

Policy Name:	Dog Management Policy
Originated Date:	Adopted (as Policy 30)
Amended Date/s:	Amended 23 April 2007 – Min. No. 111/07 Amended 15 December 2010 – Min. No. 351/10 Amended 27 June 2016 – Min. No. 173/16 Amended 20 August 2018- Min. No. 222/18
Applicable Legislation:	Dog Control Act 2000.
Dataworks Reference:	44/001/001
Objective	<p>The objectives listed in this section have been developed to guide the Dog Management Policy and to ensure that Council consistently and effectively fulfils its responsibilities under the <i>Dog Control Act 2000</i>, particularly with regard to the protection of residents' rights.</p> <p>The objectives of the Policy are:</p> <ol style="list-style-type: none"> 1. To ensure that owners of dogs comply with their obligations under the <i>Dog Control Act 2000</i>. 2. To prevent the danger caused by dogs to the public and to other dogs and animals. 3. To minimise the distress and nuisance caused by dogs to the public. 4. To actively promote the responsible ownership of dogs. 5. To provide for the reasonable exercise and recreational needs of dogs. 6. To Provide routine patrols during normal business hours. 7. To Provide an emergency after-hours dog management service to collect dogs at large provided that the dog has been secured. 8. To provide an emergency after-hours dog management service if a dog attack occurs.

Purpose

~~The Dog Control Act 2000 came into force on 4 April 2001. This Act replaced the Dog Control Act 1987 as the Principal Act managing the control of dogs in Tasmania.~~

~~The Dog Control Amendment Act 2009 came into force on 2 December 2010, amending the Principal Act, the Dog Control Act 2000.~~

Council is required to manage the provisions of the *Dog Control Act 2000*. This includes the development of a Dog Management Policy for the Municipal area.

The Policy must include at a minimum:

- ◆ A code relating to responsible ownership of dogs.
- ◆ The provision of declared exercise areas.
- ◆ A fee structure.

CODE OF RESPONSIBLE DOG OWNERSHIP

Council is committed to the objective of promoting responsible dog ownership and has adopted the following code which requires dog owners to:

- ◆ Ensure that the dog is kept under control at all times and when in a public place it must be on a lead not exceeding 2 metres.
- ◆ Ensure that the dog is registered in accordance with the *Dog Control Act 2000*, with a financial incentive provided for owners to de-sex dogs that are not being kept for intentional breeding purposes
- ◆ Ensure that the dog receives necessary care and attention in accordance with good veterinary practice, and is supplied with adequate food, clean water and shelter.
- ◆ Ensure that the dog receives adequate exercise.
- ◆ Ensure the dog, by age 6 months, has an approved microchip implanted.
- ◆ ~~Exemptions from compulsory microchipping exist for racing grey hounds, all working dogs and specified hunting dogs (that immediately before 01 July 2001 had been tattooed by an approved organisation with a tattoo that identified the dog as being a part of that organisation).~~
- ◆ Take all reasonable steps to ensure that a dog does not cause a nuisance to any other person, whether by persistent or loud barking/ howling or by any other means.
- ◆ Take all reasonable steps to ensure that a dog does not injure, endanger, intimidate, or otherwise cause distress to any person.
- ◆ Take all reasonable steps to ensure that a dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife.
- ◆ Take all reasonable steps to ensure that a dog does not damage or endanger any property belonging to any other person.
- ◆ Comply with all regulations under the *Dog Control Act 2000*, including the requirement for the person in charge of a dog to immediately remove and dispose of faeces left by the dog in a public place or in a place not owned by the person.

EDUCATION

Council makes available a pamphlet which includes information on:

- ◆ the requirements of the Dog Control Act 2000;
- ◆ the code of responsible dog ownership;
- ◆ the role and function of Council and Council's responsibilities to the community regarding dog management;
- ◆ services available to assist community members to be responsible dog owners.

Council Officers will, upon request, visit local schools to make presentations to students on

dog ownership issues and responsibilities.

FEES

Council strives to set dog registration fees that are affordable for dog owners, yet provide a return for the costs associated with the delivery of dog control services.

Dog owners are encouraged to register their dogs early in the financial year. Encouragement in this regard is offered by the way of a discount if registration fees are paid prior to the 31st of August each year.

