

Dog Control Policy

2021

Dog Control Policy 2021

REVISION HISTORY

Date Adopted:	16 November 2021
Review Date:	16 November 2024
Department:	Operations
Responsible Officer:	Manager Planning
Sponsor:	Group Manager Operations
Adopted by:	Chief Executive

1. Introduction

This Policy is the Mackenzie District Council Dog Control Policy 2021.

This Policy shall come into force on 16 November 2021.

This Policy has been made pursuant to section 10 of the Dog Control Act 1996 which requires Council to have a policy in respect of dogs.

2. Purpose

The purpose of this Policy is:

- to ensure dog owners in the Mackenzie District met their obligations under the Dog Control Act 1996;
- to minimise the potential danger, distress, and nuisance to the community caused by dogs;
- to avoid the inherent danger in allowing dogs to have uncontrolled access to public places;
- to enable the public to use streets and public amenities without fear of attack or intimidation by dogs and
- to provide for the exercise and recreational needs of dogs and their owners.

3. Interpretations

For the purposes of this Policy the following definitions shall apply. Where a definition has the same meaning as a definition in the Dog Control Act 1996 (the Act), the definition for the purposes of this Policy includes any subsequent amendment to the definition in the Act.

For the avoidance of doubt, where a definition in the Act differs from a definition in the Policy, the definition in the Act takes precedence.

Act	the Dog Control Act 1996
Bylaw	the Mackenzie District Council Dog Control Bylaw 2021
Continuous Control	a dog that is restrained by a leash in a public place
Council	the Mackenzie District Council
Dangerous Dog	a dog classified as dangerous by the Council under section 31 or 33ED of the Act
Disability Assist Dog	the same meaning as section 2 of the Act and generally means any dog certified to assist a person with a visual, hearing, mobility or other disability
Dog Control Officer	a Council Officer appointed as a warranted Dog Control Officer under section 11 of the Act

Dog Control Policy 2021

Dog Ranger	a ranger appointed under section 12 of the Act and includes an honorary dog ranger
Dog Exercise Area	any public place defined within the District where a dog may be exercised off leash
Dog Prohibited Area	any public place within the District where a dog is prohibited either generally or at specified times
Effective Control	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
Leash	an adequate restraint, which may include a lead attached to a collar or harness, not exceeding 2 meters in length, that allows for the control of a dog when in a public place
Leash Control Area	any public place in the District where a dog is required to be kept under continuous control by means of a leash
Menacing Dog	a dog classified as menacing under sections 33A or 33C or 33ED of the Act
Nuisance	anything which interferes with or threatens the health or enjoyment of people, and includes things such as barking, causing distress via intimidating behavior (such as aggressive barking or rushing), or attacking people, wildlife, or other animals
Neutered Dog	a dog that has been spayed or castrated
Owner	the same meaning as section 2 of the Act and generally means the person who owns a dog, the parent or guardian of someone who is under the age of 16 who owns a dog, or a person who is looking after a dog and is responsible for it and includes any person who resides permanently at the dogs usual place of residence
Public Place	the same meaning as section 2 of the Act and generally means a place that is open to the public whether or not it is private property
Urban Areas	land zoned Residential 1,2,3 and 4 and land zoned Rural Residential 1 and 2 in the Operative Mackenzie District Plan 2004
Working Dogs	the same meaning as section 2 of the Act and generally means any dog carrying out functions and duties: <ul style="list-style-type: none"> • relating to farming, such as hearing stock; • under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defense, corrections, customs, security biosecurity, pest management, emergency management or conservation; and • under the direction of private security guard in the execution of their duties

4. Dog Control Bylaw

This Policy shall be read in conjunction with the Mackenzie District Council Dog Control Bylaw 2021 which is required under section 10(6) of the Act to enforce and give effect to the Dog Control Policy.

4.1 Nature and Application of Bylaw

The Councils Dog Control Bylaw 2021:

- promotes the responsible management of dogs in public places;
- provides for the recreational needs of dogs and their owners; and
- minimises the potential for dogs to cause harm, distress or nuisance to the community, animals and wildlife.

