



# Dog Control Bylaw 2019

Adopted: 10 October 2019  
Commences: 10 October 2019  
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# Contents

1	Preliminary Provisions.....	1
2	Purpose .....	1
3	Commencement .....	1
4	Interpretation and Definitions.....	1
	Part One – Dogs in Public Places .....	3
5	General Controls.....	3
6	Exemption for Certain Dogs .....	3
7	Disability Assist Dogs.....	3
8	Dogs in Vehicles.....	4
	Part Two – Keeping of Dogs .....	5
9	Number of Dogs on Property .....	5
10	Dogs to be kept Minimum Distance from Boundary .....	5
11	Application for a Multi-dog Permit .....	6
12	Revocation of a multi-dog permit.....	7
13	Bitch in Season to be Confined .....	7
14	Responsibility to Remove Faeces .....	7
15	Diseased Dogs.....	7
16	Dogs becoming a Nuisance or Injurious to Health.....	7
17	Notice of Neutering shall be Given .....	8
18	Selected Owner Status .....	8
19	Working Dogs .....	9
20	Dog and Owner Education .....	9
	Part Three – Fees.....	10
21	Fees and Charges .....	10
	Part Four – Enforcement.....	11
22	Dog Control .....	11
23	Seizure of Dogs in Public Places that are in Contravention of the Bylaw .....	11
24	Non-Compliance with Bylaw .....	11
25	Offences and Penalties.....	11
26	Repeals, Savings and Transitional Provisions .....	11
	Schedule 1 - Prohibited Public Places .....	13
	Schedule 2 - Dog Exercise Areas.....	15
	Schedule 3 - Dog on Leash Areas.....	16

## 1 Preliminary Provisions

1.1 This Bylaw is the Manawatū District Council **Dog Control Bylaw 2019**.

1.2 This Bylaw is made under the:

- a) Local Government Act 2002;
- b) Dog Control Act 1996;
- c) Impounding Act 1955; and
- d) Sections 29 and 64 of the Health Act 1956.

## 2 Purpose

2.1 The purpose of this Bylaw is to give effect to the Dog Control Policy 2019 by prescribing minimum standards for the Keeping and control of dogs in order to:

- a) minimise danger, distress, and Nuisance to the community, including animals and wildlife; and
- b) provide for the exercise and recreational needs of dogs and their owners.

2.2 In addition to compliance with this Bylaw, any person must also comply with any relevant provisions in the Act, Impounding Act 1955, any other relevant enactment, any other relevant Bylaws, the Manawatū District Plan and the Manawatū-Whanganui Regional Council's One Plan.

## 3 Commencement

3.1 This Bylaw comes into force on 10 October 2019.

## 4 Interpretation and Definitions

4.1 The provisions of the Manawatū District Explanatory Bylaw 2022 and its amendments are implied into and form part of this Bylaw.

4.2 In this Bylaw, unless the context requires otherwise:

**Act** means the Dog Control Act 1996.

**Authorised Officer** means a person appointed by the Council with delegated authority under the Act to carry out all or any of the functions and powers under that Act as a Dog Control Officer and includes any warranted officer exercising powers under section 17 of the Act.

**Dog Exercise Area** means a Public Place identified as a Dog Exercise Area in Schedule 2 of this Bylaw where dogs may be exercised at large without being controlled on a Leash.

**Dog on Leash Area** means a Public Place identified as a Dog on Leash Area in Schedule 3 of this Bylaw where dogs must be controlled on a Leash.

**Keeping and Kept** includes owning, looking after, caring for, being in charge of, a custodian of, or in possession of a dog.

**Neutered Dog** means a dog which has been castrated or spayed. It does not include a dog which has been vasectomised.

**Leash** means a lead, which is capable of restraining the dog.

**Owner** has the same meaning as under the Act.

**Policy** means the Manawatū District Dog Control Policy 2019.

**Probationary Owner** has the same meaning as under the Act.

**Prohibited Public Place** means a Public Place identified as a Prohibited Public Place in Schedule 1 of this Bylaw where dogs are prohibited, except as may be provided for in this Bylaw.