In developing registration fees each year Council utilises the following principles:

- ◆ Owners of de-sexed dogs are levied an amount as affordable as possible.
- ◆ Owners who choose to keep entire dogs (either male or female) are required to pay a higher level of fees.
- ◆ Pensioners are provided with an opportunity to register their first dog at a discounted rate.
- ◆ Owners with disabilities who keep either guide dogs or hearing dogs are not charged.
- ◆ Owners of dogs kept for breeding purposes and registered with the Tasmanian Canine Association are levied a fee that recognises the purpose for which they are kept. The fee will, however, be discounted from that which would normally apply to an entire animal.
- ◆ Owners of Greyhounds registered with the Tasmanian Greyhound Racing Board are provided with an opportunity to register the animal at a discounted rate.
- ◆ Owners of working dogs are provided with an opportunity to register the animal at a discounted rate.
- ◆ Owners of certified hunting dogs are provided with an opportunity to register the animal at a discounted rate.
- ◆ Failing to provide evidence of microchipping at time of registration incurs an additional fee.

Owners seeking concessional registration need to produce written evidence of eligibility as prescribed in the Act. In the case of working dogs, a demonstration of working stock may be required. Breeders must produce a current Stud Prefix issued by the TCA.

Council sets its dog fees at its ordinary Council meeting held in May of each year. The fees are advertised and standard renewal notices are provided to all those who have registered a dog previously.

DECLARED AREAS – OFF LEAD

Under the Act, Council can declare dog exercise areas on land solely under the jurisdiction of the Council, where dogs can be exercised off the lead if under effective control at all times. (You must be able to demonstrate that your dog is immediately responsive to your commands in an off leash area.)

The following areas have been declared:-

- Evandale:** Honeysuckle Reserve (off Leighlands Road)
Saddlers Court Reserve
- Longford:** Union Street (fenced area between Union Street and Railway line)
Coronation Park (Catherine Street)
- Perth:** Mulgrave Street Reserve (fenced land between Mulgrave Street and Arthur Street)
- Cressy:** Stock Route
- Ross:** Community Sports Ground
- Campbell Town:** Open area to North of Blackburn Park
- Avoca:** Area near river- Storys Creek Road

Council will continue to investigate the suitability of these and other areas and their facilities for this purpose and undertake upgrades or declare new sites as needed.

MUNICIPAL DOG POUND

Council operates a Municipal dog pound in accordance with the requirements of the *Dog Control Act 2000*.

After 3 days, if the owner cannot be identified, every effort is made to secure an alternative home for dogs which are impounded and have not been claimed. However, dogs will be euthanised as a last resort when required.

The information pamphlet includes encouragement for dog owners to contact Council in person, by phone, email or Council's face book page in the event of losing their dog. Such action aims to facilitate the re-uniting of impounded dogs with owners.

KENNEL LICENCES

Under the *Dog Control Act 2000*, a person must apply to Council's General Manager for a kennel licence if more than two dogs over the age of six months, or more than four working dogs over the age of six months, are to be kept on their premises.

Council requires a kennel licence applicant to advertise the licence application, including the specific number of dogs and their breed/kind, in a Wednesday edition of the Examiner newspaper, and any person residing within 200 metres of the boundary of the premises may object against the granting of the licence. Council also will letterbox drop all residences within 200 metres of the premises applying for the licence and will inform by letter owners of properties within the 200 metre range who do not live at the property.

Council, upon payment of the required fee, renews kennel licences on an annual basis. Council requires the holder of a kennel licence to apply for a new kennel licence if significant change in the breed/kind and/or number of dogs has occurred since the last licence was issued.

Kennel licences are required to be renewed annually at the start of the financial year. During the period of the licence, Animal Control Officers will perform random inspections to ensure that the licence conditions are being met.

COMPLAINTS AND NUISANCE PROVISIONS

Council considers every complaint received.

Issues raised are investigated in a pro-active manner which ensures that all facts are considered and the rights of the dog owner and the general public are balanced.

Council makes every effort to ensure vexatious and false complaints are avoided and/or promptly managed.

Council will not act on anonymous complaints

It is essential that Council has access to the Complainant's name, address and contact details as well as the details of the complaint. This information is strictly confidential, unless the matter goes to Court. The Complainant must be prepared to lodge a formal complaint (if required) and/or appear as a witness in any court proceedings.

Animal Welfare issues are to be directed to the RSPCA

Where necessary, Council institutes proceedings against a dog owner for an offence under the *Dog Control Act 2000*:

DOG AT LARGE

It is a requirement of the *Dog Control Act 2000* that a dog be under effective control at all times whilst in a public place. This means on a lead held by a person able to control the dog or, if in an area where a lead is not required, the dog is within sight of the person and is immediately responsive to the person's commands.

