DOG CONTROL POLICY

(Including Dog Control Bylaw 2005)

Confirmed by the Otorohanga District Council – January 2011

OTOROHANGA DISTRICT COUNCIL

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OTOROHANGA
DISTRICT COUNCIL
make the kiwi connection

DOG CONTROL POLICY 2005

On 30 June 1996 local authority powers over the management of true hydatids and sheep measles and the mandatory treatment of dogs for hydatids ceased. The change came about as a consequence of the Dog Control Act 1996, which took effect on 1 July 1996. Council's emphasis is now on dog control.

The Council is required to have a Dog Control Policy in respect of dogs in the Otorohanga District. The Act specifies matters that are to be considered in preparing the policy, including public safety, dog owner's obligations in relation to the control and care of their dogs and Council's administration of the Act. The Policy is set out in the following Schedules-

Schedule 1	-	Prohibited Dog Areas
Schedule 2	-	Dog Exercise Areas
Schedule 3	-	Leash Control Areas
Schedule 4	-	Fees
Schedule 5	-	Owner Education Programmes
Schedule 6	-	Obedience Training Courses
Schedule 7	-	Dog Owner Classifications
Schedule 8	-	Microchip Transponders
Schedule 9	-	Infringement Offences
Schedule 10	-	Bylaw
Schedule 11	-	Warrants of Appointment
Schedule 12	-	General Information

The Policy was adopted on 25 February 1997.

It was reviewed and updated on 29 May 2001, 20 July 2004 and 11 October 2005.
It was amended in August 2008 and then reviewed and confirmed without changes in January 2011.

Schedule 1

PROHIBITED DOG AREAS:

Criteria for Assessment of suitable "Dog Prohibited areas"

i. Where there is intense public use.

ii. Where the reasonable enjoyment of a reserve would be significantly compromised by the visual presence of dogs, the presence of faeces, and the likelihood of occasional dog harassment.

iii. Where conservation or ecological values would be adversely threatened by the presence of dogs.

iv. Where space is limited as on narrow access ways or walkways where the presence of dogs could be threatening to pedestrians.

Prohibited areas

Maniapoto Street, Otorohanga - From Maniapoto Street/Te Kanawa Street intersection to Maniapoto Street/Kakamutu Road intersection. This being the whole of Maniapoto Street unless the dog is tied on or confined within a vehicle.

Foreshore Playground - Jervois Street, Kawhia.

Kawhia Foreshore - from a point adjacent to State Highway 31 at the northern boundary of Lot 3, DPS 33914 to the southern end of the proposed Omimiti Street, and including the Kawhia Wharf.

Schedule 2

DOG EXERCISE AREAS

Criteria for Assessment of suitable "Dog Exercise areas"

i. Reserves of sufficient size to allow exercise without conflict between other dog owners and other users of the reserve.

ii. Adequate sight lines to allow dogs to be seen by owners at all times.

iii. Existing fences or natural borders to enable delineation of area.

iv. No children's playground within the reserve.

v. No conflict with grazing activities within the reserve or on adjacent land.

vi. Low levels of public use.

vii. Adequately fenced from neighbouring properties.

viii. Would not require development costs.

Dog Exercise areas

Otorohanga – All that area of Waipa River flood bank reserve land commencing at the State Highway 3 Bridge and running 200 metres upriver along the northern bank.

Kawhia to Aotea – Dogs may be exercised off leash on foreshore areas from the end of Kaora Street (adjoining C2A Maketu Block) through to the end of Morrison Road, Aotea, from sunrise until 9am and from 7pm until sunset each day. At all other times (i.e. from 9am until 7pm daily) and from 15 December to 8 February each year and on Easter, Queens Birthday, and Labour Weekends this area will revert to a leash control area.

Schedule 3

LEASH CONTROL AREAS

All dogs, other than working dogs being worked, are required to be controlled on a leash in any public place (except those places defined in Schedules 1 and 2 above) within the District at all times.

Explanation

This provision allows Council to insist that dogs are being properly restrained to prevent them from causing nuisance. It also enables Dog Control staff to take enforcement action when dealing with dog owners whose unleashed dogs are causing, or have the potential to cause, a nuisance.

