

Waitaki Dog Control Bylaw 2024



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Waitaki

DISTRICT COUNCIL

TE KAUHIHERA Ā ROHŌ O WAITAKI

Waitaki Dog Control Bylaw 2024

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1. TITLE AND COMMENCEMENT

This bylaw is made pursuant to the powers contained in the Local Government Act 2002 and the Dog Control Act 1996 (including its amendments) for the purposes of promoting public safety and the effective regulation of dogs within the Waitaki District.

1.1 This Bylaw is to be known as the “Waitaki District Dog Control Bylaw” for Waitaki District Council (referred to as *Council*) and comes into force on Monday 3 March 2025.

1.2 This Bylaw applies to the Waitaki District. Nothing in this Bylaw shall derogate from the Dog Control Act 1996 (now referred to as the *Act*) or its amendments.

1.3 This Bylaw is made under the;

- (a) Local Government Act 2002;
- (b) Dog Control Act 1996; and
- (c) Sections 29 and 64 of the Health Act 1956.

1.4 The Waitaki Dog Control Bylaw 2024 repeals all previous bylaws relating to dog management and control in the Waitaki District, and in the event of conflict between the provisions of any former bylaw and the provisions of this bylaw, the provisions of this bylaw will prevail.

2. KEEPING OF DOGS

2.1 Registration and Micro-chipping

- 2.1.1 All dogs must be registered with Council after they are three months of age, and dog owners must ensure the ongoing annual registration of their dog/s as required under section 36 of the Act.
- 2.1.2 Dogs are required to be micro-chipped in the following circumstances:
- (a) All dogs first registered on or after 1 July 2006 (except working dogs as defined in section 36A (2A) of the Act which are exempt).
 - (b) All dogs classified as dangerous or menacing dogs within two months from the date of classification.
 - (c) All dogs impounded and released by the local authority for the second time.
 - (d) Unregistered dogs that are impounded and released.
- 2.1.3 The owner must provide verification that the dog has been micro-chipped at the time of first registration.

2.2 Control of Dogs

- 2.2.1 The owner of a **Dangerous or Menacing** dog shall ensure that the dog does not enter or remain in any public place unless the dog is muzzled and kept under **continuous control** on a lead or chain.
- 2.2.2 Dog owners must ensure at all times that their dog is under **effective control**, and when their dog is on their property, it is either under the **effective control** of a person or is confined to ensure that it cannot freely leave the property.
- 2.2.3 Dog owners must fully comply with their obligations under:
- (a) The Act; and
 - (b) The Waitaki District Dog Control Policy.

2.3 Dog welfare

- 2.3.1 No person, being the owner or person in possession of any dog will, without reasonable excuse, neglect that dog so that it suffers unreasonable or unnecessary pain, suffering or distress.

2.4 Removal of Faeces

- 2.4.1 The owner or any person in possession of a dog that defecates in a public place or private way or on land or premises other than that occupied by the owner shall immediately remove or cause to be removed the faeces left by the dog.
- 2.4.2 The owner or any person in possession of a dog must carry a suitable receptacle to accommodate dog faeces at all times when in public places.

- 2.4.3 Where a public litter bin or similar receptacle is used to dispose of the faeces, they must be suitably wrapped or contained to prevent such receptacle from being fouled.

2.5 Minimum Standards for Accommodation of Dogs

- 2.5.1 Every dog owner must provide suitable housing or kennelling for their dog/s which:
- (a) is weatherproof, dry, clean and gives the dog adequate space, warmth and shade; and
 - (b) is situated in a position that does not cause a nuisance to any person.
- 2.5.2 Selected Owners only may apply for a permit to accommodate **more than three (3) dogs** (excluding NZKC registered breeders or any approved property used for the business of dog boarding kennels) over the age of three months on an urban Residential zoned property as defined in the Waitaki District Plan, or a lifestyle property with equal to or less than a 2,500m² site.
- 2.5.3 A permit will be required to accommodate **more than three (3) dogs** over the age of three months on an urban Residential zoned property as defined in the Waitaki District Plan, or a lifestyle property with equal to or less than a 2,500m² site.
- 2.5.4 A permit will allow the maximum number of dogs permitted to be five (5).
- 2.5.5 All existing dog owners with **more than three dogs** who currently hold Selected Owner status, and who reside on an urban Residential zoned property as defined in the Waitaki District Plan, or a lifestyle property, with equal to or less than a 2,500m² site will be granted an existing rights status (and will not need to apply for a permit) until such time as they wish to register new dogs to the property, or when one or more of the Selected Owner status criteria have not been met.

2.6 Dogs kept at a minimum distance from Boundary

Should any nuisance condition arise from a dog being housed, confined, or restrained on any private premises within three metres of the boundary of the premises the owner may, by formal notice be required to relocate the dog at a distance not less than three metres from any boundary.

2.7 Bitch in Season to be confined

The owner of any bitch must keep the dog confined or under continuous control on a leash but adequately exercised while such dog is in season.

2.8 Diseased Dogs

Every dog owner must ensure that any dog known to be infected with a contagious disease is contained on his or her land or premises in such a manner that it cannot freely leave the land or premises other than when being transported to a registered veterinary clinic for treatment.

2.9 Neutering of Dangerous and Menacing Dogs

- 2.9.1 Every dog classified by Council as Dangerous under Section 31 of the Act, or any dog so classified as Dangerous which is transferring to the Waitaki District is required to be neutered within one month of the transfer. The owner of any such dog must produce a certificate to Council if the requirements of section 32(c) and (d) of the Act applied.
- 2.9.2 All dogs over the age of three months and classified as Menacing are required to be neutered within one month of classification in accordance with section 33E of the Act.

2.10 Dogs becoming a nuisance or injurious to Health

- 2.10.1 The owner of any dog and the owner or the occupier of any premises on which any dog or dogs are kept shall take adequate precautions to prevent the dog or dogs from becoming a nuisance.
- 2.10.2 If in the opinion of an Animal Management Officer or his/her agent, the keeping of any dog or dogs on a premises is, or is likely to become, a nuisance or injurious or hazardous to health, property or safety, the Animal Control Officer may, by notice in writing, require the Owner or Occupier of the premises, within the time specified in such notice (not being less than two weeks), to do all or any of the following:
- i. To reduce the number of dogs kept on the premises;
 - ii. To alter, reconstruct or otherwise improve the accommodation for dogs;
 - iii. To require such dogs to be tied up or otherwise confined;
 - iv. To take other precautions as may be considered necessary.

3. DOG ACCESS RESTRICTIONS IN PUBLIC PLACES

3.1 General controls

- 3.1.1 Subject to the exceptions described in clauses 3.1.2 and 3.1.4, no Owner or Responsible Person of any dog shall cause or permit the dog to be in any Prohibited dog area, declared by resolution of Council and as indicated in Schedule 3 of this Bylaw.
- 3.1.2 A dog **on a lead** and under **continuous control** may pass through a Prohibited dog area on any thoroughfare passing through the Prohibited dog area and where no other reasonable route exists to the dog owner's destination. Passage through a Prohibited dog area in such circumstances must be via the shortest available route.
- 3.1.3 Within a Designated off-lead dog exercise area, including those areas declared by resolution of Council and listed in Schedule 2 of this Bylaw, the Owner or Responsible Person of a dog shall ensure that the dog is under **effective control** at all times.
- 3.1.4 The following dogs are exempt from the prohibitions identified in Schedule 1 of this Bylaw:
- a) Disability assist dogs being used for that purpose or accompanying a person genuinely engaged in the dog's training.
 - b) Any dogs belonging to a "specified agency" pursuant to section 2 of the Act e.g. Police dogs and being used in the course of the specified agency's work.
 - c) Dogs being used by Security guards in the course of employment.
 - d) Dogs securely confined in or on a vehicle.

4. CLASSIFICATION OF DOG OWNERS AND THEIR DOGS

4.1 Selected Owner status

4.1.1 Dog owners who meet the following criteria may apply to Council to have “**Selected Owner**” status:

- (a) No dog owned by them in the last three years has:
 - (i) Been impounded, chased, or returned home by a Council Animal control officer, or
 - (ii) Been the subject of any bona-fide complaint.
- (b) The dog owner has not been issued with formal warnings, infringement notices or been prosecuted for offences against the Act in the last three years by the Council or any other Territorial Authority.
- (c) The owner has been a registered dog owner who has resided within the Waitaki District for at least one year. An exemption to this may be made for dogs transferring from another district where written evidence has been provided from the relevant local authority that this status or similar was held previously.
- (d) The dog/s is not classified as Dangerous.
- (e) The dog/s is not classified as Menacing as a result of any observed or reported behaviour of the dog.
- (f) The owner’s property is suitably fenced and gated to ensure dogs are confined within the property.
- (g) The owner’s section size is appropriate for the number and size of the dog/s.
- (h) All dog(s) owned or kept by the owner have been registered, kept, and controlled in accordance with the Act and the current Council Dog Control Bylaw.
- (i) All dog registration fees have been paid for the past three years by due date, being 1 July.
- (j) The dog/s is micro-chipped (excluding working dogs).
- (k) Any information regarding the purchase of, death, sale, or transfer of dogs to and from the applicant's property, including movement of any pups born on the premises, shall continue to be notified in writing to the Council within one month.
- (l) Any change of residential address shall be notified in writing to the Council within 14 days.