**Public Place** has the same meaning as under the Act.

**Rural Area** means land Zoned Rural 1 and 2 and Flood Channel 1 and 2 in the Manawatū District Plan.

**Under Control** means, when referring to a dog, either controlled on a Leash that is being held by someone that is capable of restraining the dog, under direct control such as by being held, or controlled by voice command where the dog must be within sight and obeys commands without hesitation.

**Urban Area** means any land not within the Rural Area.

**Working Dog** has the same meaning as under Act.

- 4.3 Reference should be made to section 2 of the Manawatū District Explanatory Bylaw 2022 for any other definitions not included in clause 4.2.
- 4.4 Unless otherwise provided, words and phrases in this Bylaw that are defined in the Act shall have the same meanings.
- 4.5 Any explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be made, amended, revoked or replaced by the Council at any time.
- 4.6 In addition, this Bylaw should be read in conjunction with, but not in replacement of the Policy or any review thereafter.

## **Part One – Dogs in Public Places**

### **5 General Controls**

5.1 Every Owner of a dog must keep their dog Under Control in all Public Places and at all times.

*Explanatory Note: The Act also requires the Owner or person in charge of a dog to carry a Leash when taking their dog into Public Places, whether or not it is a Dog on Leash Area. This requirement does not apply to Working Dogs in Public Places.*

5.2 Subject to the exceptions described in clauses 5.3, 5.5, and 6.1, no Owner of any dog may cause or allow the dog to be on, or remain in, any Prohibited Public Place.

5.3 Where the only pedestrian access to the Owner's residence or a veterinary surgery is through a Prohibited Public Place, the Owner must lead the dog through the Prohibited Public Place provided that:

- a) the Owner and dog take the most direct route across the Prohibited Public Place, and
- b) the dog is Under Control and on a Leash at all times.

5.4 Every Owner of a dog (other than a dog classified as a dangerous dog under the Act) must ensure that the dog is Under Control and on a Leash in any Dog on Leash Area specified in Schedule 3.

5.5 Where a dog is being exercised in a Dog Exercise Area or a Dog on Leash Area that borders a Prohibited Public Place, the Owner may lead the dog through the Prohibited Public Place provided that:

- a) there is no reasonable alternative access; and
- b) the Owner and dog take the most direct route across the Prohibited Public Place; and
- c) the dog is Under Control and on a Leash at all times.

### **6 Exemption for Certain Dogs**

6.1 Section 5 does not apply in respect of:

- a) Workings Dogs being used for that purpose; or
- b) Any dog completely confined in a Vehicle or cage; or
- c) Any registered dogs taking part in a dog obedience class, exercise or competition organised by a club or association with the written Approval of Council.

6.2 Written Approval under clause 6.1 c) is subject to compliance with any terms and conditions that are considered reasonable, in the opinion of an Authorised Officer, in relation to the entry or presence of the dogs in a Public Place.

### **7 Disability Assist Dogs**

7.1 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.

## **8 Dogs in Vehicles**

- 8.1 A Council Officer may require the Owner of any dog that is being carried in or on a Vehicle in a Public Place to remove the dog from the Public Place if the Council Officer considers the dog to be a Nuisance due to reasons of noise or aggressive behaviour.

*Explanatory Note: Dogs left in vehicles and dogs on moving vehicles are regulated by the Animal Welfare (Care and Procedures) Regulations 2018.*

## Part Two – Keeping of Dogs

### 9 Number of Dogs on Property

9.1 Notwithstanding clause 9.2 and section 11, no more than:

- a) two dogs; including
- b) one unspayed bitch.

may be kept on any Rateable Property in an Urban Area, except in accordance with a multi-dog permit.

9.2 In the event of more than one Dwelling on one Rateable Property in an Urban Area, there must be no more than one dog over the age of three months per Dwelling, except in accordance with a multi-dog permit.

9.3 In Rural Areas, no more than five dogs over the age of three months may be Kept per Rateable Property, except in accordance with a multi-dog permit.