Schedule 4

FEES

Revenue

All money received and retained by Council under this Act shall be expended only for the purposes authorised by or under this Act.

Dog Control Fees

Dog control fees are set annually to partially reflect the actual costs associated with the control of dogs within the district of Otorohanga.

No distinction has been made between urban and rural dogs. Council recognizes that rurally based dogs are less likely to create a nuisance than dogs in urban areas. However, when nuisances are created the cost to deal with them is normally higher in rural areas.

The fee structure set by Council aims to reward and encourage responsible dog ownership by offering discounted fees to dog owners who can achieve a defined standard of responsibility. This standard is defined as Special Owner Status.

Dangerous Dogs

All dog control fees for dogs classified as Dangerous must be paid at the rate of 150% of the fees set by Council.

Schedule 5

OWNER EDUCATION PROGRAMMES

Council offers several education programmes.

Bite Prevention

A training programme "Stand Right - No Bite" is available for organisations where persons have to enter properties on a regular basis.

Schedule 6

OBEDIENCE TRAINING COURSES

Council Dog Control Officers can be contacted to supply contact phone numbers for details regarding Obedience Training.

Schedule 7

DOG OWNER CLASSIFICATIONS

Special Owner Policy Classification

This classification has been designed to allow dog owners whose animals are well-controlled and well cared-for access to a discounted registration fee.

The requirements are that the registered owner:

- ✓ Has made application for Special Owner status.
- ✓ Has not been the subject of justified complaints or a successful prosecution(s) within the **previous two years**.
- ✓ Has not had a dog(s) impounded within the previous two years.
- ✓ Has an adequately fenced area with secure gates (urban areas only).

The Chief Executive has been delegated authority to, where appropriate, waive payment of the late registration penalty in any instance where a breach is minor (e.g. the period a dog was unregistered was less than a fortnight) and the owner has an unblemished history of dog ownership over the previous four years.

Making an application for Special Owner Classification

All owners of dogs that are kept outside of the Otorohanga and Kawhia Community Boundaries are allowed Special Owner Classification when they first register a dog. Such owners will retain this classification by complying with the requirements listed above.

Owners of dogs kept within the Community Boundaries must make application for Special Owner Classification. They have to complete an application form at the Council Office, 17 Maniapoto St, Otorohanga. There is no charge for this application. The Customer Service Officer will arrange for the Animal Control Officer to conduct a property inspection.
If approved the Animal Control Officer will sign the application form and leave it with the owner. This form must be presented with the Dog registration to qualify for the Special Owner rate.

Probationary Owner Classification (Section 21)

Unless there are unusual circumstances in any particular case this classification will be imposed where an owner;

- Is convicted of any offence against the Dog Control Act 1996; or
- Is convicted of any offence against Section 3 or 4 of the Animal Protection Act 1960 in respect of a dog; or
- Is convicted of any offence against Section 26ZZJ of the Conservation Act 1987 or Section 56H of the National Parks Act 1980; or
- Commits 3 or more infringement offences (not relating to a single incident or occasion) within a period of 24 months.

Effects of probationary classification Section 23

Unless there are unusual circumstances in any particular case the classification shall continue for a period of 24 months, unless the Council reduces that time. A Probationary Owner:

- Shall not be capable of registering any dog except for the dog/s for which he/she was the registered owner, at the time of the classification.
- Shall within 14 days dispose of every unregistered dog in his/her care, in a manner that does not constitute an offence against any Act.
- The Council may require a probationary owner to undertake, at his or her own expense, a dog owner education programme or a dog obedience course (or both) approved by the Council.

Objection to Probationary Classification (Section 22)

The owner may object to the classification by lodging, with the Council, a written objection, and shall be entitled to be heard by Council in support of that objection. The classification extends over New Zealand.

Disqualification of owners (Section 25)

Unless there are unusual circumstances in any particular case owners must be disqualified from owning a dog for up to 5 years if:

- They are convicted of any offence against the Dog Control Act 1996; or
- They are convicted of any offence against Part 1 or Part 2 of the Animal Welfare Act 1999 in respect of a dog; or
- They are convicted of any offence against Section 26ZZP of the Conservation Act 1987 or Section 56I of the National Parks Act 1980; or
- They commit three or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months.