(m) The applicant understands that any breach of the Selected Owner status conditions may result in cancellation of their privileges. The owner may appeal such a decision to Council within 7 days.

(n) The applicant can demonstrate an understanding of the current Waitaki District Dog Control Bylaw, including the need for all dogs to be on-lead in public areas unless in a specified off-lead area.

4.1.2 All applications for selected owner status will require a site assessment by a Council Animal Management Officer.

Council Animal Management Officers reserve the right to make a property inspection when re-assessing any application for permit.

NOTE: *Dog owners holding selected owner status, may be selected at random, or if deemed necessary on a case by case basis, may be required to be audited against the selected owner criteria, once within a three year period.*

The following classifications are those defined under the Act. Any classification pursuant to the Act will apply to the dog, or dog owner, regardless of their location in New Zealand.

4.2 Probationary Dog Owners

4.2.1 A dog owner may be classified as a 'probationary' owner if that person;

- (a) incurs more than three infringement offences within two years; or
- (b) is, or has been, convicted of any offence (not including an infringement notice) relating to dog treatment and control under the Act, the Animal Welfare Act 1999, the Conservation Act 1987 or the National Parks Act 1980; or
- (c) Council Animal Control officers have determined that the owner has ill-treated their dog/s.

4.2.2 A 'probationary' classification applies for two years from the date of the offence, unless terminated earlier as allowed for in the Act.

4.2.3 While classified as 'probationary' a dog owner that person;

- (a) may not become the registered owner of a dog (unless the person was the registered owner of the dog on the date of the offence, or the date of the third infringement offence in respect of which the classification was made);
- (b) must dispose of any unregistered dog in his/her care in a manner that does not constitute an offence under any Enactment within two weeks;
- (c) will be charged a 50% surcharge on all dog control fees payable during the classification period. Such fees are calculated on a pro-rata basis for any period

outside a full registration year. If the surcharge is not paid within one month, the dog shall cease to be registered;

(d) may be required to attend a dog education programme.

4.3 Disqualified Dog Owners

4.3.1 Pursuant to the Act the Council may disqualify any probationary dog owner from owning any dog if that owner commits any offence in terms of the Act.

4.3.2 Disqualification may apply for up to five years after the offence has taken place.

4.3.3 A disqualified owner;

(a) may not be in possession of a dog for the period of disqualification; and

(b) must dispose of every dog that he or she owns within two weeks of any conviction under the Act.

4.3.4 Disposal of a dog must be in accordance with the Act and not to any person living at the same address as the disqualified owner.

4.4 Dangerous Dogs

4.4.1 The Council may declare any dog Dangerous if:

(a) the owner has been convicted of an attack offence under section 57(2) of the Act;
or

(b) the Council has sworn evidence that the dog has shown aggressive behaviour on one or more occasions; or

(c) there are reasonable grounds to believe that the animal has threatened the safety of any person or animal; or

(d) the owner admits the dog is a threat to the safety of any person, animal or stock.

4.4.2 A dog classified as Dangerous must be:

(a) muzzled when in public; and

(b) neutered or spayed within one month of classification; and

(c) kept in a fenced area that is separated from the access to any dwelling house.

4.4.3 Dangerous dogs must not be sold or given away without the Council's prior approval.

4.4.4 Any dog classified as Dangerous after 1 December 2003 must be micro chipped.

4.5 Menacing and Prohibited dogs

4.5.1 The Council may classify any dog as 'Menacing' under section 33A-F of the Act if:
(a) a dog is considered to pose a threat to any person or livestock; and

(b) a dog has not been classified as dangerous; and/or

(c) Council has reasonable grounds to believe that a dog belongs, or is bred, wholly or predominately from one of the five breeds listed in the Act as Menacing.

4.5.2 A dog classified as Menacing must;

(a) be muzzled in a public place; and

(b) be implanted with a microchip within two months after classification.

4.5.3 The following type and/or breed of dog are classified as Menacing dogs under Schedule 4 of the Act:

(a) American Pit Bull Terrier (breed)

(b) Dogo Argentino (type)

(c) Brazilian Fila (type)

(d) Japanese Tosa (type)

(e) Perro de Presa Canario (type).

4.5.4 The Council requires any dog classified as menacing to be neutered within one month's notification as per the requirements of section 33E of the Act.

4.5.5 It is unlawful to import any of the dogs listed in section 4.5.3 of this Bylaw.

4.6 Disability Assist Dogs and Dogs Belonging to Specified Agencies

4.6.1 Notwithstanding anything in this Bylaw, any Disability Assist Dog accompanying and assisting a person with a disability, or any person genuinely engaged in the dog's training may enter and remain:

(a) in any Premises registered under regulations made pursuant to section 120 of the Health Act 1956; or

(b) in any Public Place: subject to compliance with any reasonable condition imposed by the Occupier or person having control of the Premises or Public Place, as the case may be.

4.6.2 Notwithstanding anything in this Bylaw, the following dogs may enter and remain in any public place:

- a) Any dogs belonging to a “specified agency” pursuant to section 2 of the Act e.g. Police dogs and being used in the course of the specified agency’s work.
- b) Dogs being used by Security guards in the course of employment.
- c) Dogs securely confined in or on a vehicle.

4.7 Working Dogs

Working Dogs are defined in the Act (see Schedule 4 for interpretation). In the Waitaki district, working dogs must be kept solely or principally for the purposes in the ‘working dog’ definition, which does not include farm pets (which is also defined).

5. OFFENCES

5.1 Every person commits an offence under this part of the Bylaw who fails, refuses or neglects to do anything required to be done, or does anything prohibited by this Bylaw, and is liable to:

- (a) the penalty provisions of Section 242 of the Local Government Act 2002; or
- (b) any other penalty pursuant to the Act on summary conviction to a fine not exceeding \$20,000; or
- (c) be served with an infringement notice pursuant to Section 66 of the Act.

The Waitaki District Dog Control Bylaw 2024 was made by the Waitaki District Council at a meeting of the Council held on 17 December 2024.

The Common Seal of the Waitaki District Council was affixed in the presence of:



Mayor



Chief Executive



SCHEDULE 1: Lead-only dog areas

1. All public access areas of the Waitaki District should be treated as on-lead only areas, except those areas identified as off-lead exercise areas in schedule 2 and prohibited areas in schedule 3.
2. Dogs are required to be **on-lead** and kept under **continuous control** at all times in all Council reserves (including cemeteries) not listed as Designated off-lead dog exercise areas or Prohibited dog areas in Schedules 2 and 3.
3. Dogs are required to be kept **on-lead** and under **continuous control at all times** in the following public places namely:
 - a) All public streets.
 - b) All grazed Council reserve areas.
 - c) Alps to Ocean cycle trail (A2O) from Saleyards Road to Cormacks Kia Ora Road, Oamaru.
 - d) Beach Road beach from North Otago Golf course to Thousand Acre Road.
4. Dogs are required to be kept **on-lead** and **under continuous control** by the person having possession of the dog, so as not to allow the dog to wander into pedestrian traffic, or to cause a nuisance to any person in the following public places namely:
 - a) Within the commercial areas of central Oamaru namely Thames Street, Severn Street (between the intersection with Usk Street through to the southern boundary of Takaro Park).
 - b) Between Farnham Street and Clare Street at the North-end shopping area of Oamaru,
5. In the locations identified in clauses (3a) and (3b) of Schedule 1:
 - a) The person in control of the dog must not leave it tethered and unattended for more than 10 minutes.

Note: Dogs may be tethered by securely fastening a lead in such a way as to ensure the dog does not wander into pedestrian traffic and to minimise nuisance to others.

6. Dogs are required to be kept **on-lead** and under **continuous control** in the following Council sportsgrounds as shown in maps pages 16 and 17:
 - a) Centennial Park.
 - b) Weston Park.
 - c) King George Park
 - d) Awamoa Park West
 - e) Mill Domain, Kurow Domain:

See Schedule 3 (1g) for further conditions on physically marked pitches.