Matters covered in the Dog Control Bylaw 2021 include:

- the control of dogs in public places;
- prohibiting dogs from specified public places;
- requiring dogs to be on a leash in specified public places;
- designating specified areas as dog exercise areas;
- placing limitations on the number of dogs that may be kept on properties in urban areas;
- regulations for female dogs in season;
- setting minimum accommodation standards for dogs;
- the disposal of dogs; and
- offences and penalties.

5. Obligations of Dog Owners

The Councils Dog Control Policy and Dog Control Bylaw 2021 set the expectations for dog owners within the Mackenzie District, such as public places where you can or cannot take your dog or places where dogs must be kept on a leash. All dog owners are required to understand the dog owner requirements and obligations set out in this Policy and the Bylaw.

Animal welfare matters are covered by the Animal Welfare Act 1999 and the Animal Welfare (Dogs) Code of Welfare, which sets out the minimum standards and recommendations relating to all aspects of the care of dogs. Animal welfare matters relating to companion animals are largely enforced by the Society for the Prevention of Cruelty of Animals (SPCA).

5.1 Keeping a Dog Under Effective Control

Dog owners are required to always keep their dogs under effective control when in public places. The owner or person in charge of the dog in a public place must:

- be aware of where the dog is and what it is doing;

- ensure the dog is responsive to commands; and
- ensure it is not creating a nuisance.

Under the Act all dog owners are also required to carry a leash when taking their dogs into public places, whether or not the public place is a leashed area (section 54A). This is because unexpected situations may arise that require a dog to be leashed to keep the dog under control or keep it safe.

5.2 Dog Fouling

Any dog owner or person in charge of a dog must carry the means of picking up and removing any fouling (dog faeces) when in public places (for example a plastic bag). The dog owner or person in charge of the dog must remove any fouling and dispose of it in a hygienic manner.

Dog faeces can harbor disease and parasitic infection that can make other dogs or people unwell. It is also unpleasant and can cause a nuisance. Plastic bags, or an equivalent alternative, are an ideal way of picking up and removing dog faeces and must be carried at all times when in public places.

5.3 Health and Wellbeing

Any dog owner or person in charge of a dog shall ensure the dog has adequate physical welling through acceptable nutrition, environmental health and behavioral stimulus, and adequate mental wellbeing.

6. Registration of Dogs

Under section 36 of the Act all dogs in New Zealand must be registered. All dogs must be registered by 30 June each year and must be registered for the first time before they are three months old.

Registration is required to keep an up-to-date record of all dogs and their owners, to allow for the return of lost dogs to their owners and to generate revenue for providing dog control services in the District.

It is an offence not to register a dog that is over the age of three months or to knowingly provide false information on a dog registration application form. Unregistered dogs may be impounded by a Dog Control Officer or an infringement notice (instant fine) may be issued.

6.1 Dog Registration Classifications

The registration classifications in the Mackenzie District are as follows:

- Urban Dogs
- Neutered, Urban Dogs
- Rural and Working Dogs
- Disability Assist Dogs
- Dangerous and Menacing Dogs
- Responsible Dog Owner Status

6.2 The Setting of Dog Registration Fees

Registration fees are set through Councils Annual Plan process and are notified to all registered dog owners at registration time and listed on the Council website. Registration fees are set by Council to cover the cost of providing dog control services and to ensure dogs do not cause a nuisance to the community. In considering the dog registration fees Council will:

- set a standard urban dog registration fee;
- set a fee for spayed/neutered dogs that is less than the standard urban registration fee;
- set a fee for rural and working dogs that is less than the standard urban registration fee;
- set a fee for dangerous and menacing dogs that is higher than the standard urban registration fee; and
- set a fee for responsible dog owners that is less than the standard urban dog registration fee.

Registration fees paid late will incur a late payment penalty. The penalty is an additional 50% of the registration fee.

6.3 Urban Dogs

The standard urban dog registration fee applies to dogs being kept in the districts urban settlements of Fairlie, Albury, Kimbell, Tekapo, Twizel and Burkes Pass and includes land zoned Residential 1, 2, 3, 4 and Rural Residential 1 and 2 in the Operative Mackenzie District Plan 2004.