Effects of disqualification (Section 28)

- All dogs kept by the disqualified owner must be disposed of within 14 days of notification.
- The dog/s shall be disposed of in a manner that does not constitute an offence against any Act.

Every person commits an offence and is liable on summary conviction to a fine not exceeding $3,000 who:

- Fails to comply with the above.
- At any time while disqualified, becomes the owner of any dog.
- Disposes or gives custody or possession of any dog to any person, knowing that person to be disqualified under the Act.

A Dog Control Officer may seize any dog owned by a disqualified owner.

Objection to Disqualification (Section 26)

The owner may object to the classification by lodging, with the Council, a written objection, and shall be entitled to be heard by Council in support of that objection.
The owner, if dissatisfied with Councils decision, may appeal to the District Court under Section 27 of the Dog Control Act 1996.

Schedule 8

MICROCHIP TRANSPONDERS

From 1 July 2006 every dog classified as Dangerous or Menacing since 1 December 2003 must be implanted with a microchip transponder.

From 1 July 2006 every dog, which is registered for the first time, must be implanted with a microchip transponder.

Schedule 9

INFRINGEMENT OFFENCES

Policy for the Issuing of Infringement Notices

After considering the merits of every case the Dog Control Officer will decide whether to proceed to issue an infringement notice, issue the offender with a written warning or take no further action. Any decision to proceed summarily will require the prior approval of the General Manager. Any person served with an Infringement Notice is entitled to object and request to be heard by Council. In addition there are instances where the dog owner may appeal to the District Court against Council's decision.

Section	***Brief description of Infringement offence***	***Fee***
18	**Wilful obstruction of a dog control officer or dog ranger**	**$750**

Where any person wilfully obstructs or hinders a dog control officer or dog ranger and that person, having been advised of the consequences of his/her actions, continues to obstruct the dog control officer or dog ranger, an infringement notice will be issued.

19(2)	**Failure or refusal to supply information or wilfully stating False particulars**	**$750**

Where any person appearing to be in charge of any dog; or appearing to be the occupier of any land or premises on which any dog is for the time being, without reasonable excuse, fails or refuses to state his or her own name, address, and date of birth or where that person claims not to be the owner, fails or refuses to state the name and address of the owner of the dog or wilfully states a false name or address or date of birth and that person has been advised of the consequences of his/her actions an infringement notice will be issued.

19A (2)	**Failure to supply information or wilfully providing false particulars about dog**	**$750**

Where any person appearing to be in charge of any dog; or appearing to be the occupier of any land or premises on which any dog is for the time being, without reasonable excuse, fails or refuses to state the name, gender or a description of the dog an infringement notice will be issued.

20(5)	**Failure to comply with a bylaw**	**$300**

An infringement notice will be issued to the owner, or person appearing to be in charge, of any dog who refuses to comply or fails to co-operate when Council has reasonable cause to believe that an offence has been committed.

28(5)	**Failure to Comply with Disqualification**	**$750**

Where any person does not comply with the requirement to lawfully dispose of dogs when disqualified or becomes the owner of a dog while disqualified an infringement notice will be issued.

32(2) Failure to comply with effects of classification of dog as dangerous dog **$300**

The owner of a dog which has been classified as Dangerous must ensure that the dog is kept in a securely fenced portion of the owners property which is not necessary to enter to obtain access to any dwelling on the property; that it is muzzled and leashed in any public place or private way; that the dog is neutered and must obtain the consent of the territorial authority in whose district the dog will be kept prior to disposing of the dog to another person. Where these requirements are not observed an infringement notice will be issued.

32(4) Fraudulent sale or transfer of a dangerous dog **$500**

Where any person sells or otherwise transfers, or offers to sell or transfer, to any other person any dog known by that person to be classified as a dangerous dog without disclosing the fact of that classification to that other person an infringement notice will be issued.

33E(2) Failure to comply with effects of classification of dog as menacing dog **$300**

The owner of a dog which has been classified as Menacing must ensure that the dog is muzzled in any public place or private way and that the dog is neutered. Where these requirements are not observed an infringement notice will be issued.