7. Providing that a dog/s is kept **on-lead** and under **continuous control**, the following areas are provided for as **lead-only areas**:

a) **Between the hours of sunrise and sunset** the Oamaru Harbour coastal area (between and inclusive of Holmes Wharf and the commercial Oamaru Penguin Colony) subject to meeting the following condition:

- (i) The person in control of the dog must not leave it tethered and unattended for more than 10 minutes.

b) Harbour Street, Oamaru; subject to meeting the following condition:

- (i) The person in control of the dog must not leave it tethered and unattended for more than 10 minutes.

As shown in map page 18.

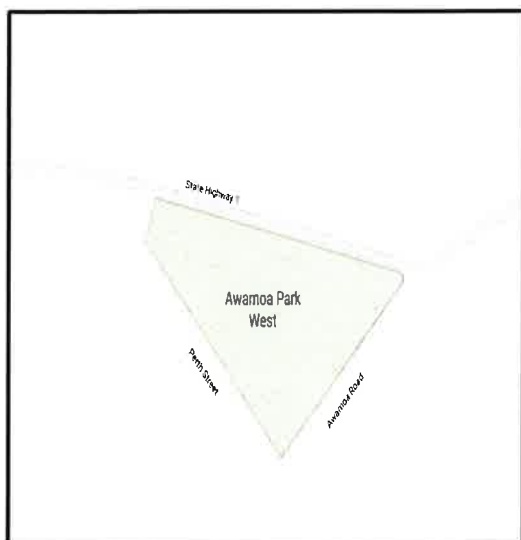
Note: *Dogs may be tethered by securely fastening a lead in such a way as to ensure the dog does not wander into pedestrian traffic and to minimise nuisance to others.*

8. Every dog shall be kept **on-lead and under continuous control** when it is likely to injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife (excluding working dogs that are under the control of their owner, and/or being taken by their owner to or from the place where the dog is to be or has been employed as a working dog).

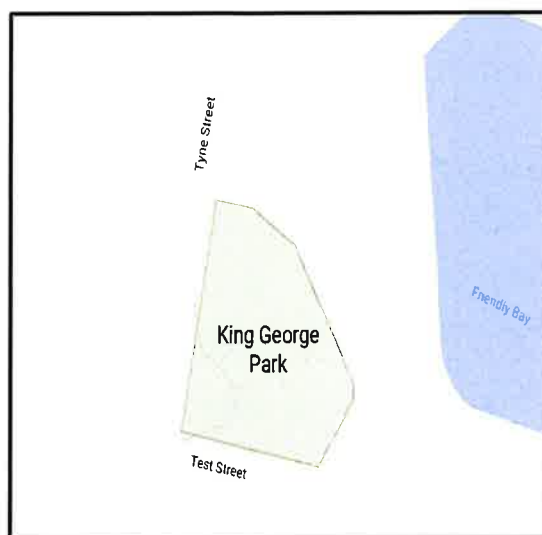
Note: *All maps shown within this Bylaw are provided as a guide. For a detailed description of dog related access to an area, please visit the Waitaki District Council interactive Dog Bylaw map: www.waitaki.govt.nz – search 'Maps' – 'online interactive maps' – drop down box 'Dog Control Bylaw'*

Dog Control Bylaw 2024: WDC Council Sportsgrounds (1)

Dogs are required to be kept **on-lead** and under **continuous control** in the following Council sportsgrounds. Dogs are **not** permitted on marked pitches.



Awamoa Park West, Oamaru



King George Park, Oamaru



Weston Park, Weston

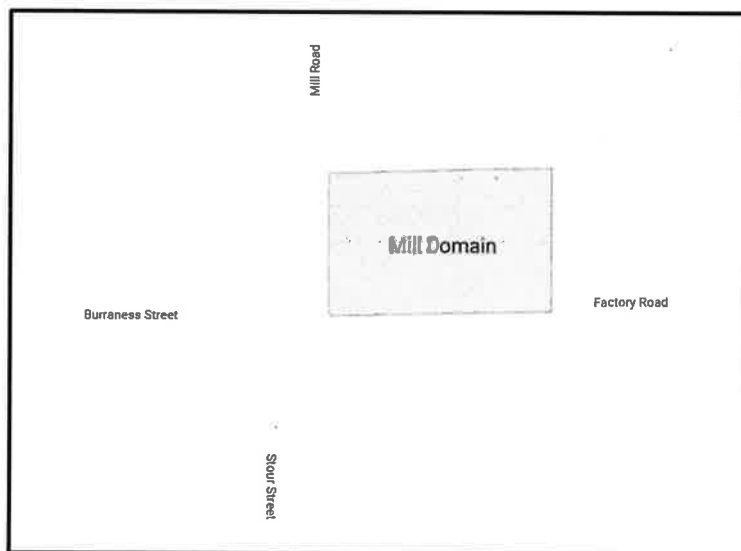


Centennial Park, Oamaru

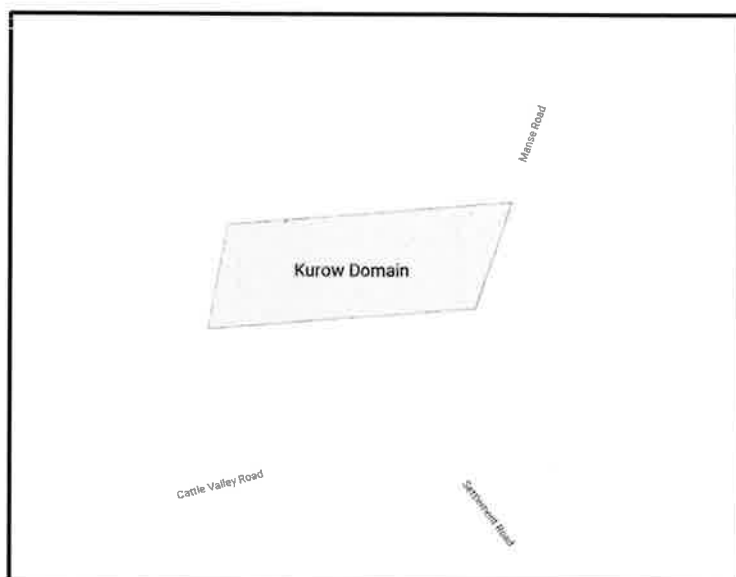
This information is made available in good faith, but its accuracy is not guaranteed. Waitaki District Council accepts no liability for any error.

Dog Control Bylaw 2024: WDC Council Sportsgrounds (2)

Dogs are required to be kept **on-lead** and under **continuous control** in the following Council sportsgrounds. Dogs are **not** permitted on marked pitches.



