

Dog Control Policy

(Kaupapa here mo ngā Kuri)

1. Commencement and Objectives

The [Dog Control Act 1996](#) (DCA) came into force on the 1 July 1996, with the objectives of:

- making better provision for the care and control of dogs, by:
 - ✓ requiring the registration of dogs;
 - ✓ making special provisions in relation to dangerous dogs and menacing dogs; and
 - ✓ imposing obligations on dog owners, designed to ensure that their dogs do not injure, endanger, or cause a nuisance or distress, to any person, stock, poultry, domestic animal, or protected wildlife;
- making provisions in relation to damage caused by dogs.

Council adopted this Policy on 3 August 2022 in accordance with section 10 of the DCA.

This Policy is enforced through use of the Upper Hutt City Council [Dog Control Bylaw 2004](#) (Bylaw) and the DCA.

This Policy applies to all dogs and their Owners in the district of Upper Hutt City Council (Council).

2. Intent

The intent of this Policy is to keep dogs as a positive part of the lives of people in Upper Hutt by:

- ✓ adopting measures to minimise the problems caused by dogs,
- ✓ protecting dogs from harm, and ensuring their welfare,
- ✓ maintaining balanced opportunities for owners to exercise their dogs in public places.

3. Definitions

In this Policy, unless the context otherwise requires:

DCA means the [Dog Control Act 1996](#), and includes all amendments enacted.

Bylaw means the Upper Hutt City Council [Dog Control Bylaw 2004](#).

Council means Upper Hutt City Council and any authorised officer.

Dangerous Dog means any dog which Council has classified as such, under [section 31](#).

Nuisance refers to the dictionary definition, being a *person, thing, or circumstance causing trouble or annoyance; anything harmful or offensive to the community or a member of it and for which a legal remedy exists.*

Menacing Dog means any dog which Council has classified as such under [section 33A](#) of the DCA, or shows characteristics typically associated with the dog's breed or type as listed in [Schedule 4](#) of the DCA.

Property means the place or places where the dog is normally kept.

Other working dog means any working dog as defined in [section 2](#) of the Dog Control Act 1996, other than a Disability Assist Dog or Police Dog.

Zone means a zone established under the Council's District Plan.

Disability Assist Dog, District, Dog Control Officer, Dog Ranger, Infringement Offence, Neutered Dog*, Owner, Private way, Probationary Owner, Private way, Public Place, Register, Registration year, Veterinarian and Working Dog have the same definitions as those found in section 2 of the [Dog Control Act 1996](#).

ADVISORY NOTE: The DCA defines 'neutering' as a dog that has been spayed or castrated; but does not include a dog that has been vasectomised.*

4. Registration, Classes and Fees

Registration

All dogs MUST be registered with the Council, in accordance with s36 of the DCA.

The dog registration year runs from 1 July through to 30 June.

From 2 August, registrations not submitted and paid for in full will be subject to a late-payment fee not exceeding 50% of the fee that was payable on 1 July.

Owners registering a new dog part-way through the registration year will need to pay a pro-rata amount based on the number of complete months left in that registration year.

Registration Fee Classes

Council uses a range of different fee classifications for dog registrations. A range of reduced registration fees are used to actively support and promote good dog ownership.

The amount charged for different registration classes also takes into account the amount of time and resources Council is likely to use in order to manage these types of dogs.

Dogs may be registered using the following registration classes:

- a. General registration of a complete dog (J)
- b. General registration of a neutered dog (N)
- c. Responsible owner of a complete dog (SO)
- d. Responsible owner of a neutered dog (SN)
- e. Disability assist dog (GD)
- f. Police dog (PD)
- g. Other working dog (WD)
- h. Dangerous dog, as classified under the DCA (K).

Fees

Annual registration fees for each registration class, plus 'late payment' fees, can be found on the Council's [webpage](#).

This page also details fees relating to impounding and other dog control activities.

Notes

1. Registrations relating to neutered dogs must be accompanied by a certificate from a Veterinarian as proof of this.
2. Registrations for a Responsible Dog Owner (SO or SN) must have applied for and met all the necessary requirements under section 7 of this Policy.

Transitional provisions.

This Policy includes some changes to the previous Policy's registration classes. To facilitate this:

1. All dogs registered during the registration year of 1 July 2022 to 30 June 2023 may use the registration classes as outlined in the previous 2020 version of this Policy.
2. All dogs registered on or after 1 July 2023 will need to register using a suitable registration class under this 2022 version of the Policy. For clarification:
 - this no longer includes Rural dogs (RD); and
 - Responsible Owners (SO and SN) will need to have met all criteria under section 7 of this Policy for the previous 12 consecutive months.

5. Revenue

The dog control programme is principally funded by registrations and other dog fees on a 'user-pays' basis. This is to avoid the cost of the programme having to be covered by general rates.