36A Failure to Implant Microchip **$300**

Where any person fails to implant a microchip transponder on a dog which has been classified as either dangerous or menacing after 1 December 2003 or on a dog that is registered for the first time on or after 1 July 2006 an infringement notice will be issued.

41 False statement relating to registration **$750**

Where any person who, in making an application for the registration of a dog, makes any written statement knowing that statement to be false, an infringement notice will be issued.

42 Failure to Register dog **$300**

Where any person has been issued with a Dog Registration Notice for keeping an unregistered dog and that person fails, within 7 days, to register that dog and Council is satisfied that no arrangement has been agreed for the payment of the registration fee, an infringement notice will be issued.

46(4) Fraudulent attempt to procure replacement tag **$500**

Where any person who procures or attempts to procure a replacement label or disc for any dog knowing that a current label or disc for that dog has not been lost, destroyed or stolen an infringement notice will be issued.

48(3) Failure to advise change of ownership $100

An infringement notice will not be issued unless Council has reasonable cause to believe that the owner of any dog has wilfully failed to notify any change of ownership of a dog. A verbal warning, in the first instance, will be given instead.

49(4) Failure to advise change of address $100

An infringement notice will not be issued unless Council has reasonable grounds to believe that the owner of any dog has wilfully failed to notify their change of address. A verbal warning, in the first instance, will be given instead.

51(1) Removal or swapping of labels or discs $500

Where any person, with intent to deceive, -

(a) Removes from a dog a collar bearing a label or disc;

(b) Removes any such label or disc attached to any collar;

(a) Makes or counterfeits, purchases or uses or has in their possession any label or disc resembling or to pass for a label of disc, an infringement notice will be issued.

52A Failure to Keep Dog Controlled or Confined $200

An infringement notice will be issued to the owner or person appearing to be in charge of any dog that fails to kept their dog under control or confined to their property, except when Council has reasonable grounds to believe that there are extenuating circumstances.

53(1) Failure to keep dog under control $200

An infringement notice will be issued to the owner or person appearing to be in charge of any dog that fails to keep their dog under proper control, except when Council has reasonable grounds to believe that there are extenuating circumstances.

54(2) Failure to provide proper care and attention $300

An infringement notice will be issued where any dog owner fails to ensure that their dog is provided with proper care and attention and is supplied with proper and sufficient food, water, and shelter and / or fails to ensure that the dog receives adequate exercise.

54A Failure to use or carry a leash $100

An infringement notice will not be issued unless the owner or person appearing to be in charge of any dog fails to comply or refuses to co-operate or where a warning has already been issued. In every other case, except when Council has reasonable grounds to believe that the offence is sufficiently serious to warrant an infringement notice, a warning will be issued.

62(4) Allowing dangerous dog to be at large unmuzzled $300

Where any person permits any dog in their ownership and known by them to be dangerous, or to have attacked any person or any stock or poultry or property of any kind, to be at large or in a public place without being muzzled an infringement notice will be issued.

Schedule 10

OTOROHANGA DISTRICT COUNCIL DOG CONTROL BYLAW 2005

That in pursuance and exercise of the powers and authorities vested in it by the Local Government Act 2002, the Dog Control Act 1996, and of every other power and authority contained in any other Act for the time being in force it thereunto enabling the Otorohanga District Council (hereinafter called 'the Council') doth hereby make the Bylaw hereinafter set out, such Bylaw to be in force throughout the District of Otorohanga.

1. APPLICATION

1.1 This Bylaw shall come into force on 1 January 2006.

1.2 The Otorohanga District Dog Control Bylaw 2004 shall be repealed when this Bylaw comes into force.

2. DEFINITIONS

2.1 In this Bylaw:

THE ACT means the Dog Control Act 1996.

DISTRICT means the District of the Otorohanga District Council as defined in the Local Government Act 2003.