9.4 In the event of more than one Dwelling on a Rateable Property in a Rural Area, there must be no more than two dogs, including one unspayed bitch, per Dwelling, except in accordance with a multi-dog permit.

9.5 Clauses 9.1, 9.2, 9.3 and 9.4 do not apply to:

- a) any dogs under the age of three months;
- b) boarding, breeding and training kennels;
- c) Working Dogs; or
- d) a veterinary, or the SPCA or similar registered charity.

*Explanatory Note: The Owner must also comply with all the requirements of the Act. The limits on the number of dogs per Dwelling apply whether or not the dogs on the Rateable Property have the same Owner.*

### 10 Dogs to be kept Minimum Distance from Boundary

10.1 The Owner of any dog must not house, confine or restrain a dog within 1.8 metres of a boundary fence, without first obtaining an exemption from Council.

10.2 Applications for an exemption from clause 10.1 must be made in writing to Council in the form prescribed from time to time and accompanied by the application fee specified in Council's Schedule of Fees and Charges.

10.3 The Council may grant an exemption to clause 10.1 if in the opinion of the Authorised Officer:

- a) there is insufficient space on the Rateable Property to house, confine or restrain the dog in accordance with clause 10.1; and
- b) the Occupier whose boundary adjoins the proposed area for housing, restraining or confining the dog does not object on reasonable grounds to the granting of an exemption, provided that such person may withdraw consent at any time if:
  - i. the dog is creating a Nuisance; or

- ii. the Occupier sells their property.

- 10.4 The Council may attach to any exemption granted under clause 10.3 any terms or conditions that the Authorised Officer considers appropriate having regard to those matters in clause 10.3.
- 10.5 The exemption holder must comply with any terms and conditions imposed under clause 10.4.

## **11 Application for a Multi-dog Permit**

- 11.1 Any person intending to Keep more dogs than is specified in clauses 9.1 to 9.4 must apply to Council for a multi-dog permit.
- 11.2 An application for a multi-dog permit under clause 11.1 must be on the relevant application form and accompanied by the application fee specified in Council's Schedule of Fees and Charges.
- 11.3 In making a decision on an application for a multi-dog permit under clause 11.1, the Council may consider, but not be limited to, the following matters:
  - a) the number and breed of dogs to be Kept on the Premises;
  - b) whether there are any dogs classified as dangerous or menacing under the Act;
  - c) how the dogs will be managed to minimise Nuisance effects on neighbours;
  - d) whether the Premises is adequately fenced;
  - e) the location of the kennels;
  - f) whether the dogs have been Neutered;
  - g) the applicant's record of dog ownership, including history of compliance with the Bylaw, the Act and whether there have been any Nuisance complaints;
  - h) whether the dogs have been registered before the due date; and
  - i) the appropriate level of care for the dogs and whether the kennel is weatherproof, of sufficient size, clean and sanitary.
- 11.4 An Owner must allow an Authorised Officer to inspect the Premises to assess the matters set out in clause 11.3 as part of the application process.

*Explanatory Note: the Authorised Officer will contact the applicant to arrange a suitable time for the inspection.*
- 11.5 The Council must, within fifteen (15) Working Days of receiving all information necessary to process an application under clause 11.1, make a decision to grant or decline the multi-dog permit.
- 11.6 The Council may issue a multi-dog permit subject to terms and conditions having regard to those matters listed in clause 11.3.
- 11.7 The holder of a multi-dog permit must comply with any terms and conditions imposed on the permit under clause 11.6.
- 11.8 Any multi-dog permit issued to an Owner under clause 11.1 is specific to the Premises, and number and breed of the dogs listed on the permit.



- 11.9 The holder of a multi-dog permit must apply for a new multi-dog permit under clause 11.1 within 14 days of any changes to the permit, including, but not limited to, any change in address or dog breed or any increase in the number of dogs.
- 11.10 A multi-dog permit does not derogate from the requirements of the Resource Management Act 1991, the Act or any other relevant statute.

