A new direction for dog control

Draft Dog Control Policy 2015
Draft Dog Control Bylaw 2015
STATEMENT OF PROPOSAL:
DRAFT DOG CONTROL POLICY 2015 AND DRAFT DOG CONTROL BYLAW 2015

Summary of Information

This Statement of Proposal is made for the purposes of meeting Section 83 of the Local Government Act (2002).

The Southland District Council is reviewing the Dog Control Bylaw and Dog Control Policy and is consulting on a draft policy and bylaw that provide a new direction for Dog Control in the District. Council wants to know what you think. The policy and bylaw are the legal documents that Council uses for the control of dogs, such as the promotion of responsible dog ownership, make local dog control laws, and deciding how dog registration fees will be set.

Council believes that serious dog attacks are totally unacceptable, and that the public expects to be safe from dogs in public places and at home, and not be affected by nuisances from dogs. The District has about one reported dog attack a week, most being attacks on other dogs and animals.

Council is aware that residents are particularly concerned about wandering dogs and irresponsible owners. This review is taking the opportunity to make changes to the policy and bylaw to reflect the current expectations of residents.

Key issues

A number of key issues are addressed in the proposed Dog Control Policy and proposed Dog Control Bylaw. These include:

<table>
<thead>
<tr>
<th>Issue 1: Dog access rules</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Background</strong></td>
</tr>
<tr>
<td>The draft Dog Control Policy 2015 identifies public places in the Southland District where dogs are prohibited or must be controlled on a leash. It also designates dog exercise areas where dogs may be exercised off the leash, provided they are under control. These rules generally do not apply to working dogs.</td>
</tr>
</tbody>
</table>

The proposed policy and bylaw establish criteria to determine the level of access by dogs to public places. There are two proposed types of dog access rules:

- District-wide default dog access rules; and
- Local township dog access rules (with four categories of prohibited, on-leash, designated dog exercise areas, and the default access rule for the remaining public places).

**It is proposed to continue with the default access rule for all other public places “dogs must be under control at all times and may be off a leash”. Examples of areas affected by this rule would be riversides, coastal areas, some reserves, and unformed roads.**
**Roadways, road margins and footpaths**

Council proposes to change the default dog access rule for roadways, road margins and footpaths from off-leash permitted to on-leash required.

Reasons for this change include:

- traffic safety and the safety of the dog;
- dogs not being able to escape their owners while distracted;
- dogs not able to enter private property; and
- to avoid creating de-facto dog exercise areas on road sides, which is reasonable as dogs are not the priority user of these public places.

There was strong public support for this dog access rule. This is a significant change, as there are likely to be some dog owners who regularly walk their dogs through SDC townships off-leash. This will also significantly impact on some townships such as Dipton, Fortrose and Gorge Road that are largely under the default rule of effective control with off-leash permitted.

While some residents will be unhappy that their dogs will have to be on a lead on a quiet rural road, this has to be reconciled with the current bylaw that allows dogs to be off-leash on Council's busy District roads.

In creating this default access rule, local communities may at any time request Council to designate certain quiet roads as off-leash permitted through their Community Board or Community Development Area Subcommittee, by amendment to the policy and bylaw.

**Local township access rules**

Local township access rules have largely been carried over from the existing Dog Control Policy 2010. The following are the significant changes proposed in the schedules to the draft policy:

- Colac Bay - designate the part of the beach adjacent to the urban zone as leash-only.
- Curio Bay - increase the dog prohibited area and designate part of the beach as leash-only.
- Riverton - create a buffer between the playground and the Taramea Bay dog exercise area, extend this dog exercise area to the urban zone boundary, and clarify the beach line as on-leash only.
- Te Anau - changing Ivon Wilson Park from a dog exercise area to the default dog access area of effective control with off-leash permitted.
- Tokanui - updating the dog exercise area to reflect the recent land development in the town; and making the rugby grounds dogs prohibited.

Reasons for the changes include the protection of children, and enabling the public to use public amenities without fear of attack or intimidation by dogs.
**Issue 2: Proposed discounts in the dog registration fees for fencing, good history, microchipping, and de-sexing**

In the draft Dog Control Policy and Dog Control Bylaw, Council has proposed a tiered discounting fee structure to recognise responsible dog ownership and to encourage additional controls on dogs. This measure is commonly used by other territorial authorities.

