

REPORT ON QUEENSTOWN LAKES DISTRICT COUNCIL'S

DOG CONTROL POLICIES AND PRACTICES

2009 – 2010 Financial year

Section 10A of the Dog Control Act 1996 requires that a territorial authority report each financial year on its dog control policies and practices.

THE DOG CONTROL ACT 1996

The objects of the Act are as follows:

(a) To make better provision for the care and control of dogs

(i) By requiring the registration of dogs;

(ii) By making special provision in relation to dangerous dogs;

(iii) By imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and

(iv) By imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and

(b) To make provision in relation to damage caused by dogs.

Queenstown Lakes District Council has also adopted a policy and a bylaw, which specify dog control measures throughout the district. It also educates dog owners of their responsibilities, in order that we have a safe environment for all to enjoy.

DUTY OF TERRITORIAL AUTHORITIES TO ADOPT POLICY ON DOGS

Section 10 of the Act has been amended by the 2003 Amendment Act and requires QLDC to develop a policy on dogs. The purpose of the policy is to set out QLDC's direction for dog control within the District.

The amendment to Section 10 also reinforces the safety provisions QLDC must have regard to in adopting this policy on dogs. Added considerations are the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places frequented by children, and the importance of enabling the public to use streets and public amenities without fear of attack or intimidation by dogs.

ANIMAL CONTROL OFFICERS

There are 2 FTE animal control officers who respond to animal control issues throughout the district. 1.5 FTE officers are based in Queenstown and the other 0.5 FTE officer is based in Wanaka, and have extensive experience as animal control officers.

Animal control officers can be contacted 24 hours a day, with Lakes Environmental (CCO) receiving the calls during office hours. If a complaint is received after hours, this is referred to our afterhours team (Armourguard) to respond to the matter. The afterhour's numbers for animal control being:

- Wanaka – 443 0024
- Queenstown – 441 0499

DOG CONTROL ENFORCEMENT PRACTICES

The Dog Control Act 1996 and QLDC Dog Control Bylaw 2006 are enforced by Queenstown Lakes District Animal Control Officer's. Anyone found in contravention of the Dog Control Bylaw 2006 or Act is generally issued a warning for a first offence. If there is a further contravention the dog owners are likely to be issued an Infringement Notice without further warning.

The main issues identified over the last year are Lost or Roaming Dogs i.e. dogs not under control and non-registration of dogs.

Lost or Roaming dogs are dealt with by trying to locate the owner to firstly advise that we have impounded the dog (where found roaming), and secondly to educate the owner of the contravention of the associated legislation.

DOG PROHIBITED, LEASH ONLY AND EXERCISE AREAS

Areas Where Dogs Are Prohibited

Dogs are not permitted in the following areas at any time with the exception of Companion dogs, Guide dogs and Hearing Ear dogs.

Arrowtown: Buckingham Street between Berkshire and Wiltshire Streets and including the Arrowtown Village Green and Marshall Park.

Queenstown: Beach Street, the Mall, the Village Green and Earnslaw Park

Wanaka: Bremner Bay, between 1 December and 31 March
And:

- Areas laid out and equipped as children's play grounds
- Areas within a 50 metre radius of defined children's play grounds;
- Defined playing areas of sports fields;
- All Cemeteries.

National Parks

A significant part of Mount Aspiring National Park (as constituted under National Parks Act 1980) is located within the Queenstown Lakes District. Dogs are not permitted in any National Parks.

Conservation Areas

The Department of Conservation (DOC) advised QLDC of controlled or open dog areas under Section 26ZS of the Conservation Act 1987 for inclusion in this Policy. Separate rules and regulations apply to these areas as determined by DoC.

Areas where dogs are required to be on a leash

Dogs are generally permitted in residential and urban areas at any time if they are on a leash. Dogs may not be let off their leashes in these areas i.e. not under control.

In general these are residential or distinctly urban areas, but do not include reserves or QLDC owned walking tracks.

