

INFORMATION FOR DOG OWNERS

June 2014



Tauranga City

Policy and Bylaw on Dog Control in Tauranga City

Background

The Dog Control Act 1996 requires Council to formulate policy on dog control practices in the city. The Dog Control Bylaw is used to give legal powers to implement the Dog Control Policy and determine what is considered to be an offence.

Objectives

- To provide for exercise and recreational needs of dogs and their owners.
- To minimise the fear of dogs attacking or intimidating people.
- To avoid danger from dogs entering children's play areas.
- To minimise danger, distress and nuisance caused by dogs.

Principles

Tauranga City Council places high priority on ensuring that dogs are registered.

We recognise that the large majority of dog owners are very responsible, and as a result the interaction between dogs and the public is generally positive.

Dogs need the ability to exercise unrestrained and within a social setting. Therefore rather than restricting dogs to designated dog exercise areas, they are able to be exercised unleashed in public places as long as when circumstances require the dog can be leashed immediately.

Dog owners are encouraged to act responsibly, evaluate the circumstances and then to take all reasonable steps to ensure that their dogs do not cause a nuisance.

We believe that conflicts can be resolved and managed in a way that protects the public, manages the pet population, prevents cruelty to animals and balances the interests of many people in the community.

Keeping of dogs

- **"Owner"** means - the person in control of the dog at the time (whether or not that person is the registered owner) or the parent or guardian of a person under the age of 16.
- **Accommodation** where the dog kennel is closer than two metres from a boundary and is causing a nuisance, Council may require it to be moved.

- **Limit on number of dogs to be kept** you cannot keep more than two dogs over the age of three months unless you have written permission from Council.
- **Bitch in season** you must keep every bitch in season confined but adequately exercised.

Control of dogs and impounding

- **"Impound"** means - in a public pound or any vehicle used to transport dogs to a public pound. Uncontrolled dogs will be impounded where appropriate.
- Dogs impounded on more than three occasions within a continuous period of 24 months may be required to be neutered. The owner is required within one month to produce a veterinary certificate certifying that the neutering has been done.
- Owners of dogs not being kept under proper control may be issued with infringement notices. Dog owners must remove dog droppings deposited in any public place. Dog owners are encouraged to carry bags for this purpose and to use and dispose of these responsibly.

Dog registration

- All dogs are required to be registered by three (3) months of age.
- All new dogs purchased or acquired must be registered immediately.
- Dog registration renewal is required before 1 July every year.
- If you keep an unregistered dog you are committing an offence, even if you are not the "owner" of that dog.
- A dog not wearing a current registration label or disc is considered by law to be unregistered until proven otherwise.
- An unregistered dog can be seized from the keeper.
- You are committing an offence if your dog is found wearing a registration label or disc issued to another dog.
- You must provide your date of birth when registering your dog. This helps to distinguish you from someone else with the same name.
- Every dog being registered for the first time must be implanted with a functioning microchip transponder.

Disclaimer

The information contained in this document has been simplified for ease of understanding. If you require a copy of the adopted "Control of Dogs Policy" or "Dog Control Bylaw" please contact Tauranga City Council.

Notes on Registration

- You must register your dog with Tauranga City Council if it is ordinarily kept in the Tauranga City Council area. It is an offence to keep a dog older than 3 months, unregistered (penalty – up to \$3000). For more information on how to register your dog visit www.tauranga.govt.nz, email info@tauranga.govt.nz or phone 07 577 7000.
- It is an offence to make a false written statement when registering a dog (penalty - up to \$3,000).
- Replacement labels or discs may be obtained from Council if the current disc has been lost, stolen, damaged or destroyed.
- If you change ownership of your dog, you and the new owner must advise Council, in writing within 14 days. You must provide the residential address of the new owner and the address at which the dog will be kept. It is an offence to not comply with this requirement (penalty - up to \$500).
- If you change address within the city, you must advise Council of your new address, in writing within 14 days. If any dog is transferred to and kept in another District for one month or more, you must give written notice within 6 weeks to each council advising the address at which the dog will be kept. It is an offence not to comply with this requirement (penalty - up to \$500).
- Pro-rata fees apply for dogs registered after 1 August in any registration year, provided that the dog should not have been registered before 1 August. The registration fees include goods and services tax.
- If any dog over the age of 3 months is found not wearing a collar with a current registration label or disc attached, the dog may be seized and impounded.
- You are entitled to a partial registration refund should your dog die or is exported during the registration year. The refund applies from the date of export or date of written notification that your dog has died. Documentary proof may be required.

