

# WAIKATO DISTRICT COUNCIL

## KEEPING OF ANIMALS BYLAW 2007

In exercise of the powers and authorities conferred on it under Part 8 of the Local Government Act 2002 and all other authorities enabling it in that behalf, the Waikato District Council made the following bylaw on 19 December 2006.

### 1.0 SHORT TITLE AND COMMENCEMENT

This bylaw shall be known as the “**Waikato District Council Keeping of Animals Bylaw 2007**” and shall come into force on 1 January 2007.

### 2.0 REVOCATION OF WAIKATO DISTRICT COUNCIL (GENERAL) BYLAW NO. 1 (1990) - CHAPTER 13

Chapter 13 of the above bylaw – “The Keeping of Animals Poultry and Bees” is hereby revoked from the date the new bylaw comes into force.

### 3.0 INTERPRETATION

3.1 In this bylaw, unless inconsistent with the context:

**Animal** means any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes the carcass or constituent parts thereof, but does not include human beings or dogs.

**Authorised Officer** means any person for the time being appointed or authorised by the Council to carry out general or specific duties arising from any of the provisions of this bylaw, unless stated otherwise.

**Bylaw** means a bylaw of the Council for the time being in force, made under the provisions of any Act or authority enabling the Council to make bylaws.

**Council** means the Waikato District Council.

**Nuisance** has the meaning as in Section 29 of the Health Act 1956 and its amendments.

**Poultry** means any live bird that is kept or raised for the purpose of producing eggs or meat for human consumption and includes but is not limited to ducks, chickens, geese, turkeys and pheasants.

**Premises** means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied.

**Public Place** means any place that, at any material time, is under the control of the Council and is open to or being used by the public, and includes any road whether or not it is under the control of the Council. It also includes every reserve, park, domain, beach, foreshore and recreational grounds under the control of the Council, but excludes the Hamilton Zoo.

#### **4.0 HAMILTON ZOO**

4.1 This bylaw does not apply to the Hamilton Zoo.

#### **5.0 KEEPING OF ANIMALS**

5.1 No person shall keep an animal which is or is likely to be a nuisance or a threat to public health or safety.

5.2 No person shall keep any noisy animal, bird, or poultry which causes or is likely to cause a nuisance to residents in the neighbourhood.

5.3 No person shall keep an animal in conditions which are or are likely to be a nuisance or a threat to public health or safety.

5.4 No person shall allow any animal in a public place in a manner which is or is likely to be a nuisance or a threat to public health or safety.

5.5 A person keeping an animal shall in addition to this bylaw comply with any other relevant statutory requirements.

5.6 No person shall slaughter an animal or dismember, handle, process or dispose of the carcass or remains of an animal on any premises which causes or is likely to cause a nuisance or threat to public health or safety.

5.7 Any person keeping an animal shall confine the animal within the boundaries of the premises where the animal is being kept.

#### **6.0 KEEPING OF PIGS - SPECIAL REQUIREMENTS**

6.1 No person shall keep any pigs in any area which has a predominantly urban character.

6.2 No person shall keep any pigs in a manner which:

- a) creates or is likely to create a nuisance; or
- b) creates or is likely to create conditions injurious to health, or offensive; or
- c) results or is likely to result in the pollution of water.

#### **7.0 KEEPING OF POULTRY – SPECIAL REQUIREMENTS**

7.1 No person shall keep more than 12 head of poultry in an urban area.

7.2 No person shall keep a rooster in an urban area.

7.3 No poultry caged or otherwise shall be kept in a predominantly urban area except in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete or other approved material with a surrounding nibwall, to which a poultry run may be attached.

7.4 No poultry house or poultry run shall be erected closer than 10m from any dwelling, factory, or other building, whether wholly or partially occupied, or within 3 m of the boundary of adjoining premises.

7.5 Every poultry house and poultry run shall be maintained in good repair and in a clean condition free from any offensive smell or overflow and free from vermin.

## **8.0 BEE KEEPING - SPECIAL REQUIREMENTS**

8.1 No person shall keep bees if in the opinion of the Council the keeping of bees is, or is likely to become a nuisance or annoyance to any person or potentially dangerous or injurious to health.

8.2 The Council may prescribe conditions relating to the location and number of hives which may be kept on any premises or place within an urban area of the Waikato district.

## **9.0 SERVICE OF NOTICES**

9.1 Any notice, order or other document which is required by this bylaw to be served or given or sent to any person shall be deemed to have been duly served, given or left at his or her residence or work place or posted to such person at his or her last known address.

9.2 Any notice, order or document required to be sent or signed by the Council may be sent or signed by any Authorised Officer.

## **10.0 POWERS OF ENTRY FOR PURPOSES OF THIS BYLAW**

10.1 The Council shall have for the purposes of this bylaw, the power to enter for the purpose of inspection, by an authorised officer on:

- a) any unoccupied land or building;
- b) any occupied land or building after giving to the occupier thereof, and where practicable to the owner if the owner is not the occupier, 24 hours notice of the intended entry;
- c) where the occupier is not the owner and notice has not been given to the owner as above, notice of any entry shall be given to the owner as soon as practicable.

## **11.0 OFFENCES**

11.1 Every person commits a breach of this bylaw who:

- a) Commits, or causes, or permits to be committed, any act in contravention of this bylaw; or
- b) Omits, or knowingly permits to remain undone, any act required by this bylaw; or
- c) Refuses or neglects to comply with any notice, or any condition in such notice, given pursuant to this bylaw; or
- d) Obstructs or hinders any authorised officer of the Council in the performance of any power, or duty conferred upon him or her by this bylaw.

## **12.0 PENALTIES**

12.1 Every person who commits a breach of this bylaw is liable on summary conviction to a fine not exceeding \$20,000.00.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on 19 December 2006.

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

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Mayor

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Chief Executive

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