

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

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.
Council	the Waikato District Council
Livestock	means cattle, deer, llamas, alpacas, donkeys, mules, horses (including 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”.
Nuisance	has the meaning as in Section 29 of the Health Act 1956 and its amendments.
Offensive	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 recreational grounds under the control of the Council, but excludes the Hamilton Zoo.
Rural area	an area zoned rural 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 means residential, village, rural residential, heavy industrial, business, and town center 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 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.
- 5.8 The keeping of lambs of no more than 4 months of age on properties in an urban area is restricted to 1 animal, for 60 consecutive days at a time, for no more than 60 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.~~
~~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 in an urban area.
- 7.4 No poultry caged or otherwise shall be kept in an 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.
- 7.5 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 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.

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 Horses – special requirements

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

9.2 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 Service of notices

10.1 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.

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.

11.0 Offences and penalties

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.

~~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 2021	TBC
Next review date	By Day Month 2031	TBC
Amendments	Made on Day Month Year / Nil	Nil