FORESHORE means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides

2.2 In this By-law the following words and expressions shall have the meanings as defined in Section 2 of the Dog Control Act 1996:

OWNER

DOG CONTROL OFFICER

DOG RANGER

PUBLIC PLACE

WORKING DOG

GUIDE DOG

HEARING EAR DOG

PRIVATE WAY

2.3 In this Bylaw the word **NUISANCE** shall have the meaning assigned to it by Section 29 of the Health Act 1956.

3. DOG CONTROL

Period Of Confinement

3.1 The owner of any dog which is in the District shall during the period commencing half an hour after sunset each day and ending half an hour before sunrise on the next day, keep such dog securely tied up or otherwise effectively restrained.

3.2 No dog shall be at large in the District or on any foreshore adjoining the District during the period commencing half an hour after sunset each day and ending half an hour before sunrise of the next day.

3.3 Any dog found at large in breach of Clause 3.2 hereof may be seized and impounded by a Dog Control Officer or Dog Ranger.

3.4 The owner of any dog which is found at large in breach of Clause 3.2 hereof commits an offence.

4. SHELTER

4.1 The owner of any dog which is in the District shall provide for each of the dogs a weatherproof kennel or place of confinement with a floor area of at least 1 m2, constructed on dry ground and, in the case of a kennel, provided with a fixed chain which allows the dog free movement about the kennel, and such kennel or place of confinement shall be kept in a clean and sanitary condition and shall be situated not less than 3 metres from any boundary of any adjoining property.

4.2 No dog shall be kept within the District unless appropriate means are used or provided for confining it upon its owner's property so that it is unable to gain uncontrolled access to any other property or to any public place.

4.3 No owner of any dog shall keep such dog in the District beneath the bottom or floor of any residential building.

5. DOGS ON PUBLIC PLACES

5.1 No dog owner or person in charge of a dog shall permit or suffer any dog in their charge to enter in or remain in any of the following public places-

- Maniapoto Street, Otorohanga - from Maniapoto Street/Te Kanawa Street intersection to Maniapoto Street/Kakamutu Road intersection.
- Foreshore Playground - Jervois Street, Kawhia.
- Kawhia Foreshore - From a point adjacent to State Highway 31 at the northern boundary of Lot 3, DPS 33914 to the southern end of the proposed Omimiti Street, and including the Kawhia Wharf.

5.2 Subject to Clause 5.1 the owner of a dog shall not cause or permit or allow such dog to enter or remain in any public place in the District, except those places listed in Schedule I of this bylaw, unless the dog is effectively controlled by a leash or chain being not longer than 2m so that it cannot break loose or is otherwise effectively physically restrained **provided however** that the Council may from time to time by resolution publicly notified exclude from the provisions of the Clause any specified public place or places and may declare periods of time between which the provisions of this Clause shall not apply in respect of any specific public place.

5.3 Notwithstanding the provisions of Clause 5.2 hereof, the owner of any dog shall not cause or permit or allow such dog to cause any nuisance, inconvenience or danger to the health or safety of persons in a public place within the District.

5.4 If in the opinion of a dog ranger or dog control officer, the presence of any dog in a public place within the District is likely to cause any nuisance, inconvenience or danger to the health or safety of persons, the dog ranger or dog control officer may direct the owner of the dog or any person appearing to have control of the dog to remove the dog from the public place forthwith.

5.5 The owner of any dog that defecates in a public place or on a foreshore or on land or premises other than that occupied by the owner shall immediately remove the faeces.

5.6 The Council may from time to time by resolution publicly notified, prohibit dogs from a public place.

5.7 Nothing in this Bylaw shall be construed as granting permission for any person to take or park any vehicle in a public place where the taking or parking of such vehicle would otherwise not be permitted.

5.8 The Council may, by resolution publicly notified, suspend the requirements of any Clauses in this Bylaw in respect of any particular public place for any particular occasion.

5.9 If in the opinion of a dog ranger or dog control officer the owner of any dog which is in the District fails to keep such dog under proper control, then any dog ranger or dog control officer may seize and impound the dog.

5.10 The owner of any dog which is found in or on any public place within the District shall, unless the contrary is provided, be deemed to have knowingly permitted the dog to have entered or remained thereon.

5.11 Nothing in Section 3 or Section 5 of this Bylaw shall be deemed to restrict or hinder a working dog which is actively working.