Mill Domain, Palmerston



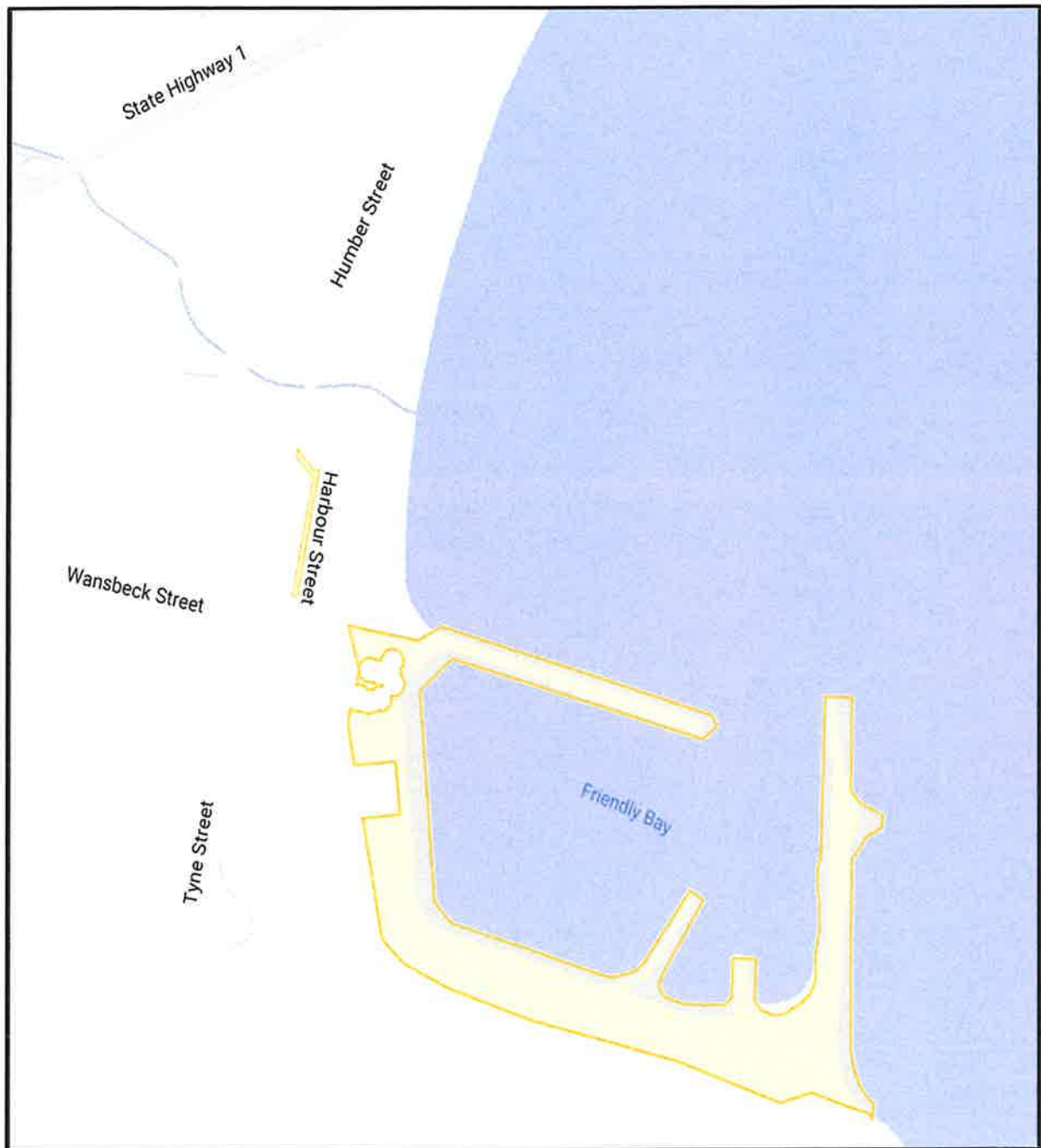
Kurow Domain, Kurow

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Dog Control Bylaw 2024: Oamaru Harbour Coastal Area Including Harbour Street

The areas marked in yellow below are subject to the following:

Dogs are required to be **on-lead between the hours of Sunrise to Sunset, from Sunset to Sunrise dogs are prohibited** from these areas.



Harbour Coastal Area & Harbour Street, Oamaru

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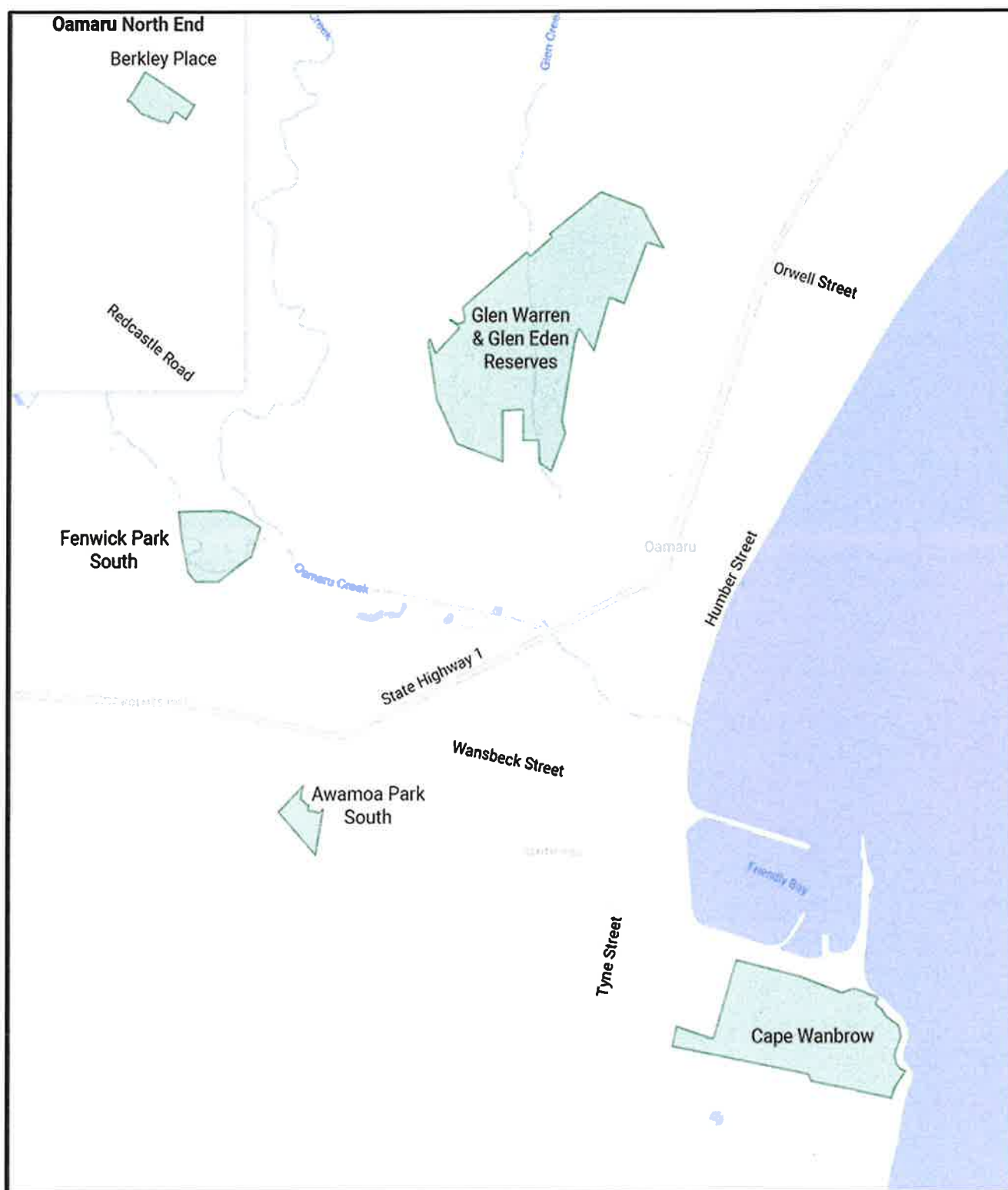
SCHEDULE 2: Designated off-lead dog exercise areas

1. Providing that a dog/s is kept under **effective control**, the following areas are provided for as **designated off-lead dog exercise areas at all times** (excluding within 10 metres from children's playground equipment where dogs are prohibited):

OAMARU:	<ul style="list-style-type: none">• Berkeley Place Park• Fenwick Park South• Awamoa Park East• Cape Wanbrow• Glen Eden Reserve* (restricted access during lambing season)• Glen Warren Reserve* (restricted access during lambing season)
KUROW:	<ul style="list-style-type: none">• Kurow Railway Reserve
OTEMATATA	<ul style="list-style-type: none">• Sefton Place Reserve
OMARAMA:	Omarama Recreation Reserve (eastern end).

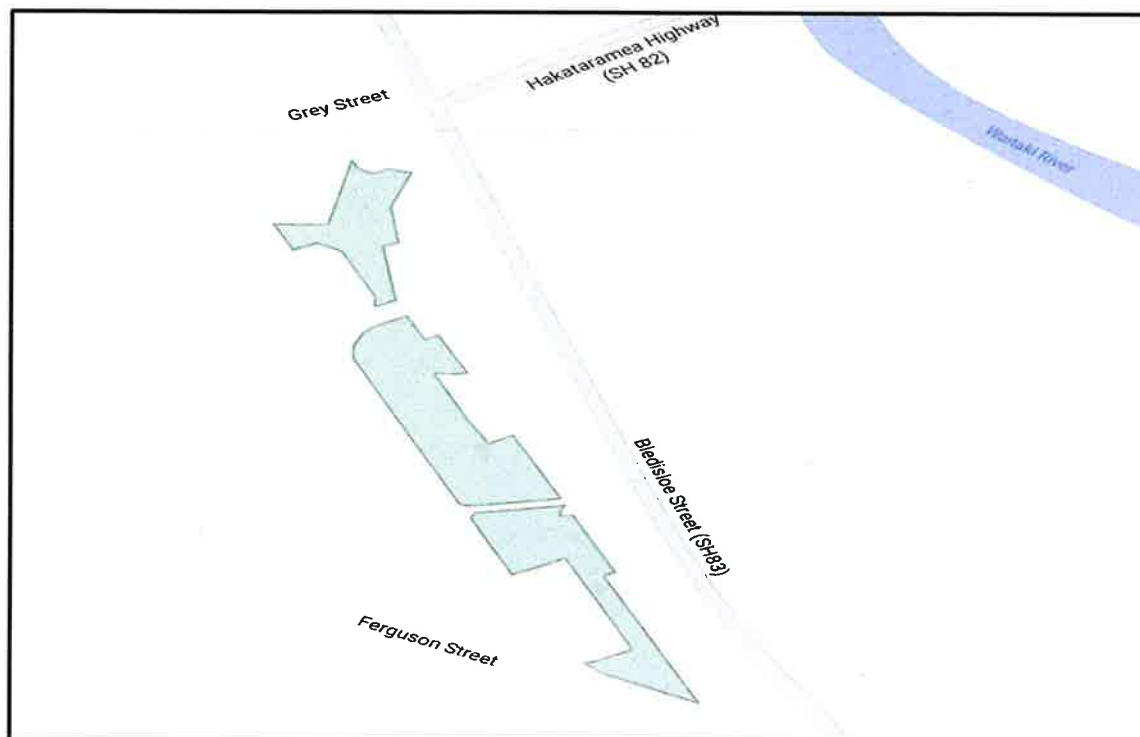
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Dog Control Bylaw 2024: Designated off-lead dog exercise areas