A dog that is not under effective control within a public place or is in or on premises without the consent of the occupier is considered a 'dog at large'.

Whilst Council will, on first offence, seek to reunite dogs at large with their owners with no penalty, fees and charges will apply where after hours call out or impounding are required. Subsequent offences may incur further penalties in accordance with the regulations to the Act.

DANGEROUS DOGS

The *Dog Control Act 2000* makes specific provision for dogs that may be considered a danger to other animals or persons within the community. A dog may be declared dangerous by the General Manager if it has caused serious injury to a person or another animal or there is reasonable cause to believe that the dog is likely to cause such injury.

Council's Animal Control Officer will undertake an investigation of any alleged incident or assertion that such an incident is likely. Matters such as the temperament of the dog, physical evidence, witness and participant statements and past history will inform the investigation. Based on the investigation, the Animal Control Officer will make a recommendation to the General Manager in regard to the making, or otherwise, of a dangerous dog declaration and the application of any other penalties.

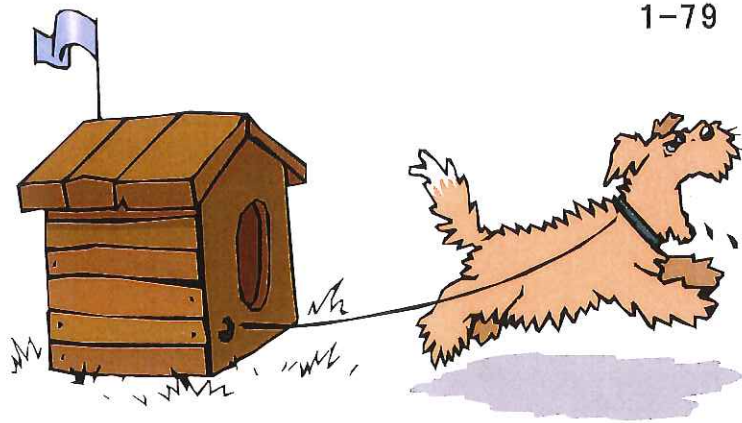
If a dog is declared dangerous, the General Manager will serve a notice on the owner of the dog advising of the declaration, the reasons for it and the owners appeal rights before the Magistrates Court.

When a dog is declared dangerous, the owner or person in charge of the dog has to meet strong control provisions.

Animal Control Officers will perform random inspections each year to ensure a declared dog is being kept in accordance with the requirements of housing a dangerous dog.

POLICY REVIEW PERIOD

This dog management policy will be reviewed in accordance with the *Dog Control Act 2000* Section 7(4). Council is to review its dog management policy at least once every 5 years.



**NORTHERN
MIDLANDS
COUNCIL**

Information for Northern Midlands Dog Owners

Having a dog in Northern Midlands brings some responsibilities. The first is the care and welfare of your dog.

Then there are other things required by law and Council's Dog Management Policy.

Northern Midlands Council aims to balance the expectations of dog owners and the community when we implement the *Tasmanian Dog Control Act 2000*.

Dogs are valued companions of many residents and visitors and we want you and your dog to be happy.

Council also has to protect community health, safety and amenity – it's our responsibility under the Dog Control Act.

Containing Your Dog to Your Property:

The *Dog Control Act 2000* states that a property where a dog resides must be securely fenced. No matter how well behaved your dog is, you need to have a secure area fenced off for the dog, or the entire property's boundary fenced. If your dog is at large and not contained to your property you can be issued a fine under Section 16(1) of the Dog Control Act 2000.

Dog Registration Tags:

According to the *Dog Control Act 2000*, every dog over the age of 6 months must be registered by its owner (over the age of 18 years) with their local Council.

Many stray dogs picked up are not wearing their collar and registration tag. As a result, we cannot immediately identify the owner of the dog and therefore cannot return the animal to its owner promptly. Instead we put the dog in the Council pound whilst seeking the owner, or awaiting the owner's call about the dog.

You will have to pay \$72 (on the first occasion, \$95 on further occasions) to release your dog from the pound, as well as \$21.50 for each day the dog has been in the pound.

Therefore, it is to your advantage to ensure your dog is wearing its collar and registration tag at all times.

Microchips:

All dogs over the age of 6 months must be microchipped.

Exemptions apply to Racing Greyhounds, Working Dogs and Approved Hunting Dogs (means a hunting dog that immediately before 1 July 2011, has been tattooed by an approved organization with a tattoo that identifies the dog as being a member of a hunt club)

Change of Address:

Under the *Dog Control Act 200*, dog owners are required to inform Council promptly when the dog transfers to another address for a period of more than 60 days. This allows Council to maintain an up to date register of the dogs in the area which assists with the return of any dogs found straying.