## **12 Revocation of a multi-dog permit**

- 12.1 Any breach of any terms and conditions of a multi-dog permit issued under the Bylaw is considered a breach of the Bylaw.
- 12.2 A multi-dog permit issued under clause 11.1 will be revoked if:
- a) the holder of a multi-dog permit fails to register their dogs by 1 August in any registration year;
  - b) the holder of a multi-dog permit fails to comply with any terms and conditions imposed under clause 11.6;
  - c) the holder of a multi-dog permit fails to apply for a new multi-dog permit if there is a change in their information, in accordance with clause 11.9; or
  - d) there are verified complaints relating to dogs that are subject to the multi-dog permit.

## **13 Bitch in Season to be Confined**

- 13.1 The Owner of any bitch in an Urban Area must keep the dog confined to the Premises but adequately exercised while that dog is in season.

## **14 Responsibility to Remove Faeces**

- 14.1 The Owner of any dog that defecates in a Public Place, or on land or Premises other than that occupied by the Owner, must immediately remove and dispose of the faeces in a way that does not cause a Nuisance.
- 14.2 Clause 14.1 does not apply to any dog herding or driving Stock on a Road where the dog is kept solely or principally for the purposes of herding or driving Stock.

## **15 Diseased Dogs**

- 15.1 The Owner of any dog suffering from an infectious disease or condition must not take that dog into any Public Place or permit it to wander free on any other Premises or on any Public Place.

## **16 Dogs becoming a Nuisance or Injurious to Health**

- 16.1 If in opinion of Council, the Keeping of any dog or dogs on a Premises is, or is likely to become:
- a) a Nuisance;
  - b) injurious; or
  - c) hazardous:

to the health, property or safety of any person, then Council may, by notice in writing, require the Owner or Occupier of the Premises, to do all or any of the following:

- (i) reduce the number of dogs kept on the Premises;
- (ii) alter, reconstruct or otherwise improve the accommodation for the dogs;
- (iii) require such dogs to be restrained or otherwise confined with appropriate fencing of the Premises; or
- (iv) take such other measures as may be considered necessary by the Council to reduce the Nuisance, injurious or hazardous effects.

16.2 The Owner or Occupier of the Premises must comply with a notice issued under clause 16.1 within the time specified in such notice, not being less than 14 days.

## **17 Notice of Neutering shall be Given**

17.1 Where a dog is required to be Neutered by the Act or the Policy, the Owner will be notified in writing of the requirement. The notice shall specify the date by which the dog shall be Neutered, being not less than 14 days from the issue of the notice. The notice shall be served in accordance with the Act.

## **18 Selected Owner Status**

18.1 Council rewards Owners who provide better care for and control of their dogs by identifying responsible dog Owners as “selected owners.”

18.2 Applications for selected owner status must be made on the prescribed form and is subject to any fees prescribed in Council’s Schedule of Fees and Charges.

18.3 Applications for selected owner status will be processed within fifteen (15) Working Days of Council receiving a complete application.

*Explanatory Note: Applications received after 1 June will not come into effect until the following registration year.*

18.4 In making a decision on an application for selected owner status, the Council may consider, but not be limited to, the following matters:

- a) whether the Premises is adequately fenced;
- b) whether the dog(s) have been Neutered;
- c) the applicant’s record of dog ownership, including history of compliance with the Bylaw, the Act and whether there have been any Nuisance complaints;
- d) whether the dogs have been registered before the due date; and
- e) the appropriate level of care for the dogs and whether the kennel is weatherproof, of sufficient size, clean and sanitary.

18.5 Any Owner must allow an Authorised Officer to inspect the Premises to assess the matters set out in clause 18.4 as part of the application process.

*Explanatory Note: the Authorised Officer will contact the Owner to arrange a suitable time for the inspection.*

18.6 A selected owner must promptly apply for new status if there is a change to their dogs or address.

- 18.7 Selected owners status will be revoked by Council if –
- a) the selected owner fails to register their dogs by 1 August in any registration year;
  - b) the selected owner fails to comply with clause 18.6 or any other requirements of the Bylaw or Act; or
  - c) there are any justified complaints relating to the dog(s) on the Premises.