6.4 Neutered Urban Dogs

The Council encourage de-sexing by offering a discount on registration fees for neutered or spayed dogs. To apply for the reduced fee, you must provide written confirmation of de-sexing along with your dog's registration application form. De-sexing is important to reduce unwanted pregnancies and to reduce aggression in some dogs.

6.5 Rural and Working Dogs

Dog registration fees for rural and working dogs are less than the standard dog registration fee. Rural dogs are dogs that are housed on a working farm and kept solely or principally to contribute to the farm or to otherwise to assist in farming activities or as a household pet. Working dogs, for the purposes of registration, are dogs carrying out functions and duties:

- relating to farming, such as hearing stock;
- under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defence, corrections, customs, security biosecurity, pest management, emergency management or conservation; and
- under the direction of private security guard in the execution of their duties.

6.7 Disability Assist Dogs

The Council recognise the importance disability and support dogs by offering no charge on registration fees for these dogs. To apply for Disability Assist Dogs Registration written confirmation that the dog is certified

by one of the following organisations as being a dog that has been trained (or is being trained) to assist a person with a disability shall be provided with your dog's registration application form:

- Hearing Dogs for Deaf People New Zealand;
- Mobility Assistance Dogs Trust;
- New Zealand Epilepsy Assist Dogs Trust;
- Royal New Zealand Foundation of the Blind;
- Top Dog Companion Trust; and
- An organisation specified in an Order in Council made under section 78D of the Act.

6.8 Dangerous and Menacing Dogs

Dogs classified as dangerous and/or menacing require a higher registration fee. For more information on dangerous and/or menacing dogs refer to sections 31-33F of the Act or section 13 of this Policy.

6.9 Responsible Dog Owner Status

The Council encourages responsible dog ownership through the promotion of its Responsible Dog Owner Status. The Responsible Dog Owner Status is a special dog ownership status that recognises good, responsible dog owners and entitles them to a reduced annual dog registration fee. Dog owners eligible to be classified as a Responsible Dog Owner must have:

- a record of good and responsible dog ownership;
- consistent and timely payment of dog registration fees; and
- a history of compliance with relevant legislation.

6.9.1 Responsible Dog Owner Application Criteria

A dog owner wanting to apply for Responsible Dog Owner Status must meet the following criteria:

- the dog owner must have been the registered owner of a dog and have resided in the District for at least 12 months;
- the dog owner must have paid all registration fees on or before the 30 June for the last two years;
- the dog owner must have all dog's micro chipped in accordance with the Act. The microchip number must be provided to the Council;
- the dog owner must have a license to keep multiple dogs on their property (if applicable);
- the dog owner must inform the Council of any dog registration or residential address changes including information on the death, sale or transfer of any dogs and including the birth of any pups;
- the dog owner must have a property at which the dog resides that is suitably fenced and gated to contain the dog and allows dog free access to a door of the dwelling for authorised callers;
- the dog owner must provide for the welfare needs of the dog including providing adequate warm and dry housing, access to clean water and ample food and plenty of exercise area;
- the dog owner must have complied with the requirements of the Dog Control Bylaw and must not in the past two years have a dog that has been found at large, been uncontrolled or been chased, returned or impounded by Council, been issued with a warning notice or infringement notice or been prosecuted for any dog related offence.

Dog Control Policy 2021



Owners of dogs classified as menacing under the Act may be considered for Responsible Dog Owner Status provided all criteria are strictly met. The granting and retention of Responsible Dog Owner Status is at the discretion of the attending Dog Control Officer.

Owners of Dogs classified as dangerous under the Act are not eligible to apply for Responsible Dog Owner Status.

6.9.2 Responsible Dog Owner Conditions

A dog owner seeking Responsible Dog Owner Status must meet the above criteria and apply for the status online or at the Council officers in Fairlie and Twizel.

All dogs owned or kept by the applicant must be controlled in accordance with the Act and the Dog Control Bylaw.

The Council reserves the right to carry out random property inspections (in accordance with the Act) to ensure compliance.

Any breach of the criteria and conditions of this Policy will lead to the immediate withdrawal of the Responsible Dog Owner Status.