All money received is only spent for the purposes of dog control and management, which includes:

- a. dog control, including enforcement of the laws and patrols;
- b. investigating complaints and incidents;
- c. the operation of the impounding facilities;
- d. administering and maintaining the dog register.

6. Keeping more than two dogs

Unless authorised by Council, **no more than two dogs** over the age of three months may be kept on the following properties:

- a. A property in a rural zone with an area of 1,000m² or less, or
- b. Any property in any zone other than a rural zone.

An Owner can apply for permission to allow additional dogs on a Property by completing and submitting the application form (available on the Council's [website](#) or from Reception) along with the necessary non-refundable application fee.

Council, at their discretion, may approve a permit where they are satisfied that:

- ✓ the Property is suitable to house an additional dog; and
- ✓ the Owner is already a registered Responsible Owner; and
- ✓ there is no history of upheld dog related complaints or substantiated objections from the occupants of properties adjacent to where the permit has been applied for, or such occupants would reasonably have sufficient grounds to object to another dog being kept on the Property; and
- ✓ the addition of another dog will likely not cause a problem.

NOTE: Every additional dog must be applied for and permitted, as above.

The decision on whether or not to approve an application will be made by the staff member charged with making such decisions in the Council's Manual of Delegation.

Applicants will be advised of the outcome in writing.

Anyone not satisfied with this decision may appeal the matter to the Council's [City Development Committee](#).

7. Responsible Dog Owners

To be classed as a 'Responsible Dog Owner', Owners must submit an application form along with a non-refundable assessment fee to demonstrate that they have met all of the following criteria for the previous 12-consecutive months:

- register the dog on-time, each year (before 2 August);
- keep the dog securely contained within the Property, while allowing people access to a door of the residence on the Property without encountering the dog, or have signs erected on or near the front entrance of the Property alerting people to the presence of the dog.
- adequately control the dog in public;
- have not had any dog impounded more than once within the last 12 months;
- have not been issued with any infringement notice within the last 12 months;
- have never received a conviction for an offence under the DCA;
- have not had a dog classified as Menacing or Dangerous because of its observed behaviour, or have been classified as a Probationary owner or been disqualified from owning a dog;
- All dogs under the Owners care are kept in accordance with the welfare requirements under section 8 of this Policy.

Council staff will assess each application, and may need to inspect the Property in question to help determine if they believe it meets all of the necessary requirements.

The decision on whether or not to approve an application will be made by the staff member charged with making such decisions in the Council's Manual of Delegation.

Applicants will be advised of the outcome in writing.

Council will revoke a person's status as a Responsible Owner if at any time they breach or fail to satisfy any of the above criteria.

8. Minimum standards for the welfare and keeping of dogs

The Owner of any dog must take all steps reasonably necessary to ensure the dog receives proper care and attention, and is given:

- proper and sufficient food and water; and
- a hygienic kennel, of a sufficient size to allow the dog to freely move, stretch out, stand up, or recline, and which offers sufficient dry shelter, including adequate warmth and shade; and
- sufficient space and adequate exercise.

9. Barking and Howling

Council reserves the right to apply a practical and pragmatic approach to certain instances of barking or howling, which might include such occasions as when the dog has been distressed by fireworks, parties or other loud noises.

Officers may also take into consideration where instances take place over a period of several days/nights rather than a one-off incident.

Barking or howling is unlikely to be considered a nuisance **unless** the following criteria are met:

- a. **continuous barking and/or howling:** for 10 minutes or more in any one-hour period; or
- b. **intermittent barking and/or howling:** of more than five barks at a time which is repeated on average every half-hour during a daytime period, or more than one bark at a time which is repeated on average every hour over a night-time period; and
- c. the barking must be considered **loud enough to be heard beyond the dog owners' Property** causing persons to wake at night.

The Owner of any dog found to be causing a nuisance by persistent and loud barking or howling, following a complaint to Council and verified by a Dog Control Officer, must take all reasonable steps to prevent the dog(s) from creating such a nuisance.

Any Owner who has been issued with a notice to remove a barking dog from their property:

- may, within seven days of the receipt of the notice, object in writing to the territorial authority against the requirements of that notice; and
- has the right to [object to the notice](#), and have their objection heard by Council, under section 20 of this Policy.

10. Fouling in Public Places

Any Owner of a dog which fouls in a public place or on land or premises other than that occupied by the Owner, must remove the dog waste immediately and dispose of it responsibly.

11. Dogs in Public Places

All Owners **must** use or carry a leash with them **at all times** when in a Public place or Private way.