6. RELEASING FROM POUND

6.1 No dog shall be released from any pound including a temporary pound within the District until the owner of the dog shall have first paid to the Otorohanga District Council such fees for the sustenance of the dog and for giving notice to the owner of the impounding, and a poundage fee of such amounts as Council may from time to time by resolution prescribe, provided that such amounts shall not exceed those fixed by any statute, regulation or rule of law.

6.2 Neither the Poundkeeper nor any Dog Control Officer or Dog Ranger nor any authorised person shall be obliged to release any dog from any Pound:

a) On any Saturday, Sunday, or Public holidays, or

b) On any other day except between the hours of 8.30a.m. and 9.00a.m.

6.3 Unregistered dogs will not be released from the Council Pound.

6.4 Any person who attempts to remove or removes any dog from any pound including a temporary pound within the District, otherwise than in accordance with the provisions hereof of Clause 6.1 hereof, commits an offence against this part of this Bylaw.

7. LIMIT ON NUMBER OF DOGS TO BE KEPT

7.1 No occupier of land or premises within the District with the exception of the Communities of Otorohanga and Kawhia shall allow to remain or shall keep for a period exceeding 7 days more than one dog of the age of three months or more, at any time (whether or not he is the owner thereof) on the premises unless he is granted written consent for such purpose from the Dog Control Officer. This Clause shall not include working dogs, as defined by the Dog Control Act 1996.

7.2 No occupier of land or premises within the Communities of Otorohanga or Kawhia shall allow to remain or shall keep for a period exceeding 7 days more than one dog of the age of three months or more, at any time (whether or not he is the owner thereof) on the premises unless he shall be the holder of a written consent for such purpose from the Dog Control Officer.

7.3 Such consent may be issued upon and subject to such terms, conditions and restrictions (including restrictions as to the number of dogs that may remain or be kept on the premises at the one time) as the Dog Control Officer may consider necessary in the particular case.

7.4 The Council may by resolution fix a fee for a consent issued in terms of this Clause which shall be payable on the issue of the consent. Such fee shall be additional to any registration fees.

8. NUISANCES

8.1 The owner of every bitch in season shall keep it continuously confined on the owner's property or held in a boarding kennel while it is in season.

8.2 Any person shall be guilty of an offence against this Bylaw who behaves so as to cause any dog on any land premises or public place to become restive or unmanageable or incites any dog to fight with or attack any other animal or person.

8.3 If, in the opinion of a dog ranger or dog control officer, any dog or dogs or the keeping thereof on any premises has become or is likely to become a nuisance or injurious to health, the dog ranger or dog control officer may, by notice in writing, require the owner or occupier of the premises within a time specified in such notice to do all or any of the following: -

a) Reduce the number of dogs kept on the premises

b) Construct, alter, reconstruct or otherwise improve the kennels or other accommodation used to house or contain such dog or dogs.

c) Require such dog or dogs to be tied up or otherwise confined during specified periods.

d) Take such other action as the dog ranger or dog control officer deems necessary to minimise or remove the likelihood of nuisance or injury to health.

8.4 Any person to whom notice is given under Clause 8.3 hereof who fails to comply with such notice within the time specified shall be guilty of an offence against this part of this Bylaw.

9. GUIDE, HEARING EAR, POLICE AND SECURITY DOGS

9.1 Notwithstanding any other Clause in this part of this Bylaw prohibiting or regulating the entry of dogs, any blind person accompanied by a guide dog (being a dog certified by the Royal New Zealand Foundation for the Blind as being a trained guide dog), or deaf person accompanied by a hearing ear dog, any policeman accompanied by a trained police dog, and any security officer (being employed by a registered security firm) accompanied by a trained dog whilst in the course of duty may enter and remain in any public place within the District subject to the condition that any such dogs are kept under control at all times.

10. OFFENCES AND PENALTIES

10.1 Where a dog control officer has reasonable cause to believe that any person has committed an infringement offence under this Bylaw, an infringement notice providing for an Infringement Fee, as listed in Schedule II of this bylaw, may be issued to that owner by the dog control officer or by any person so authorised by the Council.

10.2 Every person who shall do or cause to be done or permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this Bylaw commits an offence, and shall be liable to a fine not exceeding $20,000

Schedule I of the Otorohanga District Dog Control Bylaw 2004

Otorohanga – All that area of Waipa River floodbank reserve land commencing at the State Highway 3 Bridge and running 200 metres upriver along the northern bank.