*Explanatory Note: If selected ownership is revoked, there is a mandatory 12 month stand down period before a new selected owner application can be lodged.*

## **19 Working Dogs**

- 19.1 Owners may apply to Council to have a dog(s) classified as a “Working Dog.”
- 19.2 Applications for Working Dog classification must be made on the prescribed form and is subject to any fees prescribed in Council’s Schedule of Fees and Charges.
- 19.3 Any Owner that is applying for Working Dog status for a dog(s) that is/are Kept solely or principally for the purposes of herding or driving Stock, in accordance with section 2 of the Act, must allow a Council Officer to undertake an inspection to determine if the dog(s) is/are able to be classified as a Working Dog.

*Explanatory Note: The Council Officer will contact the Owner to arrange a suitable time for the inspection.*

- 19.4 An inspection fee will apply, if the dog(s) is/are deemed not to be a Working Dog.
- 19.5 If multiple dogs are to be assessed for Working Dog classification at the same Premises on the same day, only one inspection fee is applicable and will be payable if any of the dogs are deemed not to be a Working Dog.
- 19.6 If the Owner of a Working Dog(s) wishes to register additional dog(s) as a Working Dog(s) clauses 19.2 to 19.5 shall apply.
- 19.7 If the dog(s) could be classified as any of the other classifications of Working Dog in the Act (excluding a dog Kept solely or principally for the purposes of herding or driving Stock), copies of authorised forms from the appropriate governmental department or other organisation must be submitted in support of the Working Dog application form.

## **20 Dog and Owner Education**

- 20.1 On being notified in writing by Council, any person classified as a Probationary Owner must, at their own cost, undertake a dog owner education programme or a dog obedience course.
- 20.2 A Probationary Owner may apply to the Council for termination of his or her classification as a Probationary Owner six months after completion of the dog owner education programme or dog obedience course provided that:
- a) the Owner supplies satisfactory evidence of completion of the dog owner education programme or dog obedience course; and
  - b) the Owner has not committed any further offences or infringements to which this Bylaw or the Act applies.
- 20.3 The Council may grant an application under clause 20.2 of this Bylaw after taking into account all reasonable circumstances, including sections 4 and 5 of the Act.

## Part Three – Fees

### 21 Fees and Charges

- 21.1 Fees and charges may be set for any activity the Council reasonably undertakes in relation to the administration and regulation of dogs, in accordance with any relevant enactment, including (but not necessarily limited to) the Act, the Local Government Act 2002, and the Impounding Act 1955.

*Explanatory Note: Refer to the Animal Control fees and charges prescribed in the Manawātū District Council's Schedule of Fees and Charges for the current financial year.*

## **Part Four – Enforcement**

### **22 Dog Control**

22.1 Owners must read and fully comply with their obligations under:

- a) the Act; and
- b) the Manawatū District Council Dog Control Policy 2019.

### **23 Seizure of Dogs in Public Places that are in Contravention of the Bylaw**

23.1 An Authorised Officer may seize and impound any dog at large in a Public Place in contravention of this Bylaw, whether or not the dog is wearing a registration tag in accordance with the Act.

### **24 Non-Compliance with Bylaw**

24.1 The Council may use its powers under the Act and the Local Government Act 2002 to enforce this Bylaw.

### **25 Offences and Penalties**

25.1 Every person who breaches this Bylaw commits an offence and is liable to pay:

- a) the maximum fine set out in the Local Government Act 2002;
- b) any other penalty pursuant to the Act; and
- c) any other penalty specified in another Act for the breach of that Bylaw.

*Explanatory Note: This clause should be read in conjunction with clauses 9 and 10 of the Manawatū District Explanatory Bylaw 2022.*

25.2 In addition to the penalties and fines set out in the Local Government Act 2002 and the Manawatū Explanatory Bylaw 2022, any person who breaches the Bylaw may be issued with an infringement notice and be liable to the amount prescribed under Schedule 1 of the Act.

