

Waikato District Council Keeping of Animals Bylaw 2015

Waikato District Council, in exercise of its powers under the Local Government Act 2002 and its respective amendments, and all other relevant powers, hereby makes the following bylaw.

Part one: Introduction

1.0 Short title, commencement and application

- 1.1 This bylaw shall be known as the “Waikato District Council Keeping of Animals Bylaw 2015”
- 1.2 The bylaw shall apply to the Waikato District.
- 1.3 The bylaw shall come into force on 1 May 2015

2.0 Revocation

The “Waikato District Council Keeping of Animals Bylaw 2007” and the Franklin District Council Keeping of Animals, Poultry and Bees Bylaw 2007” are hereby revoked from the date this bylaw comes into force.

3.0 Definitions

For the purposes of this Bylaw, the following definitions shall apply:

Animal	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.
Annoyance	to harass repeatedly causing anger or mental distress
Authorised Officer	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.
Beehive and hive	Any receptacle housing a honeybee colony for the purposes of honey production and includes 1 receptacle per colony used solely for the purposes of queen breeding, hive maintenance and swarm prevention purposes.

Bee keeping	<p>The keeping of beehives and includes the removal of honey and bee products from the hive, but not the further processing of such products.</p> <p>the Waikato District Council</p>
Council Livestock	<p>means cattle, deer, llamas, alpacas, donkeys, mules, horses (and ponies of 148cm or less in height), sheep, goats, pigs, and any other animal kept in captivity or farmed, and dependent on humans for their care and sustenance. “Stock” shall have the same meaning as “Livestock”.</p>
Nuisance	<p>Any reasonable interference with the peace, comfort or convenience of another person including by way of excessive noise or offensive odours and includes the nuisances defined in Section 29 of the Health Act 1956 and includes the following:</p> <ul style="list-style-type: none"> (a) Where any accumulation or deposit of any waste or other similar material is in such a state or so situated as to be offensive; and (b) Where any buildings used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition as to be offensive; and (c) Where any noise emitted by an animal unreasonably interferes with the peace, comfort, or convenience of any person.
Pets	<p>a domestic animal kept primarily as a companion.</p>
Pigsty	<p>means a covered enclosure used for the housing of pigs.</p>
Poultry	<p>any live bird that is kept or raised for the purpose of producing eggs or meat for human consumption and includes ducks, chickens, geese, pigeons, turkeys, pheasants, game birds including quail and peacocks, and domestic fowls of all descriptions.</p>
Premises	<p>any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, building, and places adjoining each other and occupied together shall be deemed to be the same premises.</p>
Public place	<p>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.</p>

Rural area	an area zoned rural, rural residential, country living, or any of the zones included in the Rural Zones Chapter in the Waikato District Plan
Threat	an action that is likely to occur that will cause damage or danger.
Urban area	an area used mainly for residential or commercial purposes. For clarity, urban area includes residential, village, heavy industrial, business, and town centre zones in the Waikato District Plan.

4.0 Exceptions

- 4.1 This bylaw does not apply to the Hamilton Zoo.
- 4.2 This bylaw does not apply to the Tuakau Saleyards.

5.0 Keeping of animals

- 5.1 No person shall keep permit or suffer to be kept any bees or other animal (including livestock and poultry) 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 any other person.
- 5.3 No person shall allow any animal (including livestock and poultry) in a public place in a manner which is or is likely to be a nuisance or a threat to public health or safety.
- 5.4 In addition to this bylaw, any person keeping animals (including livestock and poultry) shall comply with any other relevant statutory requirements.
- 5.5 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.
- 5.6 Any person keeping an animal shall ensure the animal is confined to the boundaries of the premises where the animal is kept.

6.0 Keeping of pigs – special requirements

- 6.1 No person shall keep any pigs in an urban area.
- 6.2 No person shall keep any pigs in a manner which creates or is likely to create a nuisance, or which is, or is likely to be injurious to the health of any person.
- 6.3 No pigsty or pig run shall be erected closer than 20m from any dwelling, factory, or other building whether wholly or partially occupied, or within 30m of the boundary of any adjoining premises.

7.0 Keeping of poultry – special requirements

- 7.1 No person shall keep more than 6 head of poultry, pet or otherwise on premises less than 550m².
- 7.2 No person may keep more than 12 head of poultry, pet or otherwise, in an urban area on premises greater than 550m².
- 7.3 No person shall keep a rooster on any property which is within an urban area or which is zoned country living under the Waikato District Plan.
- 7.4 No poultry shall be kept in an urban area unless they are provided with enclosed housing (whether mobile or immobile) that is:
- (a) Properly constructed in accordance with the Building Act 2004 as the case may require; and
 - (b) Rainproof; and
 - (c) In the case of a permanent structure, provided with a floor of concrete or other approved material raised 150 millimetres above ground level to which a poultry run may be attached; and
 - (d) Adequately graded and drained.
- 7.5 No poultry house (whether mobile or immobile) or poultry run shall be located:
- (a) within 10m from any dwelling, factory, or other building; or
 - (b) within 3 m of the boundary of any 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.
- 7.6 Where an authorised officer considers the keeping of chickens has become or is likely to become a nuisance or potential danger to any person, they may serve a notice requiring the owner or occupier of the premises to:
- (a) relocate the chickens to another area on the premises; and/or
 - (b) reduce the maximum number of chickens allowed on the premises; and/or
 - (c) remove some or all of the existing chickens from the premises; and/or
 - (d) do any other thing that, in the opinion of the officer, may reduce the nuisance or potential danger.
- 7.7 Any person, owner or occupier of a premises who receives a notice under clause 7.7 must, without delay, comply with the notice.