Education

Free education programmes are available from Council:

- Dog bite prevention advice
- Education presentations to schools
- Information pamphlets on:
 - Heat stress for dogs
 - House training a new puppy
 - Benefits of neutering your dog
 - How to avoid being attacked by a dog
 - Why dogs should not roam
 - Understanding barking dogs
 - Understanding dog aggression
 - Puppy training
 - Why you should “scoop that poop”.

Council encourages dog owners to attend dog obedience courses to assist in the training and socialising of their dog.

Unsuccessful defences for having an unregistered dog

These defences will not prevent you from being charged if you have an unregistered dog in your care.

- It's not my dog - any person who keeps the dog commits the offence.
- I didn't think the dog was going to live through the year because it is very old or sick - you are still required to register the dog. You are entitled to a refund should the dog die.
- I couldn't afford the registration fee - you can't afford not to register your dog, the penalties are too high. Dog registration is a cost associated with dog ownership.
- I thought dogs were required to be registered at 6 months of age - dogs are required to be registered at 3 months of age. It is your responsibility to know your obligations.
- I didn't receive an invoice from Council - although Council sends out an invoice, it is not required to. Even if you don't receive an invoice it is still your responsibility to ensure that your dog is registered.

Obligations of Dog Owner

Sections 54, Dog Control Act 1996

The owner of a dog must ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter; and ensure that the dog receives adequate exercise. Penalty - up to \$5,000 and imprisonment of up to 3 months.

Control of Dog on Owner's Property

Sections 52A, Dog Control Act 1996

The owner of a dog must ensure that, when the dog is on a property occupied by the owner, the dog is under the direct control of a person; or the dog is confined within the property in such a way that it cannot freely leave the property. Penalty - up to \$3,000. In addition, a Dog Control Officer may seize and impound the dog.



Dog prohibited areas

“Ecological sensitivity” - areas that are sensitive due to vegetation, birds or wildlife.

“Intense public use” - areas such as organised public gatherings and festivals, indoor shopping centres and frequently used beach areas.

“Beach” means - any land on or adjacent to the seacoast. This includes any walkway, boardwalk, the foreshore and dunes.

Dogs are prohibited from certain areas.

- Children’s playgrounds
- Areas of ecological sensitivity
- Areas of intense public use
- Any other areas as resolved by Council from time to time

List of dog prohibited areas:

- Mauao (the Mountain) including the base track
- Moturiki (Leisure) Island

- The main Mount Maunganui beach, from Moturiki (Leisure) Island to Mauao
- Pilot Bay from Mauao to Salisbury Avenue
- Omanu Beach, within 200 metres of the Omanu Surf Club premises
- Papamoa Beach, within 200 metres of the Papamoa Surf Club premises
- Elms Reserve
- Otumoetai Pa Historic Reserve at 29 Levers Road, Matua
- Inside any fenced children’s playground or within 10 metres from any play equipment inside any unfenced children’s playground

Exemptions

- Bona fide Guide Dogs
- Certified Hearing Ear dogs
- Companion dogs (certified by the Top Dog Companion Trust)
- “Specified agency” dogs on active service

Control of Dogs

Sections 52, 53, 54A Dog Control Act 1996

The owner of a dog must keep the dog under control at all times and, when in a public place; must use or carry a leash at all times. A dog is treated as not being under control - if it is found at large on someone else’s property without their consent; or if it is found at large in a public place or any private way. Penalty - up to \$3,000.

Leash control

It is good practice to put your dog on a leash as you approach other people or animals. They may not want your dog running up to them. If your dog jumps on someone or their pet it could be deemed to be an attack.