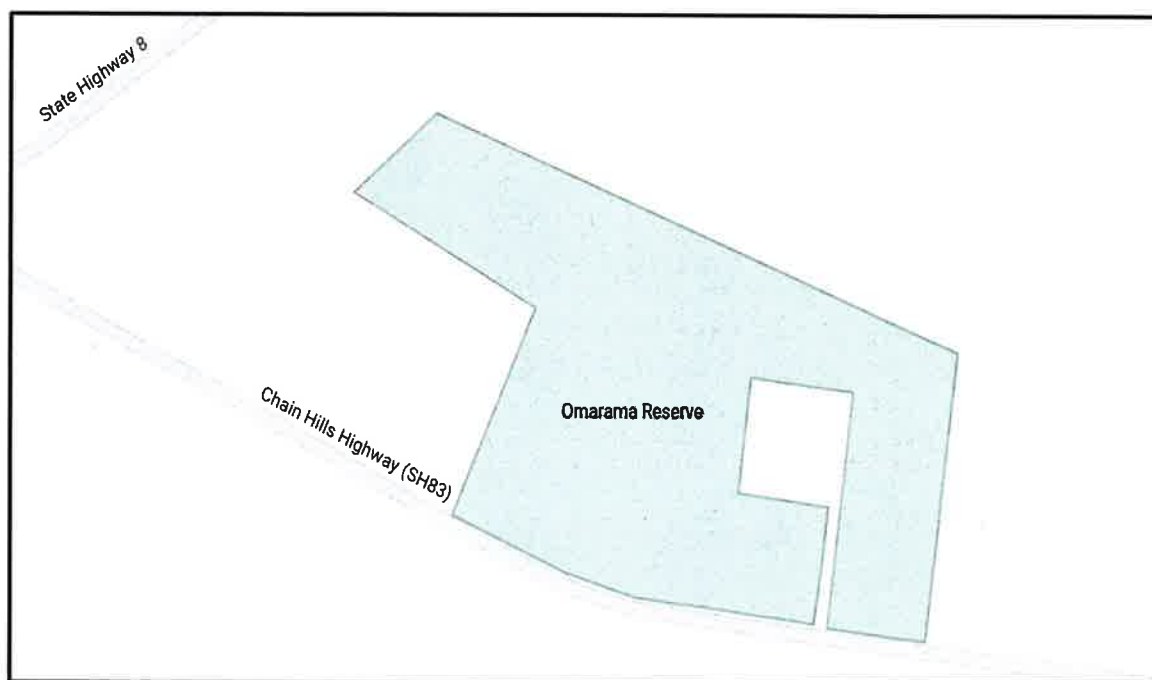


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Dog Control Bylaw 2024: Designated off-lead dog exercise areas



Railway Reserve, Kurow



Omarama Reserve SH 83

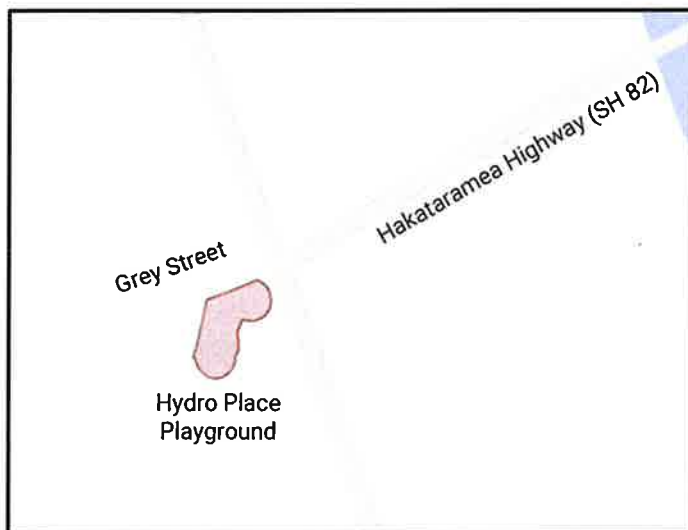
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SCHEDULE 3: Prohibited dog areas

1. No dogs are allowed to remain in any Prohibited dog area namely:
 - a. All childrens playgrounds within the Waitaki District.
 - b. Oamaru coastal area between Harbourside Gardens and Holmes Wharf.
 - c. Oamaru coastal area between the commercial Oamaru Penguin Colony and Bushy Beach.
 - d. Moeraki coastal area between Okahau Point and Katiki Point.
 - e. Shag Point coastal area.
 - f. Kakanui Esplanade Reserve coastal area.
 - g. Kakanui river mouth. From the south end of Cobblestone Road to the mouth of the river.
 - h. All marked pitches on the Council sportsgrounds of Centennial Park, Weston Park, King George Park, Awamoa Park West, Mill Domain, and Kurow Domain.
 - i. Within 10 metres of children's play equipment on Council managed reserves, except whilst passing by on a lead and under **continuous control**.
 - j. Within 10 metres of any identified protected wildlife colony throughout the District.
 - k. Oamaru Water Treatment Reservoir between Reservoir Road and Ardgowan Road.
 - l. **Between the hours of sunset and sunrise**, Oamaru Harbour coastal area between Holmes Wharf and the commercial Oamaru Penguin Colony and Harbour Street.
 - m. In all relevant public reserves during the lambing season.

Dog Control Bylaw 2024: Prohibited Areas

Dogs are prohibited from the following areas.

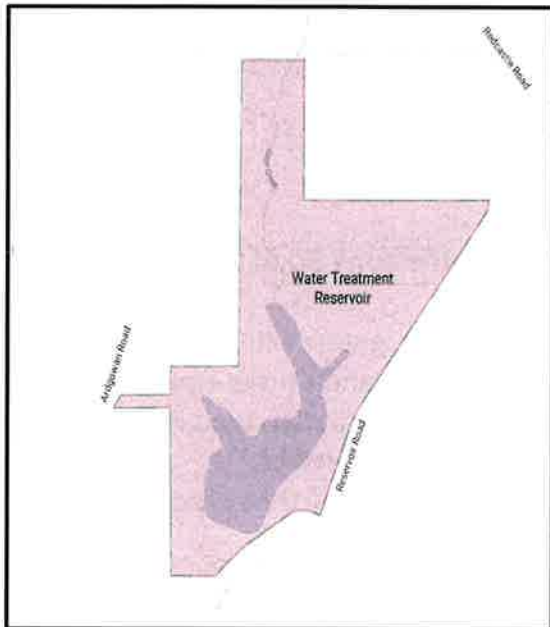


Hydro Place Playground, Kurow

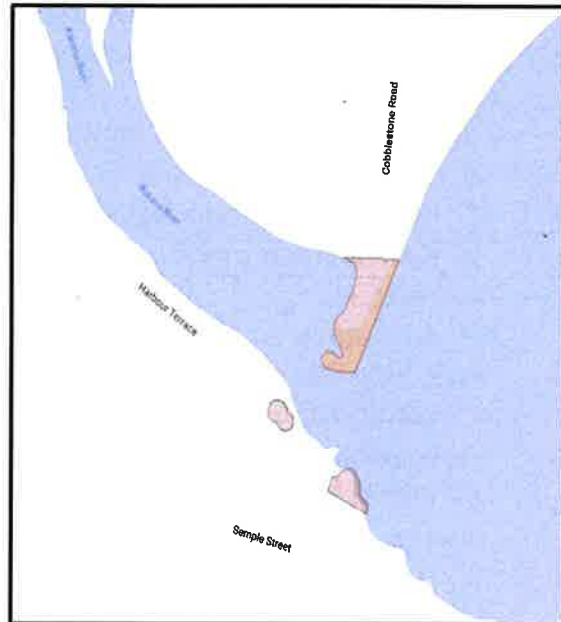
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Dog Control Bylaw 2024: Prohibited Areas

Dogs are prohibited from the following areas.