### **26 Repeals, Savings and Transitional Provisions**

26.1 The Manawatū District Council Dog Control Bylaw 2014 is repealed on commencement of this Bylaw.

26.2 Every consent, exemption or Approval granted under the Manawatū District Council Dog Control Bylaw 2014 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent, exemption or approval of that kind issued under this Bylaw, but:


- a) expires on the date specified in that consent; or
- b) where no expiry date is specified, expires 12 months from the commencement of this Bylaw; and
- c) may be renewed only by application made and considered in accordance with this Bylaw.

This Bylaw is made by the Manawātū District Council by resolution at a Council meeting on 10 October 2019 and must be reviewed within ten years.

Sealed with the Common Seal  
of the MANAWATU DISTRICT COUNCIL  
in the presence of:



  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Executive

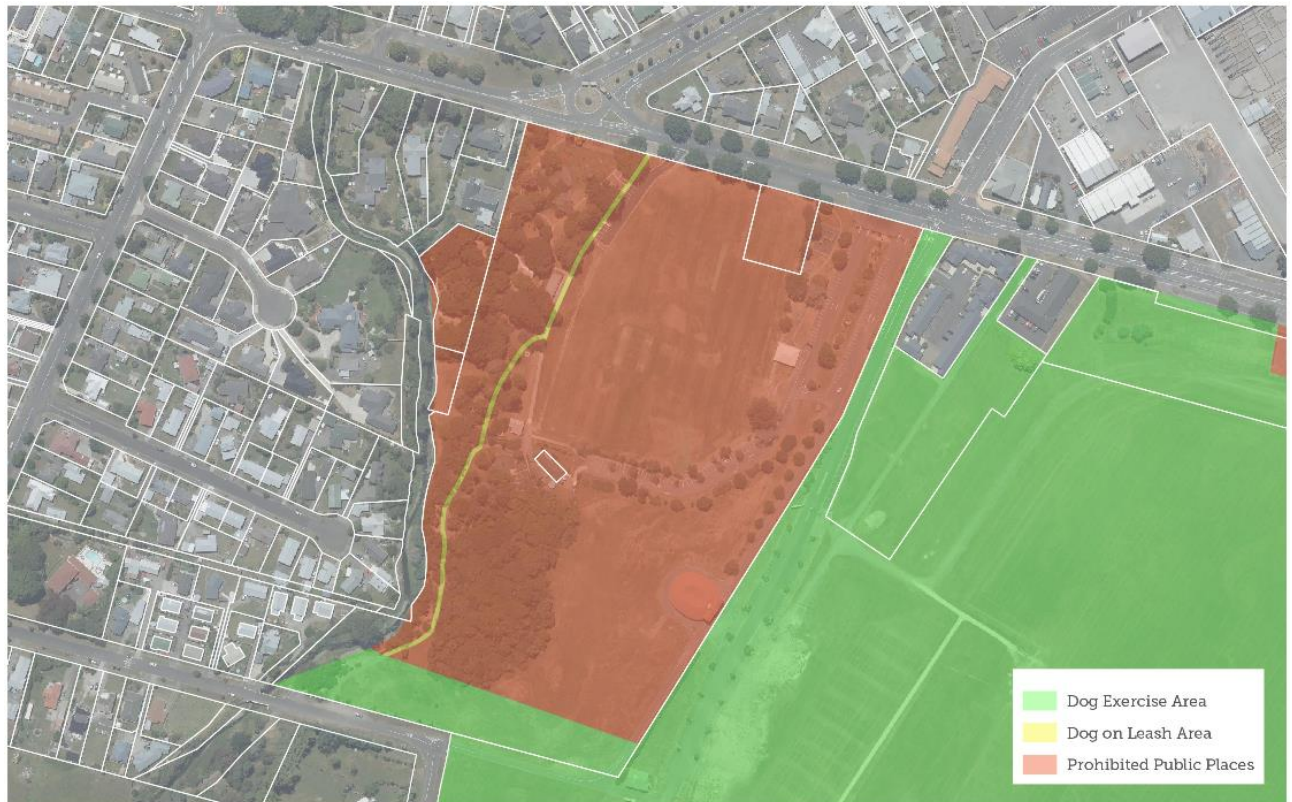
## Schedule 1 - Prohibited Public Places