Advantages of encouraging neutering in the dog population include reduced wandering and aggression, improved dog health, and reduction of euthanasia rates.

The table below provides an example of how this may be structured:

<table>
<thead>
<tr>
<th>Registration - Dog (non-working)</th>
<th>$90</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less discounts:</td>
<td></td>
</tr>
<tr>
<td>(a) Fencing or a fenced enclosure sufficient to contain the dog on the property</td>
<td>$20</td>
</tr>
<tr>
<td>(b) The dog is microchipped as required by the Dog Control Act 1996; and there has been no written warning, barking abatement notice, seizure or infringement under the Dog Control Act 1996 within the previous 2 years relating to any dog owned by the person applying for the registration</td>
<td>$30</td>
</tr>
<tr>
<td>(c) The dog is neutered or spayed</td>
<td>$10</td>
</tr>
<tr>
<td>Registration fee inclusive of (a), (b), and (c)</td>
<td>$30</td>
</tr>
<tr>
<td>A dog impounded by SDC released to a SDC authorised rehoming provider for either fostering or rehoming (initial registration only)</td>
<td>Free (initial registration only)</td>
</tr>
</tbody>
</table>

| Registration - Working Dog | $30 |
| Late Registration - All Dogs | 50% |

**Issue 3: Introduction of multiple dogs licensing for more than two dogs**

Council is proposing a multiple dog licence intended to apply to the whole District. This does not apply to working dogs unless they are kept in an urban area. The proposed rule is not a limit law, as a licence may be obtained to keep more than two dogs.

This proposal enables Council to effectively control the number of dogs on a property where there is a need to do so and is likely to result in a higher level of compliance with the Dog Control Act 1996. It also offers the opportunity to provide increased education to dog owners and clearly defines public expectations of multiple dog owners. The proposal may reduce wandering and aggression incidents, and other dog control problems, through meeting conditions of licence. During preliminary consultation, this proposal was supported by a majority of residents.

The draft Dog Control Policy and Dog Control Bylaw propose that a multiple dog licence will be needed to keep more than two dogs on a property. This was the most favoured number in the public survey, and is consistent with the number in the New Zealand Standard Model General Bylaws Part 12 - Control of Dogs 1999, and the bylaws of a number of other local authorities throughout New Zealand.
**Issue 4: Transitional arrangements**

A two year transition is proposed for the proposed discounts for responsible dog ownership and additional controls on dogs. A one year transition period is proposed for multiple dog licensing. Transitional periods would allow dog owners plenty of time to familiarise themselves with new requirements and prevent a large bottleneck of processing.

**Issue 5: District Monitoring Programme**

Council is proposing not to introduce a comprehensive District Monitoring Programme, involving a Dog Control Officer visiting every property in the District every few years, to identify properties that may pose a risk to the neighbourhood, and to check for unregistered dogs.

A comprehensive District Monitoring Programme would identify dogs that pose a risk to the neighbourhood and offer opportunities for education of owners and microchipping. However, this is not proposed in the draft Dog Control Policy and Dog Control Bylaw because of concerns raised during preliminary consultation including privacy, health and safety, and the need for strong public support to be successful.

**Issue 6: Neutering of dogs classified as menacing**

The draft Dog Control Policy and Dog Control Bylaw propose a requirement to neuter dogs which are classified as menacing. A menacing dog is one that has not been classified as dangerous but which the Council considers:

(a) may pose a threat to people, stock, poultry, domestic animal or protected wildlife because of –
   (i) any observed or reported behaviour of the dog,
   (ii) any characteristics typically associated with the dog’s breed or type.

(b) belongs wholly or predominantly to one or more breeds or types listed in Schedule 4 of the Dog Control Act 1996.

Council has the discretion to decide whether the neutering of menacing dogs is mandatory for either or both types in (a) and (b) above. During preliminary consultation, there was strong support for compulsory neutering of dogs classified under (a)(i) above. However, public opinion was split concerning breed specific rules.