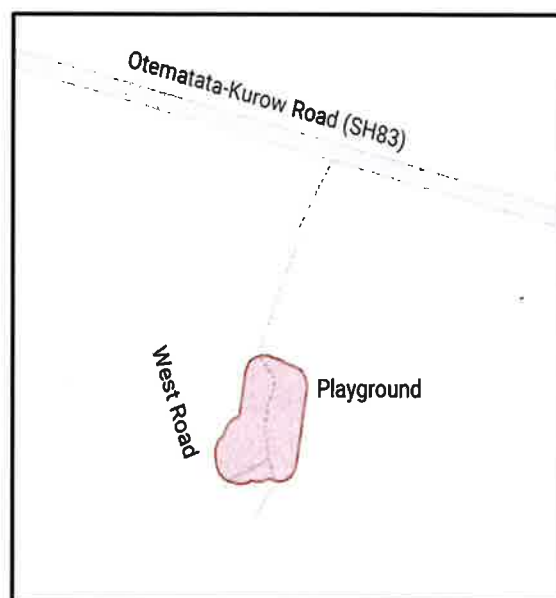
**Oamaru Water Treatment Reservoir
Between Ardgowan Rd and Reservoir Rd**



Kakanui River Mouth, Kakanui



Omarama Playground, Omarama

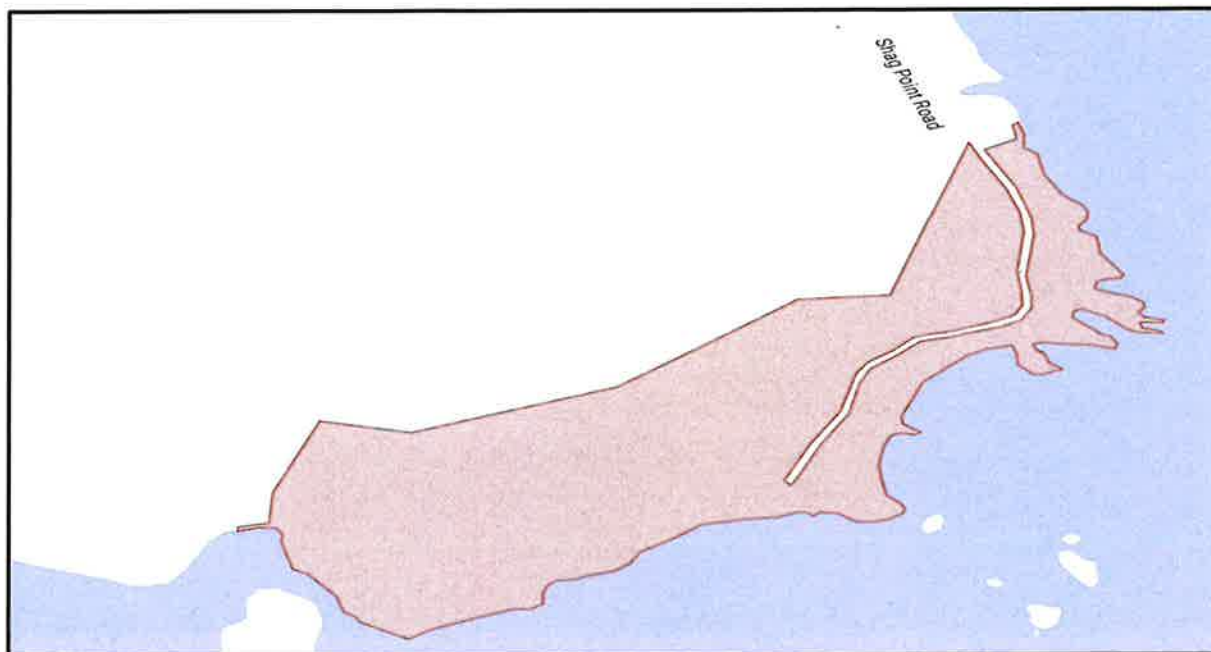


Otematata Playground, Otematata

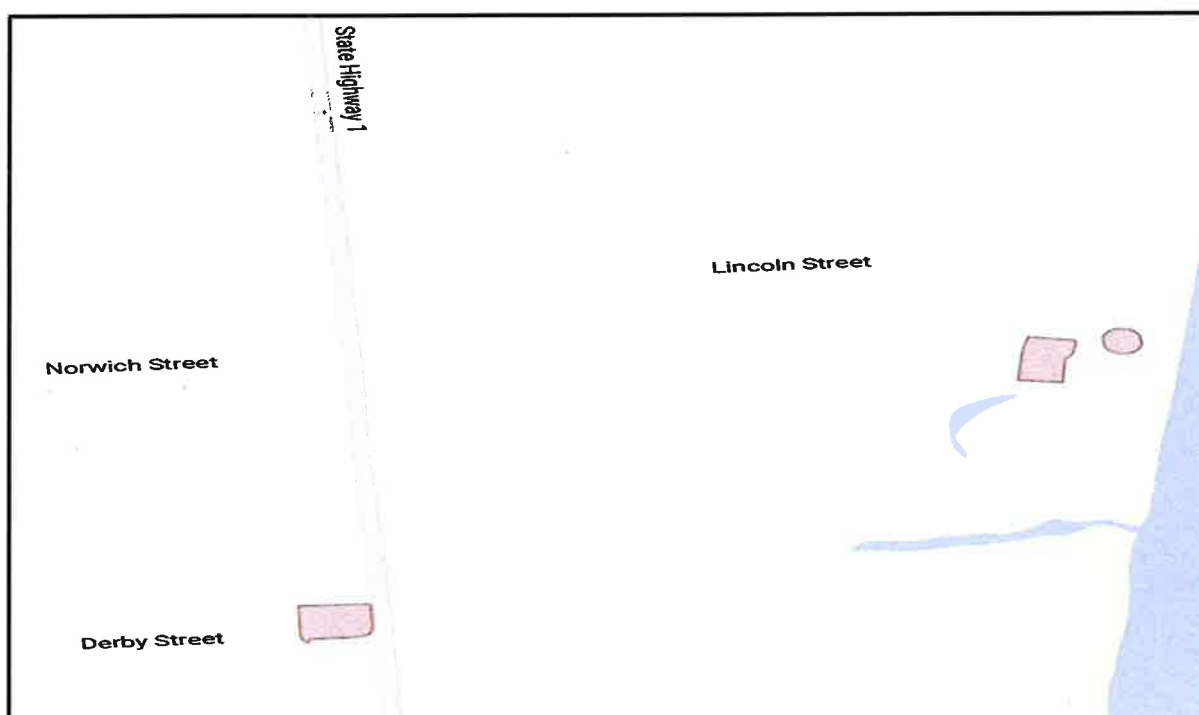
**This information is made available in good faith, but its accuracy is not guaranteed.
Waitaki District Council accepts no liability for any error.**

Dog Control Bylaw 2024: Prohibited Areas

Dogs are prohibited from the following areas.