In any case dogs are required to be on a leash in the following (but not limited to) zones:
Any areas zoned as follows in the QLDC District Plan and any roads running through or adjacent to these Zones:

- Wanaka Town Centre Zone
- Queenstown Town Centre Zone
- Arrowtown Town Centre Zone
- Corner Shopping Centre Zone
- High Density Residential Zone
- Low Density Residential Zone
- Residential Arrowtown Historic Management Zone
- Township Zone
- Remarkables Park Zone
- Resort Zone
- Bendemeer Zone
- Penrith Park Zone
- Quail Rise Zone
- Airport Mixed use Zone

Dogs may be allowed off a leash in areas where they are not specifically prohibited or required to be on leash.

In any area where a dog is not required to be on a leash and the dog has been allowed off the leash, the owner of that dog must have the dog under voice control and be carrying a leash at all times.

Should the dog be deemed as causing a threat or nuisance to any person or animal, the dog must be immediately leashed and brought under control.

DOG REGISTRATION FEES

Registration

Every person who has in their possession a dog over three months old is required to register their dog annually, and to advise the QLDC promptly of any change of address or ownership of the dog. If owners do not meet the obligations to register their dogs, enforcement procedures are initiated.

Lakes Environmental advise all registered dog owners one month in advance of the renewal of registration date, in order to try and facilitate the renewal process, in order that owners are not penalised. This is a graduated approach, which follows the following format:

- A public notice to remind owners of their obligations to register their dog(s) and when, along with an letter/invoice to each owner, including an amnesty period for any un-registered dog(s).
- A reminder letter with a 50% penalty increase for non – registration within the specified time frame.
- A third letter and infringement issued
- Unregistered dogs may be seized and impounded

There has been a slight increase in the number of registered over the last year. However, there has been a significant increase in the number of registered dogs classified as menacing, as shown below.

Category	2008 - 2009	2009 - 2010
Total number of Registered Dogs	3208	3225
a) Dangerous by owner conviction under s.31(1)(a)	0	0
b) Dangerous by sworn evidence under s.31(1)(b)	1	2
c) Dangerous by owner admittance in writing under s.31(1)(c)	0	0
Total number of Dangerous Dogs	1	2
a) Menacing under s33A(1)(b)(i) – Behaviour	0	5
b) Menacing under s33A(1)(b)(ii) - Breed characteristics	0	0
c) Menacing under s33C(1) - Schedule 4 Breed/Type	0	0
Total number of Menacing Dogs	0	5
Total number of Probationary Owners	0	0
Total number of Disqualified Owners	0	0

Dogs Registered Outside of the Queenstown Lakes District

Due to the large percentage of holiday homes in the District, there is often an influx of dogs from other Districts at certain times of the year. Currently there is no mechanism to keep track of visiting dogs and, as such, problems can arise when endeavoring to enforce Council's bylaws. The Dog Control Act requires that any dog that is kept in a District for four weeks or more be registered within that District.

Registration Fees

QLDC has a tiered fee structure(as below), allowing fees to be set at various levels for those categories of dogs that Council may from time to time choose to recognise.

Category	Fee if paid on or before 31 July 2009	Fee if paid after 31 July 2009
Disability Assist Dog (e.g. Guide Dog)	NIL	NIL
Working Dog	\$25	\$37.50
Spayed/Neutered Dog	\$50	\$75
All Other Dogs	\$60	\$90
Dangerous/Menacing Dog	\$100	\$150
Impound Fees		
1st Impound Fee	\$100	
2nd Impound Fee	\$160	
3rd Impound Fee	\$240	
Feeding Fees (while impounded)		
	\$35 per day	
Microchip Fee		
	\$35	

Dogs assisting the disabled are exempt from registration fees. This recognises the contribution of these dogs to the community.

The registration fees are intended to cover:

- Administration of the registration process and collection of fees;
- Information provision to dog owners;
- Patrolling; and
- Enforcement (with the exception of prosecution).

The fee structure takes into account the actual cost of the services used by dog owners. However, Council currently provides 40% of the costs of the service.

Neutered Dog Discount

QLDC wishes to encourage neutering of dogs as part of promoting responsible ownership and reducing the incidents of straying and unwanted dogs. The registration fee structure recognises this by setting a lower rate for neutered dogs.