All dogs (except working dogs whilst working) **must** be kept on a leash or harness, and under control or securely tied-up in **the following Public places at the specified times**:

- all streets zoned as residential, commercial and industrial in the Upper Hutt City Council District Plan - at all times;
- Birchville Park and Te Haukaretu Park - at all times
- all playgrounds - at all times;
- all parks - while Council approved activities are in progress.

Dogs may be exercised **off-leash** in public areas outside the restricted areas and times specified above, provided they are under control at all times, and do not annoy, harass or cause a nuisance to any other users of the Public place or Private way.

Dogs may also be exercised off-leash in **places designated as dog exercise areas**. Details of these areas can be found in Schedule 1 of this Policy. From time to time, Council may, by resolution, add, amend or remove such designated dog exercise areas, having first considered such matters as are listed in section 10(4) of the DCA

Dogs are not permitted in **places designated as dog-free areas**. Details of these areas can be found in Schedule 2 of this Policy.

12. Impounding of dogs

Impounded dogs will not be released unless they are registered, and all fees and charges have been paid.

Any and all costs incurred by Council in the impounding and care of dogs may be passed on to the Owner.

Sustenance fees are charged on a daily basis, for dogs being kept in the pound facility.

All fees will be set by the Council annually, and can be found on the Council's [webpage](#).

Impounding fees will increase for second and subsequent impounding within any 12-month period from the date of the first impounding. The aim of this is to help discourage repeat offences, and Owners are encouraged to investigate the root cause of the problem, such as inadequate fencing etc.

Impounded dogs will need to be microchipped and registered before release, in accordance with [section 69A](#) of the DCA.

13. Probationary Owners

Council may classify a person as being a Probationary Owner for a period of up to 24 months, in accordance with [section 21](#) of the DCA.

As a result of being classified as a Probationary Owner, the Owner must satisfy requirements under sections [23](#), [23A](#) and [24](#) of the DCA.

An Owner who has been classified as a Probationary Owner has the right to [object to the classification](#), and have their objection heard by Council, under section 20 of this Policy.

14. Disqualification of owners

Council may disqualify a person from owning any dog, according to [section 25 of the DCA](#).

Council may choose not to disqualify the Owner if it is satisfied that the circumstances of an infringement offence(s) are such that either disqualification is not warranted, or Council may instead classify the person as a Probationary owner under section 13 of this Policy.

Disqualified Owners must dispose of all dogs they own within 14 days of being disqualified, and cannot own any more dogs for up to five years, as determined by Council.

An Owner who has been disqualified has the right to [object to the classification](#), and have their objection heard by Council, under section 17 of this Policy.

15. Dangerous Dogs

Council may classify a dog as being a Dangerous dog in accordance with [section 31](#) of the DCA.

If a dog is classified as Dangerous, the Owner must satisfy all requirements under [section 32](#) and [section 36A](#) of the DCA.

The Owner of a dog which has been classified as Dangerous has the right to [object to the classification](#), and have their objection heard by Council under section 17 of this Policy.

16. Menacing dogs

Council may classify a dog as being a Menacing dog in accordance with [section 33A](#) or [section 33C](#) of the DCA because of its behaviour or breed.

If a dog has been classified as a Menacing dog because of its behaviour, the Owner must satisfy all requirements under [section 33E](#) and [section 36A](#) of the DCA.

If a dog has been classified as a Menacing dog because of its breed (in whole, or in part), the Owner must satisfy requirements under [section 33E](#), with the exemption of [section 33E\(1\)\(b\)](#), and [section 36A](#) of the DCA.

The Owner of a dog which has been classified as Menacing has the right to [object to the classification](#), and have their objection heard by Council, under section 18 of this Policy.

If the dog is confirmed as Menacing, the muzzling requirement must remain, but the Council may determine whether or not the dog must be neutered. To help make this decision, the Council's Hearing Committee may consider factors such as:

- a. the nature of the incident which has caused the dog to be classified as menacing;
- b. whether the owner is a registered breeder;
- c. whether, due to medical or age concerns, the dog should not be neutered in accordance with a written recommendation from a vet.

17. Objections to classification, notices or orders

An Owner can object to a decision made by Council regarding:

- classification as a probationary owner,
- disqualification from owning a dog,
- classification of a Dangerous dog,
- classification of a Menacing dog,
- a notice to remove a barking dog from their property,
- an instruction to muzzle their dog.

The Owner can object to such a decision in writing, and can also request that they be heard by Council in support of their objection. Following a meeting to deliberate this, Council will then inform the Owner in writing as to their decision and the reasons for it.

18. Infringement Notices and Fees

A Dog Control Officer can issue an infringement notice under [section 66 of the DCA](#) and infringement fees for offences listed in [Schedule 1](#) of the DCA.

Schedule 1 – Designated Dog Exercise Areas

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Schedule 2 – Designated Dog-free Areas

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