Shag Point Rd (Southeast End), Shag Point

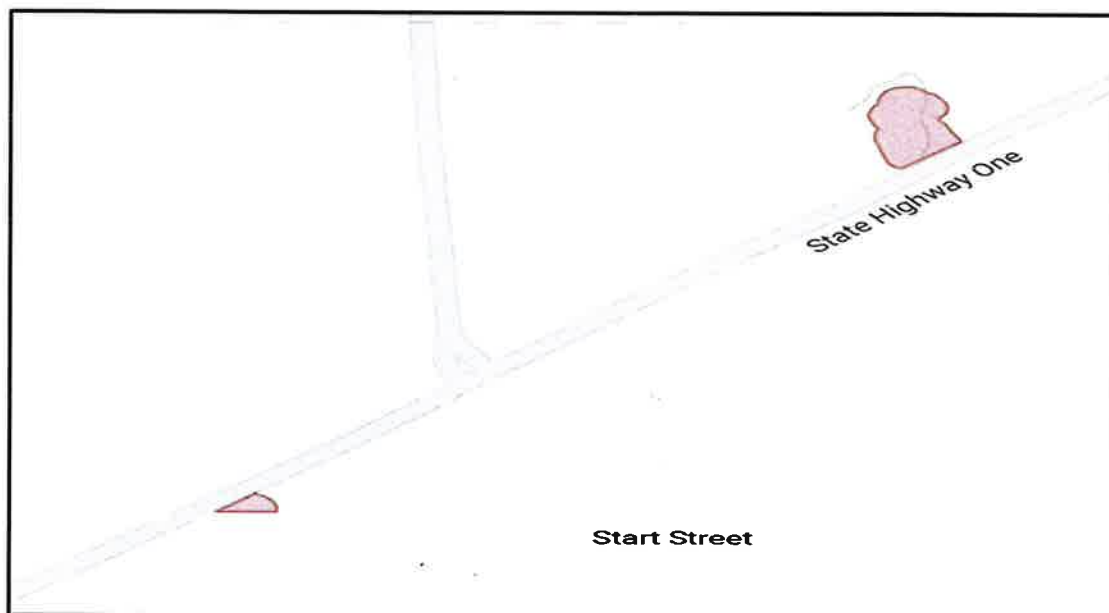


Hampden Bowling Club, Hampden & Hampden Beach Playground, Hampden

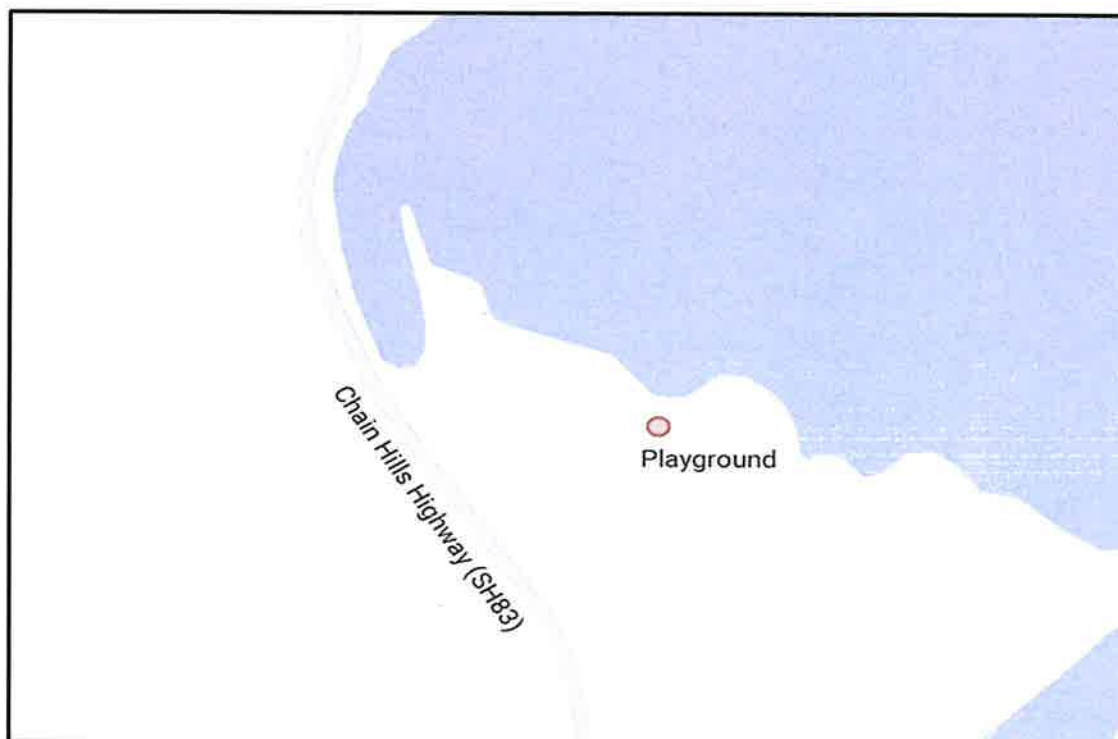
This information is made available in good faith, but its accuracy is not guaranteed.
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Dog Control Bylaw 2024: Prohibited Areas

Dogs are prohibited from the following areas.



Palmerston Playgrounds, Palmerston

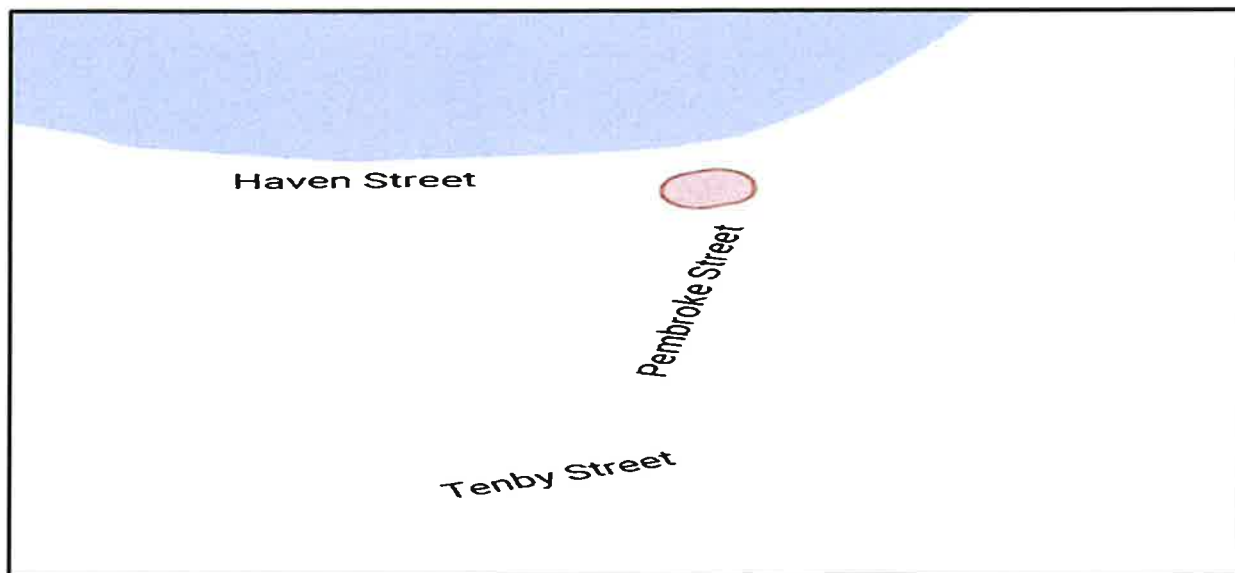


Boat Harbour Playground SH 83 Otematata - Omarama

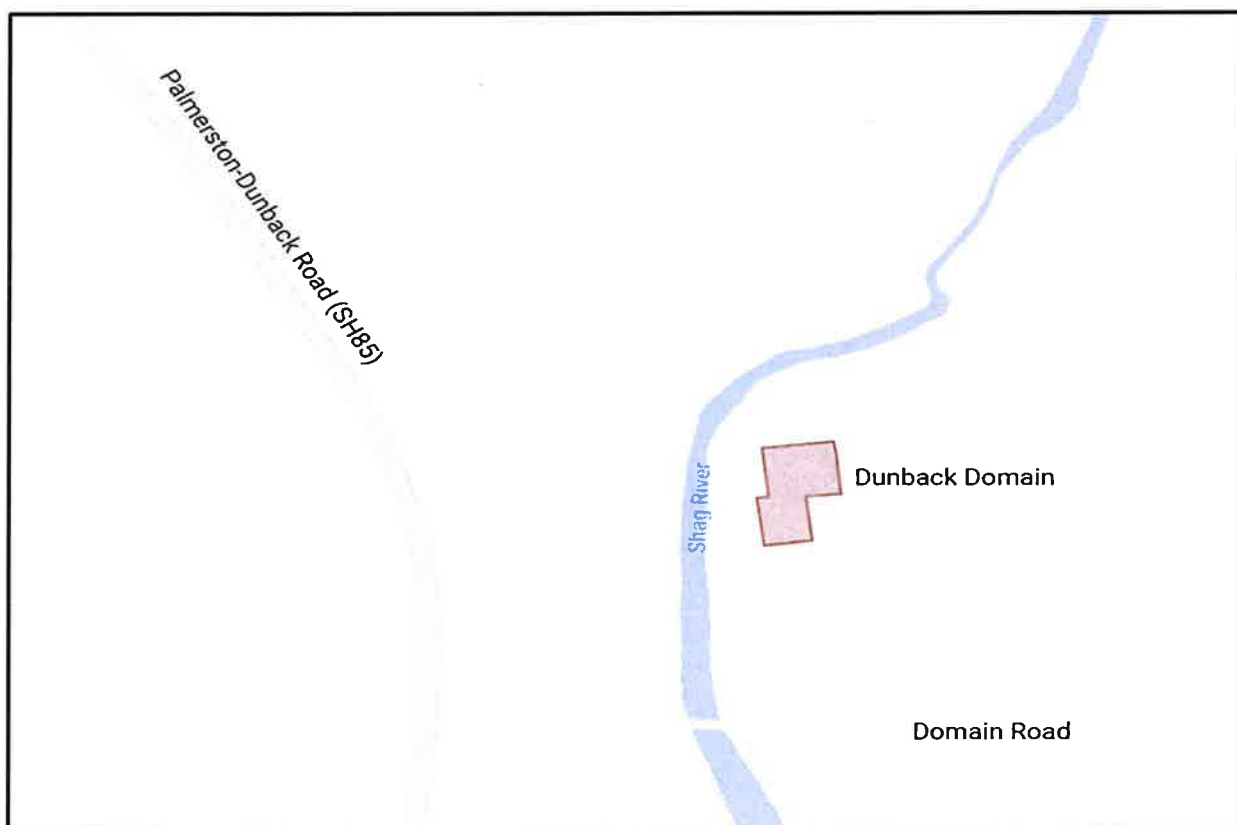
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Dog Control Bylaw 2024: Prohibited Areas

Dogs are prohibited from the following areas.