Should Responsible Dog Owner Status be withdrawn because the criteria and conditions of this Policy have been breached, the owner may not apply for, or be considered for, the status again until two years after the date of withdrawal.

6.9.3 Responsible Dog Owner Fees

The reduced fee for dog owners that have obtained Responsible Dog Owner Status is required to be paid by 30 June each year.

Failure to pay by 30 June will cause the Responsible Dog Owner Status to be lost, and the owner will then be ineligible to obtain the status again for two years and will have to pay the standard urban registration fee.

6.10 Change of Ownership

Where the ownership of a dog changes, the registration for that year will continue. The old and new owner must however advise the Council of any change to allow a new registration tag to be issued.

7. Micro-Chipping of Dogs

Except for working dogs, all dogs in New Zealand, first registered after 1 July 2006, must be implanted with a microchip. A microchip is about the size of a grain of rice and is implanted on a dog's back, towards the neck, between the shoulder blades and is a permanent method of identifying a dog than collars and tags which can be lost. It also enables a dog to be linked to its owner and can identify a dog which is aggressive, dangerous or menacing.

Where microchipping has not occurred, the Council may:

- issue a warning or an infringement notice;
- prosecute the owner; or
- microchip the dog (if impounded) and recover the costs from the owner or person taking possession of the dog.

The Council requires a copy of the implantation certificate at the time of registration.

8. Prohibited and Leashed Areas

Under the Act, a policy in respect of dogs shall identify any public places in which dogs are to be Prohibited (not allowed) and any public places which dogs are to be controlled on a leash. If a public place is not listed in this Policy, it means that dogs are allowed off leash but must be under effective control.

8.1 Prohibited Areas

The places in the Mackenzie District where dogs are prohibited (not allowed) are:

- any premise used as a community library;
- any public swimming pool owned or controlled by the Council;
- any area used as a children's playground, including the playing area of any sports field and any skatepark;
- any land or premise used as a school, kindergarten or play centre unless specific approval has been obtained from the controlling authority; and
- any cemetery owned or controlled by the Council.

For more information on these areas, refer to Schedule 1 of this Policy.

8.2 Leashed Areas

The places in the Mackenzie District where dogs are required to controlled on a leash are:

- the Fairlie Village Centre, as defined by the Operative Mackenzie District Plan 2004 (District Plan);
- the Fairlie Village Green including the area around the playground and skatepark;
- the Tekapo Village Centre and Tekapo Domain, as defined by the District Plan;
- the Twizel Village Centre, as defined by the District Plan, including the Market Place Shopping Mall and Market Place car parking area;
- the peripheral area surrounding any sport field in the district for a distance of up to 10 metres; and
- all roads including associated pedestrian areas.

For more information on these areas, refer to Schedule 2 of this Policy.

8.3 Exemptions

Any working or disability assist dog, carrying out its respective duties, is exempt from the restrictions above. All working and disability assist dogs however must be on a leash in prohibited public places except those herding or driving stock which must be under effective control.

9. Dog Exercise Areas

The Council recognises the recreational and exercise needs of dogs and their owners and endeavors to provide the opportunity for dogs and their owners to access different public places across the district.

Many parks and reserves allow the opportunity for dog owners to exercise their dogs off leash and have been designated as dog exercise areas.

9.1 Dog Exercise Areas

The specific places designated as dog exercise areas in the Mackenzie District are:

- the Pines Picnic Area, Tekapo;
- the Recreation Land, as defined by the District Plan, at Glen Lyon Road between Nuns Veil Road and North West Arch, the land adjoining the rear boundaries of Tekapo Drive, Jollie Road and Wairepo Road and the North West Arch green areas, Twizel; and
- the Recreation Land, as defined by the District Plan, between Max Smith Drive and Lake Ruataniawha, Twizel.

A dog owner or person in charge of a dog within all exercise areas must have effective control of the dog and must have a leash in his/her possession.

For more information on the designated dog exercise areas, refer to Schedule 3 of this Policy. Any area not listed in the Schedule or not classified as a prohibited or leash area is automatically an under effective control area in accordance with section 5.1 of this Policy.