DISQUALIFIED & PROBATIONARY DOG OWNERS

To date we do not have any Disqualified or Probationary Dog Owners in the Queenstown Lakes District

MENACING AND DANGEROUS DOGS

There are two Dangerous Dog and five Menacing Dogs registered in the district during this period. These dogs were classified as dangerous or menacing as a result of attacks and the observed behaviour of the dogs.

We have had no issues with these dogs to date following the classifications. The owner of a dog that is classified as dangerous or menacing must not allow the dog to be at large or in any public place or in any private way except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction.

MANDATORY OBLIGATIONS UNDER THE ACT

The Dog Control Act 1996 sets out provisions that QLDC is obliged to comply with and enforce i.e. QLDC has no discretion to set these aside.

In terms of this policy, the statutory requirements are summarised below:

It is unlawful to import any of the following breeds/types of dog:

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

We currently have two American Pit Bull Terrier's residing within the Queenstown Lakes District.

If QLDC has reasonable grounds to believe that a dog belongs wholly or predominantly to one of the four breeds/types listed above it must classify the dog as 'menacing'. Menacing dogs must be muzzled when in public. Lakes Environmental are currently making an assessment regarding these dogs, to determine if they meet the criteria of the Act.

Leash

The QLDC Policy requires those taking dogs out in public to use or carry a leash at all times. In addition it requires Dangerous and Menacing dogs to be leashed when in public and owners of dangerous and menacing dogs must advise anyone to whom they lend the dog of the requirement that it must be muzzled and leashed (in the case of dangerous dogs) when in public.

Unlawful Release of Dog from Pound

It is an offence to attempt to unlawfully release a dog from a pound or to be in possession of a dog that has been unlawfully released from a pound.

Control

Dog owners must ensure at all times that, when their dog is on their property, it is either:

- (a) under direct control of a person; or
- (b) confined in such a manner that it cannot freely leave the property.

Micro-chipping

All dogs registered for the first time on or after 1 July 2006, and all dogs classified as dangerous or menacing since 1 December 2003 are required to be micro-chipped.

DOG CONTROL RESPONSE

This section describes the number and type of complaints received and the manner in which Queenstown Lakes District Council has responded to address the complaints and general issues regarding dogs over the last year.

Category of Complaint	Number
Public Safety related complaints	
Dog attack on people - minor	10
Dog attack on people – serious	1
Dog attack on animal – minor	4
Dog attack on animal – serious	12
Dog attack on stock (worrying stock)	3
Dog rushing	0
Lost/Roaming dogs	62
General concern	101
Non-safety Concerns	
Lost dogs	141
Barking	34
Fouling/breach of Bylaw	2
Total complaints	370

Attacks

When an attack occurs on a person or animal, the incident can be extremely distressing for all parties. It is imperative that we have a rapid response to such matters and appropriate action is taken.

This is reflected in the number of infringements issued for dogs not being under control and the increase in Dangerous and Menacing dog classifications this year.

Lost/Roaming Dogs

Roaming dogs are a District wide issue, which can frighten, intimidate or annoy others, in addition to attacking other animals and people.

There has been a significant increase in the number of roaming dogs this year, which has lead to the redirection of the areas Animal Control Officers patrol, in order to control lost/roaming dogs.

Barking Dogs

Barking dogs can create a significant nuisance, and over the last year patrolling has been directed to try and identify the origin of such nuisances and officers have worked with owners to control the situations, which has resulted in the complaints being resolved and not required an infringement notice.

General Concerns

The largest number of complaints received related to 'general concerns'. Such concerns relate to welfare issue of dogs e.g. Dogs left in a car with windows up and dogs left in the cold weather. Officers liaise with SPCA in these circumstances.

This area also includes aspects of dogs getting into rubbish and chasing cars. This has again lead to the re-direction of patrolling on rubbish days, and generally in the areas where the complaints originate.

Prosecutions

There have been no prosecutions during this period

Infringements

There has been a significant increase in the number of infringements issued during this period from 40 to 111. The main increase is as a result of the failure to register a dog and failure to keep a dog under control.

OFFENCE	NUMBER
Failure to comply with classification	1
Failure to register dog	73
Failure to advise of address change	1
Failure to keep dog controlled/confined on owners property	11
Failure to keep dog under control	24
Failure to carry a leash in public	1
Total	111