Kawhia to Aotea – All areas of foreshore from the end of Kaora Street Street (adjoining C2A Maketu Block) through to the end of Morrison Road, Aotea from sunrise until 9am and from 7pm until sunset on all days except for the period from 15 December to 8 February each year and on Easter, Queens Birthday, and Labour Weekends.

Schedule II of the Otorohanga District Dog Control Bylaw 2004

Infringement Offences and Fees

Section	Description of Offence	Infringement Fee ($)
s.18	Wilful obstruction of dog control officer or dog ranger	750
s.19(2)	Failure or refusal to supply information or willfully stating false particulars	750
s.19A(2)	Failure to supply information or willfully providing false particulars about dog	750
s.20(5)	Failure to comply with any bylaw authorized by Section 20	300
s.28(5)	Failure to comply with effects of disqualification.	750
S.32(2)	Failure to comply with effects of classification of dog as dangerous dog	$300
s.32(4)	Fraudulent sale of transfer of dangerous dog	500
S.36A(6)	Failure to implant microchip transponder in dog	300
s.41	False statement relating to registration	750
s.42	Failure to register dog	300
s.46(4)	Fraudulent attempt to procure replacement label or disc	500
s.48(3)	Failure to advise change of ownership	100
s.49(4)	Failure to advise change of address	100
s.51(1)	Removal or swapping of labels or discs	500
s.52A	Failure to keep dog controlled or confined	200
s.53(1)	Failure to keep dog under control	200
s.54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter,and to provide adequate exercise	300
s.54A	Failure to use or carry leash in public place	100
s.62(1)	Allowing dogs known to be dangerous to be at large unmuzzled	300

Schedule 11

WARRANTS OF APPOINTMENT

Dog Control Officers are appointed pursuant to Section 11 of the Dog Control Act 1996.

Dog Rangers are appointed pursuant to Section 12 of the Dog Control Act 1996.

Every Dog Control Officer or Dog Ranger who exercises any powers conferred by this Act shall carry and produce if required to do so, his or her warrant of appointment.

Schedule 12

GENERAL INFORMATION (Not part of the policy - mandatory provisions apply under the Dog Control Act)

A. BAN ON IMPORTATION (SECTION 30A)

The following breeds and types of dog are subject to a ban on importation. They must also be classified as "Menacing Dogs":

- *Brazilian Fila*
- *Dogo Argentino*
- *Japanese Tosa*
- *American Pit Bull Terrier*

B. MENACING DOGS

The Council may classify a dog as a Menacing Dog where it considers that the dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of:

i Any observed or reported behaviour of the dog; or

ii Any characteristics typically associated with the dog's breed or type.

Effects of Menacing Dog Classification (Section 33E)

Where a dog is classified as Menacing the owner:

- *must not allow the dog to be at large without being muzzled; and*
- Shall, not later than one month, produce to the territorial authority a certificate issued by a registered Veterinary Surgeon certifying that the dog has been neutered.

C. DANGEROUS DOG CLASSIFICATION (SECTION 31)

Dogs shall be classified as dangerous by the Council and have restrictions placed on them for the following reasons:

- Where the owner is convicted of an offence pursuant to the Dog Control Act 1996 under Section 57(6):
- Where there is on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe constitutes a threat to the safety of any person, stock, poultry, domestic animals, or protected wildlife; and
- Where the owner admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

Effects Of Dangerous Dog Classification (Section 32)

The owner of any dog that is classified as dangerous-

- Shall, not later than one month, ensure that the dog is kept within a securely fenced portion of the owner's property which it is not necessary to enter to obtain access to at least one door of any dwelling on the property; and
- Shall not allow the dog to be at large or in a public place or in any private way other than when confined completely within a vehicle or cage, without being muzzled and controlled on a leash.
- Shall, not later than one month, produce to the territorial authority a certificate issued by a registered Veterinary Surgeon certifying that the dog has been neutered.
- Shall be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog.
- Shall not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.

The above conditions transfer to the new owner if the territorial authority gives written permission for such transfer.