10. License to Own more than Two Dogs

Owners of more than two dogs over the age of three months in urban areas in the district must obtain a license to keep more than two dogs on their property.

The purpose of the license is to minimise the potential for nuisance associated with having too many dogs on urban properties where neighbors are in close proximity.

A license to own more than two dogs may be granted, have conditions imposed or be refused at the discretion of a Dog Control Officer.

Terms and conditions on the granting of permission, may include (but are not limited) to:

- specifying the number of dogs that may be kept at any one time;

- specifying the duration of the permission;
- restrictions as to the purpose for which such dogs may be kept;
- provision for hygiene, control, confinement and regular inspection;
- provision for the protection of other persons or property from being affected in any way by the dogs;
or
- provision for emergencies, including food, muzzles, leads for all dogs, and carriers.

On application, dog owners will have to pay the associated fee for permission to keep more than two dogs on a property.

11. Other Matters

11.1 Barking Dogs

When the Council receives a complaint about a barking dog it will investigate and, if found to be a problem, a Dog Control Officer will work with the dog owner to understand the extent of the barking, the reasons for the barking and will encourage solutions and behavior change so that the dog is no longer causing a nuisance.

If an owner is uncooperative, or the barking continues to be persistent or loud, a Barking Dog Abatement Notice may be issued under section 55 of the Act. If the abatement notice is not complied with, an infringement notice may be issued to the dog owner.

Dogs may also be impounded by a Dog Control Officer due to loud and persistent barking until Council is satisfied that returning the dog will not result in nuisance to the community.

Complaints about barking dogs may impact on the dog owner's ability to have Responsible Dog Ownership Status or to hold a license to own more than two dogs.

11.2 Uncontrolled and Roaming Dogs

Uncontrolled and roaming dogs can cause a significant nuisance. The majority of complaints the Council receive are to do with roaming dogs. When the Council receives a complaint about an uncontrolled or roaming dog a Dog Control Officer will attempt to pursue the dog with the intent of impounding them. If a Dog Control Officer is unable to capture a roaming dog, they will follow it home and speak to the owner. If the dog is unattended and has the ability to leave the property again it will be impounded.

If a dog is persistently seen uncontrolled or roaming an infringement notice may be issued to the dog owner.

The enforcement approach when dealing with uncontrolled and roaming dogs will be based on a graduated approach which includes engagement, education, encouragement and enforcement. Factors to be taken into consideration as to when an infringement notice may be issued include the seriousness of the offence, the public interest, and previous history of being uncontrolled and/or roaming.

11.3 Welfare of Dogs

Any dog owner or person in charge of a dog shall ensure the dog has adequate physical welling through acceptable nutrition, environmental health and behavioral stimulus, and adequate mental wellbeing. Dog Control Officers have the right of entry on land if they have reasonable grounds to suspect a dog is without food, water, or shelter.

12. Education and Training

Council does not offer a dog control education program. Increased public awareness of safety around dogs, particularly for children, however, is one of the best ways to reduce dog attacks in the long term. Toddlers and children should be supervised around dogs at all times. Most dog attacks happen to children in their own home or the homes of a relative or friend.

Responsible dog ownership and good behaviors from both dog owners and their dogs is another important part of reducing dog attacks, as well as reducing any danger, distress or nuisance that may be caused by dogs.

The Council is supportive of people undertaking dog training courses of all types. As well as behavior and discipline courses, dog agility courses can be a great way to understand and bond with your dog.

The Council encourages new dog owners to attend puppy or dog training courses to learn how to train the dog to understand simple commands and not to create a nuisance.

All dogs need to be able to understand and appropriately respond to simple commands if they are off leash in a public place in order to be under effective control.

13. Management of Dog Owners and Dogs

Under the Act, the Council can classify an owner as probationary and must classify an owner as disqualified under certain circumstances. The Council can also classify a dog as dangerous or menacing under certain circumstances. The Council will however endeavor to use a range of tools before these measures are undertaken including education or training or the issuing of infringement notices (instant fines).

13.1 Probationary Dog Owners

Where a person is convicted of an offence (not being an infringement offence) against the Act, or any other relevant legislation, or where a person commits three or more infringement offences (not relating to a single incident or occasion) within a continuous 24-month period the Council may classify that person as a probationary owner.