Dogs are prohibited in the following Public Places:

<b>Feilding</b>	The Feilding Central Business District as described and mapped in Schedule 3, when organised events are on. South Street skate park Kowhai Park – the entire park except for the Dog on Leash Area and the Dog Exercise Area as mapped below Victoria Park – playing fields Vista Drive – children’s playground Timona Park – entire area of children’s playground, and the playing fields Makino Park – entire park area Johnston Park – playing fields
<b>Sanson</b>	Dundas Road – From Burt Street to Cemetery Road Sanson Domain – when used for organised events
<b>Himatangi Beach</b>	Beach – all parts of the foreshore within 400 metres of the mouth of the Kaikokopu Stream, except that dogs on a Leash may pass through the area to any undesignated area Children’s playground – entire area
<b>Kimbolton</b>	Kimbolton Domain – entire area Kimbolton Reserve – entire area
<b>Other Places</b>	Mt Lees Reserve – entire area including bush walk Totara Reserve Regional Park – the entire area including camping ground and bush walks Coles Bush – entire area Halcombe Domain – children’s play area Te Kawau Park, Rongotea – children’s playground Recreation St, Tangimoana – children’s playground Beaconsfield Domain (Old school grounds)
<b>Cemeteries</b>	all Council controlled cemeteries in the District; Feilding Cemetery Halcombe Cemetery Kimbolton Cemetery Pohangina Cemetery Rongotea Cemetery Sanson Cemetery Waituna West Cemetery

## Rangiwahia Cemetery

### Kowhai Park Dog Control Areas





## Schedule 2 - Dog Exercise Areas

Dogs are permitted unleashed, but Under Control, in the following areas:

### Feilding

Timona Park – along the riverbank and the edges of the park

Kowhai Park – only the part that is identified as a Dog Exercise Area in Schedule 1.

Manfeild Park – whole park except for the playground, but not when the park is being used for an organised event

Railway land – along both sides of the railway corridor through Feilding

James Palmer Park – the entire park

Rimu Park – the entire park

Waughs Road – between the Railway Bridge and Awa Street

Within the Feilding Saleyards working dogs are allowed and not required to be on a Leash.

### Other Places

Himatangi Beach – all parts of the foreshore that are at least 400m from the mouth of the Kaikokopu Stream

Pohangina Valley Road Lookout – entire reserve

Mt Stewart Reserve – entire reserve

Bartletts Ford Reserve – entire reserve

Menzies Ford Reserve – entire reserve

Londons Ford Reserve – entire reserve

Rangiwahia Reserve – entire reserve

Raumai Reserve – entire reserve

Pohangina – old school site, except play area and swimming pool

Pohangina Domain – except that when Stock are grazing the Domain dogs must be on a Leash

Rewa – old school recreation grounds

Pakihikura Reserve – old school grounds

Vinegar Hill Reserve – entire area during the period Easter to Labour Weekend

Sanson Domain – except when used for organised events.

## Schedule 3 - Dog on Leash Areas

Dogs are permitted in the following locations on a Leash:

### **Feilding**

Victoria Park – around the edges, but not on the playing fields.