8.0 Bee keeping – special requirements

- 8.1 No person shall keep bees if in the opinion of an authorised officer, the keeping of bees is, or is likely to become, a nuisance or potential danger to any person.
- 8.2 Provided that the keeping of bees complies with all other requirements (with the exception of 8.3(e)) contained in this bylaw, there is no maximum number of hives for properties which are zoned rural under the Waikato District Plan.

8.3 A person may keep bees provided they comply with the following conditions:

(a) In properties which are zoned urban under the Waikato District Plan:

- (i) Hives are placed no closer than 5 metres to any adjoining boundary to a residential dwelling where there is no solid fence 1.8 metres or taller on that boundary; or
- (ii) Where there is a solid fence 1.8 metres or taller on any adjoining boundary to a residential dwelling, the hives are placed no closer than 3 metres from that boundary; and

(b) In properties which are zoned country living or rural residential under the Waikato District Plan, hives are placed no closer than 12 metres to any adjoining boundary to a residential dwelling; and

Note - This clause will also apply to any properties which will be zoned village in any Waikato District Plan subsequent to the Operative District Plan as of May 2021.

(c) In properties which are zoned rural under the Waikato District Plan, hives are placed no closer than 25 metres to any adjoining boundary to a residential dwelling; and

(d) The minimum property area is 500 square metres or greater; and

(e) Except by prior written approval, the number of hives does not exceed that which is allowed for the area of the premises as indicated in the following table:

Property Area	Number of hives
500-2000 square metres	2
2001-4000 square metres	4
4001 square metres or greater	6

8.4 Where an authorised officer considers an existing hive or hives has become or is likely to become a nuisance or potential danger to any person, they may serve a notice requiring the owner or occupier of the premises to:

- (a) relocate the hives to another area on the premises; or
- (b) develop a flight management plan to ensure that the bees flightpath is diverted from or made to go a minimum of 1.8 metres high over an adjacent premise, footpath or road; or
- (c) reduce the maximum number of hives allowed on the premises; or
- (d) remove some or all of the existing hives from the premises; or

- (e) do any other thing that, in the opinion of the authorised officer, may reduce the nuisance or potential danger.

8.5 Any beekeeper, owner or occupier of a premises who receives a notice under clause 8.4 must, without delay, comply with the notice.

Note: If you keep bees in New Zealand, it is a legal requirement that you register your hives.

9.0 Horses – special requirements

9.1 A person shall not keep any horse on premises smaller than 1200 square metres in an urban area except where the horses are kept:

- (a) By a registered breeder or trainer; or
- (b) In a stable or other building premises constructed specifically for the keeping of horses.

9.2 Where any horse defecates on any public place, footpath, road or reserve in such a way that it may cause a nuisance to other users, the person who has custody of that horse shall remove and dispose of such defecations immediately and in a way that does not cause a nuisance or offence.

10.0 Encouraging nuisances by feral or stray animals (including cats)

10.1 No person shall provide sustenance, harbourage or comfort to an animal that reasonably appears to be a feral or stray animal so as to cause the animal to become a nuisance to other persons.

10.2 Where an animal that is causing a nuisance reasonably appears to be a feral or stray animal, the owner or occupier of the property from which such animals emanate must take all reasonable steps to abate the nuisance caused by the animal(s). Abatement may include but is not limited to:

- (a) Claiming the animal(s) as a domestic owned pet and keeping it in such a state as to abate any nuisance; or
- (b) Permanently removing (including disposal of) the animal so it no longer causes a nuisance to others; or
- (c) Agreeing with the Council that the Council will remove the animal and the occupier will pay the Council's reasonable costs.

Note: animal rescue activities in the community are not prohibited unless they are conducted in such a way as to encourage stray or feral animals to cause nuisance. Where possible, Council will work proactively with the SPCA and other animal rescue organisations to ensure animal welfare requirements are met and all practicable options are explored when dealing with feral and stray animals.

11.0 Service of notices

- 11.1 Any notice, order or other document which this bylaw requires to be served or given to any person shall be deemed to have been duly served or given if it is left at their residence or work place or posted to their last known residential address.

12.0 Offences and penalties

- 12.1 Any person who fails to comply with the requirements of this bylaw commits an offence and may be liable to a penalty under the Local Government Act 2002 or the Health Act 1956, as the case maybe.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on 13 April 2015.

THE COMMON SEAL of WAIKATO
DISTRICT COUNCIL was hereto affixed in the presence of:

Mayor



Chief Executive

This bylaw was reviewed and amended on 17 May 2021. A further review will occur on or before 17 May 2031.

Activity	Key Date	Council Resolution
Bylaw made	1 May 2015	WDC1504/06/1/5
Bylaw reviewed	17 May 2021	WDC2105/10
Next review due date	17 May 2031	