A probationary owner cannot become the owner of any new dogs (but may keep any registered dogs they already have) and must dispose of any unregistered dogs. The Council may require a probationary dog owner to undertake a dog education program or dog obedience course or both. This may require the owner to travel outside of the district. The cost for any dog/owner education will be met by the dog owner.

A probationary dog owner classification will continue for a period of 24 months unless there are extenuating circumstances.

For more information, including the process for objecting to the classification, refer to sections 21-24 of the Act.

13.2 Disqualified Dog Owners

Where a person is convicted of an offence (not being an infringement offence) against the Act, or any other relevant legislation, or where a person commits three or more infringement offences (not relating to a single incident or occasion) within a continuous 24-month period the Council must classify that person as a disqualified owner unless the Council is satisfied that the circumstances of the offence or offences are such that:

- disqualification is not warranted; or
- the Council instead classifies the owner as a probationary owner.

A disqualified dog owner cannot be the registered owner of a dog (for a specified period) and must dispose of every dog that they own. Disqualified dog owner status can apply for up to five years.

For more information, including the process for objecting to the classification, refer to sections 25-28 of the Act.

13.3 Dangerous Dogs

The Council must classify a dog as dangerous based on the owner being convicted of certain offences or based on sworn evidence that the dog is aggressive and constitutes a threat to the safety of people, stock, poultry, domestic animals or protected wildlife as set out in section 31 of the Act.

Dangerous dogs:

- must be kept within a securely fenced section of the owner's property (and dog free access to the house must be available at all times);
- must be muzzled and on a leash in all public places and private ways;
- must be neutered or spayed within one month of classification;
- must incur a registration fee that is 150% higher than a standard registration fee that would apply if the dog were not classified as dangerous;
- must not be sold or given away without the written consent of the Council; and
- must maintain their status as dangerous dog no matter whether they live in New Zealand.

Any person who fails to comply with the above matters commits an offence under the Act and is liable, on conviction, of a fine. A Dog Control Officer may also seize and remove the dog from the owners possession, and retain custody of the dog, until the Council is satisfied the above matters have been or will be met.

Complaints about dog attacks causing serious injury or harm will be referred to the Police as a criminal matter.

For more information, including the process for objecting to the classification, refer to sections 31-33 of the Act.

13.4 Menacing Dogs

The Council can classify a dog as menacing if it constitutes a threat to the safety of people, stock, poultry, domestic animals or protected wildlife or based on the dog's behavior or characteristics, typically associated with the dog breed or type, as set out in section 33A of the Act.

Menacing dogs must be muzzled and on a leash in all public places and private ways. The Council may also require dogs classified as menacing to be de-sexed within one month of classification.

For more information, including the process for objecting to the classification, refer to sections 33A-33EC of the Act.

13.4.1 De-sexing of Menacing Dogs

Any dog classified as menacing by the Council in accordance with section 33A or 33C of the Act must be de-sexed within one month of classification, unless:

- there is a veterinary reason for not de-sexing; or
- there would be a demonstrated potential financial loss to the owner from de-sexing (such as loss related to breeding or showing the dog).

The Council has discretion as whether or not to waive the requirement to de-sex, on a case-by-case basis and will also consider the seriousness and type of attack leading up to the classification.

The owner of a dog classified as menacing must, if required, by the Council produce a veterinary certificate showing the dog has been de-sexed or that is unfit to be de-sexed.

13.5 Prohibited Dogs

Schedule 4 of the Act prohibits the importation of any dog that belongs wholly or predominantly to one or more of the following breed types:

- Brazilian Fila
- Dogo Aregetino
- Japanese Tosa
- American Pit Bull Terrier
- Perro de Presa Canario

The prohibition does not apply to dogs training or being trained to assist people with disabilities.