Johnston Park – except the playing fields

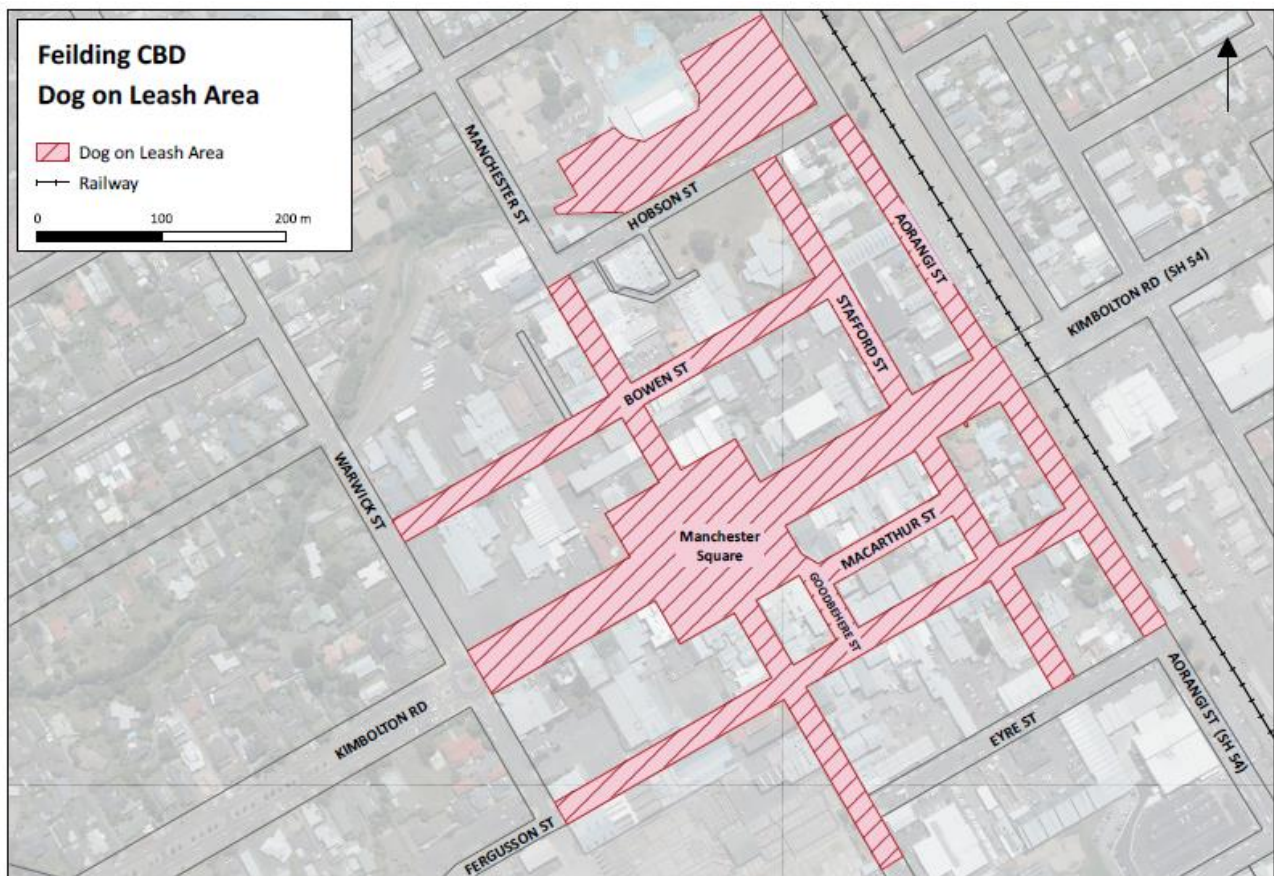
Kitchener Park – entire reserve

Kowhai Park – only the access route that is mapped as a Dog on Leash Area in Schedule 1.

The Feilding CBD as mapped below and described as follows:

- *Aorangi Street – between Eyre and Hobson Street*
- *Bowen Street – full extent*
- *Manchester Street – from its intersection with Hobson Street to the Feilding sale yards*
- *Stafford Street – whole length*
- *Fergusson Street – from its intersection with Aorangi Street to its intersection with Warwick Street*
- *Goodbehere Street – whole length*
- *MacArthur Street – whole length*
- *Manchester Square – including the whole of the gardens contained therein*
- *Kimbolton Road – from its intersection with Aorangi Street to its intersection with Warwick Street*

Except that during organised events in the Feilding CBD dogs are prohibited.



**Other Places**     Almadale Reserve – entire reserve  
                          Vinegar Hill Reserve – entire area during the period Labour Weekend to Easter  
                          Pohangina Domain – when Stock are grazing  
                          and  
 all Public Places not identified in Schedule 1 (eg Roads and town streets) or Schedule 2 of this Bylaw.