An example where neutering would be an effective control measure under (a)(ii) above would be a situation with a property with very aggressive dogs that may be being used to breed cross-bred Schedule 4 dogs, and Council could use this provision and classify the dogs as menacing, which would mean that this supply of potentially dangerous dogs would cease, possibly preventing future attacks in the District.

Currently in the District, there are 37 Schedule 4 dogs known to Council classified as menacing by breed in the District - 4 Dogo Argentinos, and 33 American Pit Bull Terrier types.

While breed specific regulation is controversial, Council proposes to make neutering mandatory for all dogs classified as menacing. This would not apply retrospectively to existing classified menacing dogs.

Council’s proposal would prevent breeding of high risk dogs, reduce overall risk with respect to aggression and wandering, and improve dog health overall.
**Issue 7: Discretionary requirement to neuter**

Council’s draft Dog Control Policy and Dog Control Bylaw proposes that Council will have discretionary authority to require a dog to be neutered if that dog has not been kept under control on more than one occasion within a 12 month period.

This option could be used when Dog Control Officers respond to repeat wandering dog complaints.

**Analysis of Options**

**Option 1:** To adopt the draft Dog Control Policy 2015 and draft Dog Control Bylaw 2015.

<table>
<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
</table>
| • The new policy and bylaw will reflect community expectations, which are not currently met in the existing policy and bylaw.  
• Recent publicity of dog attacks has raised awareness of the terror of dog attacks; and so now is a good time for the community to have a discussion about dog control.  
• Could result in the reduced incidence of wandering and dog aggression in the District, less unwanted dogs, and less Schedule 4 dogs. | • Negative feedback from both dog owners and non-dog owners. Dog control is an emotive, polarising community issue.  
• Costs of implementation. |

**Option 2:** Status quo.

<table>
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<th>Advantages</th>
<th>Disadvantages</th>
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<tr>
<td>• A review is legally not required.</td>
<td>• Existing Dog Control Policy 2010 and draft Dog Control Bylaw 2010 do not meet current community expectations.</td>
</tr>
</tbody>
</table>

**Making a Submission**

Submissions are invited from Saturday, 21 March 2015, on the draft Dog Control Policy 2015 and the draft Dog Control Bylaw 2015, and must be received by 5.00 pm on Thursday, 30 April 2015. Council will consider all submissions from the public when making its final decisions on the policy and bylaw.

Submissions can be made online, via post or by providing a written submission to staff at your local Southland District Council office. All submissions received by Southland District Council will be made available to the public. If you lodge a submission, you can also request to be heard by Council during the hearings process.

Council is also offering the opportunity to provide feedback at a number of meetings throughout the District.
<table>
<thead>
<tr>
<th>Community Board or CDA Subcommittee</th>
<th>Date and time</th>
<th>Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edendale-Wyndham Community Board</td>
<td>24 March 2015 7.30 pm</td>
<td>Wyndham Memorial Hall</td>
</tr>
<tr>
<td>Stewart Island/Rakiura Community Board</td>
<td>13 April 2015 8.45 am</td>
<td>Pavilion, Ayr Street, Stewart Island</td>
</tr>
<tr>
<td>Tuatapere Community Board</td>
<td>14 April 2015 6.00 pm</td>
<td>Waiau Town and Country Club</td>
</tr>
<tr>
<td>Otautau Community Board</td>
<td>16 April 2015 2.00 pm</td>
<td>SDC Otautau Office</td>
</tr>
<tr>
<td>Lumsden CDA Subcommittee</td>
<td>20 April 2015 6.00 pm</td>
<td>SDC Office Lumsden</td>
</tr>
<tr>
<td>Winton Community Board</td>
<td>28 April 2015 5.30 pm</td>
<td>SDC Office Winton</td>
</tr>
<tr>
<td>Te Anau Community Board</td>
<td>29 April 2015 2.00 pm</td>
<td>Community Room, Fiordland Medical Centre, Te Anau</td>
</tr>
<tr>
<td>Riverton/Aparima Community Board</td>
<td>29 April 2015 5.30 pm</td>
<td>SDC Riverton Office</td>
</tr>
</tbody>
</table>

Please help us collect the feedback we need by using the attached submission form. The form lets you provide comment on each of the key changes, along with any other submission you wish to make. Online submissions can be made using the submission form available at www.southlanddc.govt.nz.