Walking your dog in public areas:

The *Dog Control Act 2000* states that dogs, when in a public place or on or near a road related area, must be on a leash. For the safety of community members and the dog, all dogs should be on a lead 2 metres or less in length when they are out in public.

The *Dog Control Act 2000* does not allow for dogs in public to be off-lead, when the dog is exercised in area signposted as an official off-leash Council Dog Exercise area (the dog must still be under effective control when in that area).

Council's Dog Management Policy allows for the exercising of dogs in the following off-leash areas:

- Evandale: Honeysuckle Banks (off Leighlands Road)
Saddler's Reserve
- Longford: The fenced-off dog exercise area, part of the car park development between Union Street and the railway line near the boat ramp
Coronation Park (Southern end of Longford on Cressy Road)
- Cressy: The Old Stock Route off Murfet Street
- Perth: The section of land between Arthur and Mulgrave Streets, adjacent to the railway line.
- Ross: Community Sports Ground – 38 Badajos Street Ross
- Campbell Town: Open area north of Blackburn Park – 2-6 Franklin St Campbell Town
- Avoca: Picnic Area- Storys Creek Road Avoca

Effective Control:

The Dog Control Act uses this term. It means on-lead on roads, footpaths and in towns and other declared areas, leads 2 metres long and tight conditions to be under 'effective control' if off-lead.

Prohibited Public Areas:

A person must not take a dog into any grounds of a school, a shopping centre or any shop, the grounds of a public swimming pool, any playing area of a sportsground on which a sport is being played or any area within 10 metres of a children's playground.

Dog Faeces:

Many people complain to Council about dog faeces on footpaths and grass verges. Under the Dog Control Act 2000 it is an offence for a dog owner to not immediately remove and dispose of their dog's faeces dropped in a public place.

Council asks that you either carry bags or a scoop to collect your dog's faeces. Council provides degradable dog tidy bags in all off-leash dog exercise areas.

Under the *Dog Control Act 2000*, Council has the right to fine a dog owner up to \$168 for this offence.

Barking dogs:

Frequently I find when I approach a dog owner, following a complaint by a neighbour about the dog persistently barking, that the dog owner is unaware of the problem as the barking is occurring when the owner is away from their property.

Under the Act, Council has the right to fine a dog owner up to \$336 for having a dog that is causing a nuisance which the owner does not stop. In serious cases, Council can take legal action against the dog owner.

If your dog is at home alone for periods of time, I recommend you occasionally check with your neighbour's to find out if your dog is causing a nuisance when you are out. If you find this is the case and you cannot work out how to stop the barking, please call me and I will provide advice to assist you address this or any other dog related matter.

I recommend boarding your dog while away on holiday's rather than having someone feed your dog; unless you are sure your dog will not bark and howl while you are away. There is an increase in complaints over holidays.

Another factor which causes barking problems and dogs escaping frequently is not having them sterilized. Unless you are a registered breeder it is recommended you sterilise your dog, it will also stop the large number of unwanted pups and dogs that are euthanased each year

Information for barking complaints:

If you do not feel comfortable approaching the dog/s owner, or you have already tried this approach and the nuisance is continuing you need to complete the enclosed official complaint form and return to Council with the appropriate fee of \$20.00

Upon receipt of this official complaint form Council will formally investigate the complaint. You will also need to start recording information on the enclosed record of nuisance by barking form and return to Council after a minimum of 14 days continuous monitoring.

Code of responsible Dog Ownership:

Council is committed to the objective of promoting responsible dog ownership and has adopted the following code which requires dog owners to:

- ♦ Ensure that the dog is kept under control at all times and when in a public place it must be on a lead not exceeding 2 metres.
- ♦ Ensure that the dog is registered in accordance with the *Dog Control Act 2000*, with a financial incentive provided for owners to de-sex dogs that are not being kept for intentional breeding purposes
- ♦ Ensure that the dog receives necessary care and attention in accordance with good veterinary practice, and is supplied with adequate food, clean water and shelter.
- ♦ Ensure that the dog receives adequate exercise.
- ♦ Ensure the dog, by age 6 months, has an approved microchip implanted.
- ♦ Take all reasonable steps to ensure that a dog does not cause a nuisance to any other person, whether by persistent or loud barking/ howling or by any other means.
- ♦ Take all reasonable steps to ensure that a dog does not injure, endanger, intimidate, or otherwise cause distress to any person.
- ♦ Take all reasonable steps to ensure that a dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife.
- ♦ Take all reasonable steps to ensure that a dog does not damage or endanger any property belonging to any other person.