14. Impounding of Dogs

The Act gives warranted Dog Control Officers the legal power to seize a dog in certain circumstances. Dog Control Officers can seize dogs that are found to be in breach of the Act, or any Bylaw made under the Act, which may include (but is not limited to):

- a dog that is not being supplied with sufficient food, water or shelter (section 15);
- a dog that is unregistered and more than three months of age (section 42);
- a dog that is not securely confined on private property (section 52A);
- a dog owner failing to comply with requirements when a dog is classed as dangerous (section 32).
- a dog owner failing to comply with requirements when a dog is classed as menacing (section 33EC).
- a dog not being under anyone's control in a public place (section 52);
- a barking dog where complaints have been laid, a notice has been issued to the owner and the dog continues to bark and cause a nuisance (section 56);
- a dog that attacks a person or animal (section 37);
- a dog that rushes at a person, animal or vehicle in a manner that causes death, injury or endangerment or the damage of property (section 57A);
- a dog that is at large in the vicinity of protected wildlife (section 59); and
- a dog that is at large among stock or poultry (section 60).

Where any dog is impounded and the owner is known, the Council will make all attempts to contact the owner. The owner then has seven days to recover the dog. Where the owner of the dog is unknown the Council must keep the dog for seven days. If the dog is not claimed, after this time the dog may be disposed of (e.g a new owner found) or destroyed.

The release of a dog back to its owner will depend on the circumstances under which it was seized. All fines or fees must be paid before the dog is released back to its owner including the cost of housing a dog in a shelter. A dog will not be returned back to its owner unless it is registered and micro chipped and all other requirements under the Act, and Bylaw, are met.

15. Infringement Notices and Prosecution

The Council aims to encourage people to comply with the regulatory requirements through education and working with people, rather than taking a hard environment approach.

The Council will however issue warnings at the Dog Control Officers discretion and or infringement notices (instant fines) for infringement offences as set out in Schedule 1 of the Act.

Dog Control officers will consider each situation on an individual bases and will have discretion as to what approach they choose to take.

Fine amounts are set in the Act and range from \$100 to \$750. The Council has no discretion to alter these fees. Once a fine has been issued the recipient has 28 days to pay it. Fines not paid will be recovered through the courts as provided for in the Summary Proceedings Act 1957.

Where an offence is considered to be serious and sufficient evidence exists, the Council will consider prosecuting an offender. This includes situations where a dog has:

- caused significant damage to property;
- caused significant damage or injury to any person or animal;
- caused severe distress; or
- caused danger, distress or nuisance to any person or the community on a number of occasions.

16. Conservation Act

The Act requires dog control policies to identify any areas in the district where there are dog restrictions on Department of Conservation land, including National Parks.

In the Mackenzie District dogs are prohibited from all National Parks in accordance with section 26ZS of the Conservation Act 1987, unless a special permit is granted. There are no areas of conservation land formally gazetted as open or controlled dog areas under the Conservation Act 1987 or the National Parks Act 1980.

The only dogs that do not require a permit on public conservation lands and waters, under the Canterbury Conservation Management Strategy, are those used for police, customs, management and search and rescue purposes, and disability assist dogs. To facilitate the recognition of disability assist dogs, the Department of Conservation prefers such dogs to wear Disability Assist Dog identification tag and be registered with the New Zealand Companion Animal Register.

For further information regarding dog access on public conservation land please contact the Department of Conservation directly.

Schedule 1

Dog Prohibited Areas

Dogs in the Mackenzie District are prohibited (not allowed) in the following places:

- any premise used as a community library;
- any public swimming pool owned or controlled by the Council;
- any area used as a children’s playground, including the playing area of any sports field and skateparks;
- any land or premises used as a school, kindergarten or play centre unless specific approval has been obtained from the controlling authority; and
- any cemetery owned or controlled by the Council.

Dogs are prohibited from these areas as they are generally designed for the enjoyment of children and teenagers. Children and teenagers are disproportionately represented in dog bite and injury statistics. Ensuring dogs are not in places frequented by children and teenagers makes them safer for children and teenagers to use. Dogs are also prohibited from any cemetery owned or controlled by the Council to minimise the potential for nuisance to the community in sensitive environments.

Temporary Prohibited Areas

The Council may from time to time declare certain other areas to be prohibited areas for a specified time and shall give public notice of its intention to declare such areas as temporarily prohibited. Appropriate signs will be posted in the area and prior notice will be published in a newspaper circulating in the district.