Fear of attack or intimidation

All complaints of aggression are investigated. Where possible provide details which will help us identify the dog or owner e.g. their description, a photograph, vehicle registration or an address the dog or person were seen at.

Fees

Dog registration fees are set by Council resolution. Dog registration fees, fines and impound fees are used to fund dog control. A discounted dog registration fee is offered to those who register their dogs before 1 August.

Dog exercise & leash control

“Leash control” means - the dog is attached to a leash, no longer than 2 metres and is held by a person physically capable of restraining the dog.

“Road” means - the land between property boundaries including the footpaths, roadway and grass verges.

No specific dog exercise areas are provided. Dogs are able to be exercised off leash in public places except in circumstances identified in the bylaw as follows:


A dog must be under “leash control” when they are:

- causing or likely to cause danger, distress or nuisance
- on any footpath or within a road reserve or state highway
- on the Papamoa Dune Wilderness Area (from Papamoa Domain to Taylor Road)
- on the Matua Salt Marsh.

To comply with this requirement dog owners must carry a leash at all times.



The Dog Control Act, the Dog Control Policy and the Dog Control Bylaw cover separate requirements as identified in the columns below:

 Dog Control Act Covers:	Dog Control Bylaw Covers:	Dog Control Policy Covers:
<ul style="list-style-type: none"> • Dog registration • Probationary dog owners • Disqualification of dog owners • Prohibiting the importing of certain dog breeds • Dangerous dogs • Menacing dogs • Micro-chipping • Obligations of dog owners to provide food, shelter and adequate exercise for their dogs • Control of dogs on private property • Barking dogs • Dogs causing serious injury • Dogs worrying stock or domestic animals • Dogs attacking protected wildlife • Seizure of dogs • Destruction of dogs • Infringement offences and levels of fines • Custody of impounded dogs 	<ul style="list-style-type: none"> • Specific dog prohibited areas • Dog leash control areas • Specific dog exercise areas (where applicable) • Standards for the accommodation of dogs • Number of dogs kept on private property • Dog fouling offences • Impounding of uncontrolled dogs • Other aspects of local dog control considered desirable but not covered by the Dog Control Act • Neutering of uncontrolled dogs • The keeping and control of dogs in season 	<ul style="list-style-type: none"> • Criteria for evaluating dog prohibited areas • General dog leashing principles • Dog exercise principles • Dog education principles • Fee structures • Dog hygiene initiatives • Enforcement principles

Infringements

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

Offence

Wilful obstruction of a Dog Control Officer.....	\$750
Failure or refusal to supply information or wilfully providing false particulars	\$750
Failure to supply information or wilfully providing false particulars about a dog.....	\$750
Failure to comply with any Dog Control Bylaw.....	\$300
Failure to undertake obedience training	\$300
Failure to comply with obligations of probationary owner	\$750
Failure to comply with effects of disqualification	\$750
Failure to comply with requirements of dangerous dog classification	\$300
Fraudulent sale or transfer of a dangerous dog	\$500
Failure to comply with requirements of menacing classification	\$300
Failure to advise person of muzzle and leashing requirements	\$100
Failure to implant a microchip transponder in dog.....	\$300
False statement relating to dog registration	\$750
Falsely notifying death of a dog.....	\$750
Failure to register dog.....	\$300
Fraudulent procurement or attempt to procure replacement dog registration label or disc.....	\$500
Failure to advise change of dog ownership.....	\$100
Failure to advise change of address	\$100
Removal, swapping, or counterfeiting of registration label or disc	\$500
Failure to keep dog controlled or confined on private land.....	\$200
Failure to keep dog under control.....	\$200
Failure to provide proper care and attention, to supply proper and sufficient food, water, shelter, or adequate exercise	\$300
Failure to carry leash in public	\$100
Failure to comply with barking dog abatement notice.....	\$200
Allowing dog known to be dangerous to be at large unmuzzled or unleashed.....	\$300
Failure to advise of muzzle and leashing requirements.....	\$100
Releasing dog from custody.....	\$750

Unless there are exceptional circumstances in any particular case, infringement notices will not be waived