- ◆ Comply with all regulations under the *Dog Control Act 2000*, including the requirement for the person in charge of a dog to immediately remove and dispose of faeces left by the dog in a public place or in a place not owned by the person.

More Information and Services

Northern Midlands Council 13 Smith Street LONGFORD
Ph: (03)63977303
Email: council@nmc.tas.gov.au
Animal Control after hours emergency 0419358395



See Councils website for
Dog Management Policy
www.northernmidlands.tas.gov.au

Tasmanian Government information on the Dog Control Act 2000
http://www.dpac.tas.gov.au/divisions/local_government/dog_control

RSPCA – Animal welfare
Ph:1300139947
rspcatas.org.au

NORTHERN MIDLANDS COUNCIL
POLICY MANUAL



C+D 4

Policy Name: Mobile Food Vendors Policy
Originated Date: 11 December 2017 Min. Ref. 390/17
Amended Date/s:
Applicable Legislation: Vehicle & Traffic Act 1999
Dataworks Reference: 44/001/001

1. Purpose

The purpose of this policy is to identify guidelines by which Mobile Food Vendors may operate in the Northern Midlands.

2. Applicable Legislation

Section 56C of the *Vehicle & Traffic Act 1999* states a person must not set up or use a stall, stand or vehicle on a public street for the purpose of selling goods without a permit. Permits may be issued by the General Manager of the Council in which the public street is located.

3. Definitions

Mobile food vendor – a take away food vendor operating from a mobile vehicle or trailer for the purpose of selling food and drink for immediate consumption.

Local highway – means a local highway as defined in the *Local Government (Highways) Act 1982*, section 4.

4. Conditions of operation

The following conditions of operation must be met by Mobile Food Vendors who apply for a permit to operate in the Northern Midlands.

4.1 Application form and fee

All Mobile Food Vendors intending to operate in the Northern Midlands must complete an Application for Permit and pay the required fee, as set per Council's fee schedule.

4.2 Permit

A Mobile Food Vendor must not operate on a local highway in the Northern Midlands without a valid permit.

A Mobile Food Vendor may apply for an annual permit, or a single permit for a special event.

Annual permits are valid from 1 January to 31 December.

Special event permits are valid for the duration of the event as specified in the application form.

Permit fees are in accordance with Council's Fees Schedule.

A Mobile Food Vendor is only permitted to operate on a local highway in the Northern Midlands once a permit has been issued.

Permits are issued to one vehicle only and are not transferable.

4.3 Rubbish removal

Mobile Food Vendors must provide rubbish collection receptacles at the site and ensure all rubbish generated from their use at the site is removed and disposed of responsibly.

4.4 Department of State Growth Roads

~~Council cannot issue a permit for a state-owned road. Mobile Food Vendors are not permitted to operate on a state-owned road, unless with approval issued by the Department of State Growth.~~

Mobile Food Vendors are not permitted to operate on a state-owned road, without approval of Council and the Department of State Growth.

4.5 Safety and compliance

Mobile Food Vendors must:

- Have in place current Public Liability insurance to operate;
- Have in place a current Certificate of Registration for business selling food;
- Ensure they have approval to erect any signs or furniture associated with their business, in accordance with Council's Footpath Trading Policy and by-laws.

5. Preferred Mobile Food Vendor locations

Council has identified the following locations as preferred locations to park within the Northern Midlands municipality.

Applications to park outside of these preferred locations will be considered, however, may be refused if not considered suitable.

- Avoca – Blenheim Street, adjacent to Boucher Park
- Campbell Town – Franklin Street, adjacent to Blackburn Park
- Cressy – Church Street, adjacent to the Trout Park
- Evandale – Rogers Lane or Russell Street, adjacent to Harry Murray Memorial
- Longford – Archer and Lyttleton Streets, adjacent to Victoria Square (Village Green)
- Perth – Little Mulgrave Street, adjacent to the Train Park

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- Ross – Church Street, adjacent to the Village Green (33 Church Street)

6. Exclusive use not guaranteed

A permit issued by Council ~~des~~ **does** not guarantee availability or exclusive use of the site.

7. Exemptions

Mobile Food Vendors parking for a period of less than 15 minutes are not required to obtain a permit pursuant to this policy.

8. Review

This Policy is to be reviewed every two years.