Schedule 2 Dog Leash Areas

Dogs in the Mackenzie District shall be controlled on a leash in the following places:

General

- All roads including all associated pedestrian areas (such as footpaths) and the margins alongside roads whether sealed or not (such as berms and verges) as well as state highways, private ways and carparks; and
- the peripheral area surrounding a sports field for a distance of up to 10 metres.

Fairlie

- The Fairlie Village Centre, as defined by the District Plan, between the State Highway 79 intersection with State Highway 8 and School Road on the west side of Main Street and Talbot Street on the east side of Main Street.
- The Fairlie Village Green, bordering Talbot Street and State Highway 8 and recognised as Recreation P in the District Planning Maps.

The location of the Fairlie Village Centre and the Fairlie Village Green Leash Control Areas are illustrated below.



Lake Tekapo

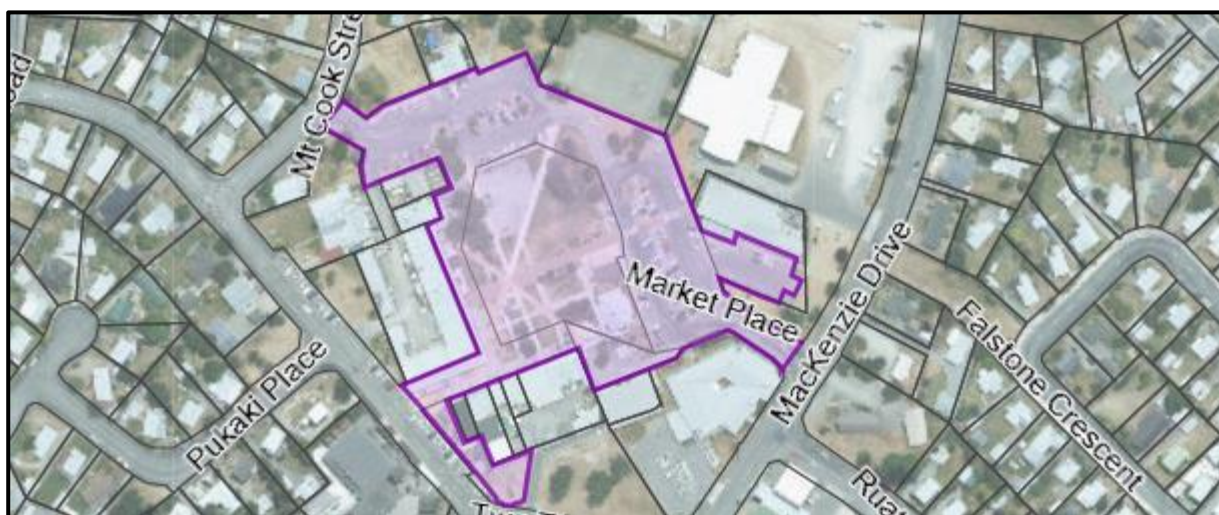
- The Tekapo Village Centre, namely in the lakeside of State Highway 8 between Tekapo River bridge and the western boundary of Lakeside Drive and includes the land in front of the Village Centre to the edge Domain Road.

The location of the Lake Tekapo Leash Control Area is illustrated in below.



Twizel

- The Twizel Village Centre including Market Place shopping Mall and Market Place (legal road) including the car parking area. The location of the Twizel Leash Control Area is illustrated below.



Schedule 3 Dog Exercise Areas

The following locations are designated as areas where dogs are permitted to be exercised off leash provided, they are controlled at all times.

Lake Tekapo

- The Pines Picnic Area.



Twizel

- The following areas of recreation land situated between the town boundaries of Twizel, namely:
 - Glen Lyon Road between Nuns Veil Road and North West Arch.
 - Land adjoining rear boundaries of properties on Tekapo Drive, Jollie Road and Wairepo Road; and
 - North West Arch green areas.
- The recreation land between Max Smith Drive and Lake Ruataniwha.

The location of the Twizel Dog Exercise Areas are illustrated below.





Mackenzie

DISTRICT COUNCIL