The full statement of proposal is available for inspection at all Southland District Council offices (Invercargill Head Office (15 Forth Street, Invercargill); Lumsden; Otautau; Riverton; Stewart Island; Te Anau; Winton; and Wyndham).

Written submissions must:

1. Be clearly labelled SUBMISSION - DOG CONTROL REVIEW.
2. Contain the name, address and contact details of the submitter.
3. Indicate whether the submitter wishes to be heard by the Southland District Council in support of his/her submission. Submitters wishing to speak will be allocated a time by Southland District Council.

Submissions can be posted to: Southland District Council Submissions PO Box 903 Invercargill 9840

If you have any queries about this process, please contact the Animal Control Team at the Council, telephone 0800 732 732.
Draft Dog Control Policy 2015 and Draft Dog Control Bylaw 2015

Return your signed submission to Southland District Council by Thursday, 30 April at 5.00 pm. Please note that your submission will be available to the public.

Submissions may be:
(a) Posted to Southland District Council, PO Box 903, Invercargill 9840.
(b) Delivered direct to any Area Office of the Southland District Council or the main office at 15 Forth Street, Invercargill.
(c) Submitted online at www.southlanddc.govt.nz

Please PRINT Clearly

1. PART A - SUBMITTER CONTACT DETAILS
   Full Name
   Organisation* The organisation that this submission is made on behalf of, if applicable
   Postal Address
   Phone (Home) Phone (Work)
   Phone (Cell)
   Contact person and address for service (if different from above)
   Post Code

2. PART B - SUBMISSIONS HEARINGS ON PROPOSED DOG CONTROL BYLAW AND POLICY 2015
   There is an opportunity to speak about your submission to Councillors, who will listen to your submission and may ask further questions. The proposed hearing dates are 2 - 4 June 2015.
   - [ ] I do not wish to be heard in support of my submission; or
   - [ ] I do wish to be heard in support of my submission; and if so - I am available:
     Morning
     Afternoon

   Issue One: Dog access rules
   Council is proposing that the default dog access rule of effective control of dogs with off-leash permitted remains unchanged. This rule applies to public areas that are not designated as prohibited, leash only or dog exercise areas
   - [ ] Support  [ ] Oppose  [ ] Neutral/No Preference

   Council is proposing that roadways, roadsides and footpaths are leash-only by default. Note that local town dog access rules would prevail over this default rule.
   - [ ] Support  [ ] Oppose  [ ] Neutral/No Preference

   Comment:
Are there any changes you would like to see made to dog access in your township?  (See Schedules 1 and 2 in the draft policy for further details on dog access rules that apply in different areas across the district.)

Comment:

<table>
<thead>
<tr>
<th>Issue Two: Registration fees</th>
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- Support
- Oppose
- Neutral/No Preference

Comment:

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- Support
- Oppose
- Neutral/No Preference

Comment:

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<th>Issue Four: Transitional arrangements</th>
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- Support
- Oppose
- Neutral/No Preference

Comment:
### Issue Five: District monitoring programme

Council is proposing NOT to introduce a comprehensive District Monitoring Programme, where a Dog Control Officer would visit properties every few years, to identify properties that may pose a risk to neighbours, and to check for unregistered dogs.

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**Comment:**

### Issue Six: Mandatory neutering of dogs classified as menacing

Council is proposing that the neutering of dogs classified as menacing on the grounds of observed or reported behaviour will be mandatory.

<table>
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Council is proposing that the neutering of dogs classified as menacing on the grounds of characteristics typically associated with the dog’s breed or type will be mandatory.

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Council is proposing that the neutering of dogs classified as menacing on the grounds of belonging wholly or predominantly to one or more breeds or types listed in Schedule 4 of the Dog Control Act 1996 will be mandatory.

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**Comment:**

### Issue Seven: Discretionary requirement to neuter

Council is proposing a rule that may require the owner of a dog to cause that dog to be neutered if that dog has not been kept under control on more than one occasion within a 12 month period.

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**Comment:**

**Additional comment**