dog	\$300
41	False statement relating to registration	\$750
41A	Falsely notifying death of dog	\$750
42	Keeping unregistered dog	\$300
46(4)	Fraudulent attempt to procure replacement label or disk	\$500
48(3)	Failure to advise change of ownership	\$100
49(4)	Failure to advise change of address	\$100
51(1)	Removal or swapping of labels or discs	\$500
52A	Failure to keep dog controlled or confined	\$200
53(1)	Failure to keep dog under proper control	\$200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	\$300
54A	Failure to carry leash in public	100
55(7)	Failure to comply with barking dog abatement notice	200
62(4)	Allowing dog known to be dangerous to be at large unmuzzled	\$300
62(5)	Failure to advise of muzzle and leashing requirements	\$100
72(2)	Releasing dog from custody	\$750