Moeraki Centenary Park Playground, Moeraki

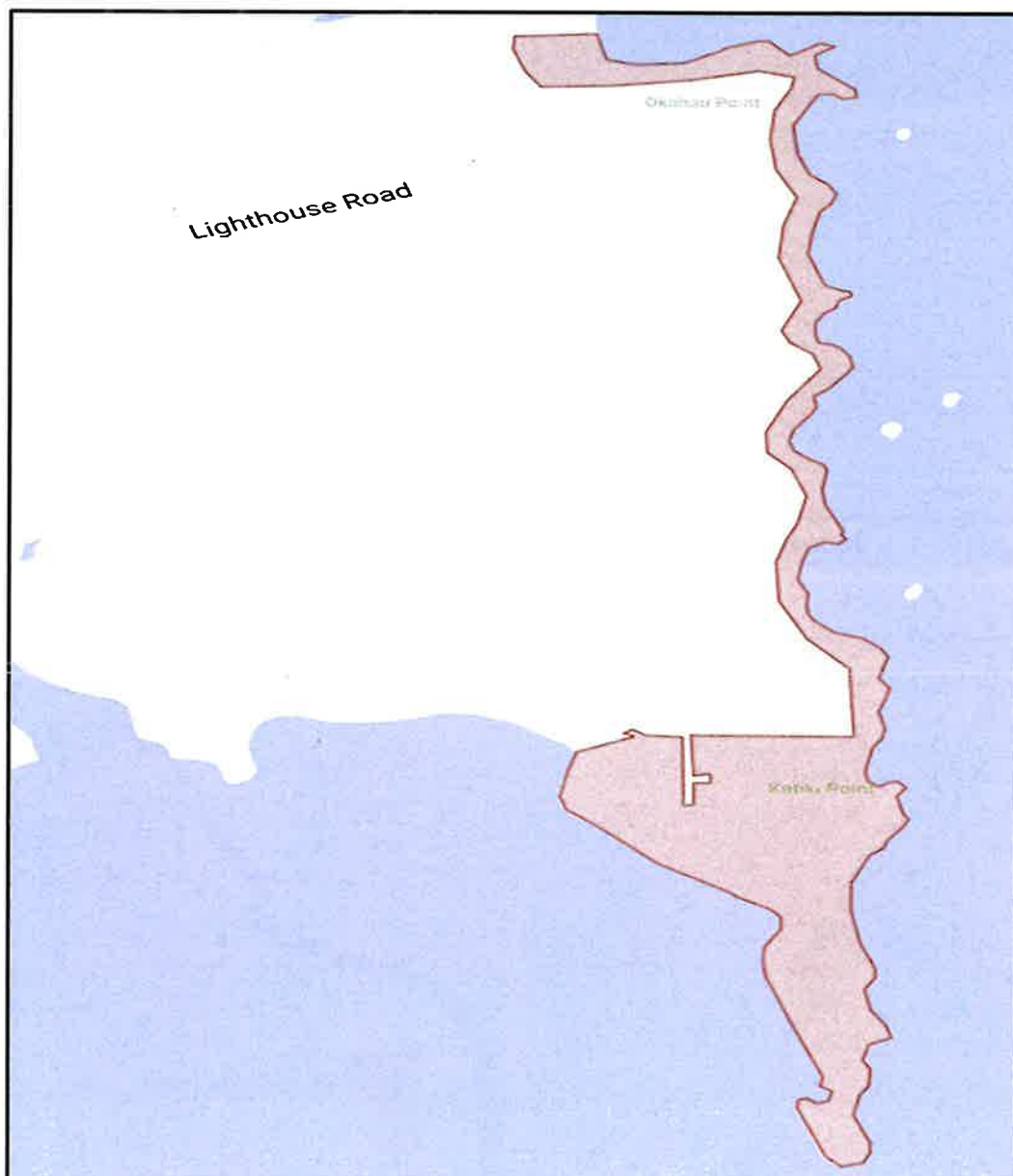


Dunback Domain, Dunback

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Waitaki District Council accepts no liability for any error.**

Dog Control Bylaw 2024: Prohibited Areas

Dogs are prohibited from the following areas.



Okahau Point to Katiki Point, Moeraki

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Note: All maps shown within this Bylaw are provided as a guide. For a detailed description of dog related access to an area, please visit the Waitaki District Council interactive Dog Bylaw map: www.waitaki.govt.nz – search 'Maps' – 'online interactive maps' – drop down box 'Dog Control Bylaw'

SCHEDULE 4: Interpretation

Act means the Dog Control Act 1996.

Animal Control officer has the same meaning as 'Dog Control Officer' as appointed under section 11 of the Act and includes a warranted officer exercising powers under section 17 of the Act.

Continuous control means that the dog is kept under control by means of a lead which is secured or held by a person capable of restraining the dog so that the dog cannot break loose.

Council means the Waitaki District Council.

Disability Assist Dog means a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:

- (a) Hearing Dogs for Deaf People New Zealand
- (b) Mobility Assistance Dogs Trust
- (c) New Zealand Epilepsy Assist Dogs Trust
- (d) Royal New Zealand Foundation of the Blind
- (e) Top Dog Companion Trust
- (f) An organisation specified in an Order in Council made under section 78D of the Act.

District means the area administered by the Waitaki District Council.

Designated off-lead dog exercise area means any area set out in Schedule 2 of this Bylaw as an off-lead exercise area for dogs and their owners.

Effective control means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a lead, voice commands, hand signals, whistles or other effective means.

Farm pet dog means a dog kept on a rural property of 4 hectares in size or greater for the purpose of a pet, and not for solely or principally for the purposes of a working dog (see working dog definition).

Infringement notice means an offence specified in Schedule 1 of the Act.

Lead means an adequate restraint capable of restraining a dog.

Menacing dog means a dog which poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog or any characteristics typically associated with the dog's breed or type; or which is specified as menacing by breed in Schedule 4 of the Act.

Nuisance means excessive barking or any activity or behaviour that results in inconvenience or annoyance to any member of the community, domestic animals, or any other wildlife.

Neutered dog means a dog that has been sprayed or castrated and does not include a dog that has been vasectomised.

Owner means every person who:

- (a) Owns a dog; or
- (b) Has possession of the dog, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- (c) Is the parent or guardian of a person under the age of 16 years who;
 - (i) Is the owner of the dog pursuant to paragraph (a) or (b) of this definition, and
 - (ii) Is a member of the parent or guardian's household living with and dependent on the parent or guardian;—

But does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any regulation made under any of those Acts.

Public Place

- (a) Means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- (b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward:
- (c) A public place does not include a private vehicle.

Prohibited dog area means a public place within the District where a dog is prohibited either generally or at specified times.

Reasonable excuse means a valid reason for doing or not doing something, based on good judgment and fairness.

Reserve means any land set aside for public purpose under the management or control of Council that is subject to the Reserves Act 1977.

Responsible person refer to clause (b) under the definition of "Owner."

Rushing dog means any dog in a public place that

- (a) rushes at, or startles, any person or animal in a manner that causes—
 - (i) any person to be killed, injured, or endangered; or
 - (ii) any property to be damaged or endangered; or
- (b) rushes at any vehicle in a manner that causes, or is likely to cause, an accident.

Stock means

- (a) any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule, or water buffalo that is not in a wild state;
- (b) any deer, goat, tahr, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes.

Suitable Receptacle means a plastic bag, a paper bag or any acceptable container.

Tethered means securely fastening a lead in such a way as to ensure the dog is not allowed to wander into pedestrian traffic, or to cause a nuisance to any person.

Under effective control means the owner or person in charge of a dog is aware of where the dog is and what it is doing, and that the dog is responsive to commands and is not creating a nuisance.

Urban Area means an area which is either within or adjacent to the built-up area of a town, village or settlement.

Working dog as defined in the Dog Control Act 1996, Sec 2

- (a) any disability assist dog:
- (b) any dog—
 - (i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or
 - (ii) kept solely or principally for the purposes of herding or driving stock; or
 - (iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
 - (iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or
 - (v) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
 - (vi) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or
 - (vii) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
 - (viii) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or

- (ix) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

In the Waitaki District, working dogs must be kept solely or principally for the purposes set out above, and this definition does not include a farm pet dog.