

PROPOSED AMENDMENTS TO THE 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~~ Day Month Year.

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.

<u>Beehive and hive</u>	<u>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.</u>
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<u>Bee keeping</u>	The keeping of beehives and includes the removal of honey and bee products from the hive, but not the further processing of such products.
Council	the Waikato District Council
Livestock	means cattle, deer, llamas, alpacas, donkeys, mules, horses (and ponies of 148cm or less in height), sheep, goats, pigs, poultry , 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".
<u>Nuisance</u>	<p>Any reasonable interference with the peace, comfort or convenience of another person whether including by way of excessive noise or offensive odours and includes the nuisances defined has the meaning as in Section 29 of the Health Act 1956 and includes the following: and its amendments.</p> <p>(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</p> <p>(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</p> <p>(a)(c) (c) Where any noise emitted by an animal unreasonably interferes with the peace, comfort, or convenience of any person.</p>
<u>Offensive</u>	a sight or smell that occurs that is disgusting or repulsive and which causes nuisance, as defined in Section 29 of the Health Act 1956 and its amendments
Pets	a domestic animal kept primarily as a companion.
Pigsty	means a covered enclosure used for the housing of pigs.
Poultry	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.
Premises	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.
Public place	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

Commented [KR1]: I have suggested changes to the definition of 'nuisance' to be more comprehensive and more in line with the legislative definition.

Commented [WG2]: This definition seems to take out visual impacts and says nuisance is limited to noise and odour. Suggest including instead of whether

Commented [KR3]: I have suggested removing this definition as it is already included as part of the 'nuisance' definition, both in our bylaw and under the Health Act.

recreational grounds under the control of the Council, but excludes the Hamilton Zoo.

Rural area an area zoned rural, rural residential, or country living, or any of the zones included in the Rural Zones Chapter in the Waikato District Plan

Commented [WG4]: Have tried to future proof this as these aren't National Planning Standards' zone names (i.e. they'll all change in September this year).

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 means includes residential, village, rural residential, heavy industrial, business, country living, and town center zones in the Waikato District Plan.

Commented [KR5]: I have suggested amending the definition of urban. The majority of the submissions hold concern with the inclusion of rural resi and country living in a definition which, in plain English, suggests 'town' activities are the norm (rather than the 'rural' activities which occur in those areas).

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 ~~residents in the neighbourhood~~ any other person.
- ~~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.~~
- ~~5.4.3~~ 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.
- ~~5.5.4~~ In addition to this bylaw, any A person keeping an animals (including livestock and poultry) shall ~~in addition to this bylaw~~ comply with any other relevant statutory requirements.
- ~~5.6.5~~ 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 confine~~ the animal is confined to within the boundaries of the premises where the animal is being kept.
- ~~5.7 The keeping of livestock of no more than 4 months of age on properties in an urban area is restricted to 1 animal, for 31 consecutive days at a time, for no more than 31 days total each year.~~

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.~~
~~a) creates or is likely to create a nuisance; or~~
~~b) creates or is likely to create conditions injurious to health;~~
~~c) creates or is likely to create conditions that are offensive; or~~
~~d) results or is likely to result in the pollution of water.~~
- 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 ~~12~~ 6 head of poultry, pet or otherwise, ~~in an urban area, 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 in-an-urban area or which is zoned country living under the Waikato District Plan area.
- 7.4 No poultry ~~caged or otherwise~~ shall be kept in an urban area unless they are provided with enclosed housing (whether mobile or immobile) that is:
- (a) except in a properly Properly constructed in accordance with the Building Act 2004 as the case may require; and
- (b) poultry house covered in with a rRainproof; and
- (c) roof and provided 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 with a surrounding nibwall, 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 ~~erected~~ located:
- (a) within closer than 10m from any dwelling, factory, or other building; or
- (a)(b) _____, whether wholly or partially occupied, or within 3 m of the boundary of any adjoining premises.
- 7.6 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.

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Commented [WG6]: This zone will be going in September.

7.7 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.

7.8 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

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

8.2 Provided that the keeping of bees complies with all other requirements contained in this bylaw, there is no maximum number of hives for properties which are zoned rural under the Waikato District Plan.

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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

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(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.

(Note - This clause will also apply to any properties which will be zoned village under any subsequent District Plan.)

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(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.

(d) The 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

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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.

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

Explanatory 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.

9.0 A minimum of 2 acres of grazeable land per horse is required for the keeping of horses in urban areas, excluding Country Living Zones.

9.19.2 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. No manure which causes nuisance is to be left in a public place. It is the responsibility of the rider/owner to remove any manure deposited in a public place and safely dispose of it on the same day.

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.~~

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~~10.011.0~~ Service of notices

~~10.1~~ Any notice, order or other document which ~~this bylaw is~~ required by this bylaw to be served or given ~~or sent~~ to any person shall be deemed to have been duly served ~~or~~ given if it is ~~or~~ left at ~~his or her~~ their residence or work place or posted to ~~such person at his or her~~ their last known residential address.

~~10.2~~ Any notice, order or document required to be sent or signed by the Council may be sent or signed by any Authorised Officer.

~~11.012.0~~ Offences and penalties

~~11.1~~ 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.

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.

~~11.2~~ 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 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 XXX. A further review will occur on or before XXX.](#)

Activity	Key Date	Council Resolution
Bylaw made	1 May 2015	WDC1504/06/1/5
Bylaw reviewed	On Day Month 2031	TBC
Next review date	By Day Month 2031	TBC
Amendments	Made on Day Month Year / Nil	Nil