

HUTT CITY COUNCIL CONTROL OF ANIMALS BYLAW 2018



ADOPTED BY COUNCIL 11 DECEMBER 2018
EFFECTIVE 19 DECEMBER 2018

CONTENTS

1. INTERPRETATION	3
2. GENERAL CONDITIONS OF KEEPING ANIMALS	3
3. KEEPING OF GOATS	4
4. KEEPING OF POULTRY	4
5. NOISE FROM ANIMALS	4
6. HEALTH AND SAFETY ISSUES FROM BEEKEEPING	4
7. TRAPPING DEVICES	5
8. OFFENCES	5
SCHEDULE ONE	6

1. INTERPRETATION

1.1 In this Bylaw:

“**Animal**” has the meaning defined in the Animal Welfare Act 1999 and means any live member of the animal kingdom that is a mammal, bird, bee, or any other member of the animal kingdom that is declared from time to time by the Governor-General, by Order in Council, to be an animal.

“**Authorised Officer**” means any person appointed or authorized by the Council on its behalf.

“**Commercial poultry shelter or run**” means any commercial poultry operation containing more than 8 head of poultry.

“**Council**” means the Hutt City Council.

“**Domestic Animal**” means any animal (including a bird or reptile, but excluding bees) kept as a domestic pet; any working dog; any other animal kept by any person for recreational purposes or for the purposes of that person’s occupation or employment.

“**Nuisance**” refers to the dictionary definition (a person, thing, or circumstance causing trouble or annoyance; anything harmful or offensive to the community or a member of it and for which a legal remedy exists) or to a statutory nuisance as defined in Section 29 of the Health Act 1956.

“**Owner’s Property**” includes any property the owner of an animal has a legal right to use for the purposes of keeping the relevant animal.

“**Poultry**” includes geese, ducks, turkeys, domestic fowls, roosters, or any birds kept as show birds.

“**Trapping device**” means any trap or other similar device made of metal or other hard material having two jaws closing on each other and operated by a spring and includes without limitation a gin trap but does not include any trap designed for trapping mice or rats or other predator free devices (as approved by NAWAC).

“**Urban area**” means the area identified as urban area in the map in Schedule 1. Council may amend this map by resolution.

2. GENERAL CONDITIONS OF KEEPING ANIMALS

- 2.1 All animals shall be kept in a manner that is not, or is not likely to become, a nuisance, dangerous, offensive, or injurious to health.
- 2.2 All animals shall be kept in a manner that ensures they have adequate physical well-being through acceptable nutrition, environmental, health and behavioural stimulus, and adequate mental well-being.
- 2.3 All domestic animals, other than domestic cats, found at large and not within their owner's property may be seized and impounded by an authorised officer.
- 2.4 The Council may sell, re-home or otherwise dispose of any animal seized and impounded that has not been claimed or returned within 7 days after it was seized and impounded.

3. KEEPING OF GOATS

- 3.1 No goats are to be kept in any Urban Area, unless written permission has been granted by Council.
- 3.2 The Council may grant permission to keep a goat on such conditions as the Council considers appropriate. If there is a breach of any condition, Council may revoke its permission.
- 3.3 All goats must be fitted with an ear tag or collar with sufficient details to allow the owner to be traced or contacted, if the goat is seized.
- 3.4 All goats must be kept within private property, unless written permission has been granted by Council to do otherwise.

4. KEEPING OF POULTRY

- 4.1 Poultry must be adequately contained within the owner's property, so as not to cause (or be likely to cause) nuisance, offence or be injurious to health.
- 4.2 No roosters are to be kept in any Urban Area, unless written permission has been granted by Council.
- 4.3 An owner or occupier of any property in an urban area may keep no more than 8 chickens (or other poultry) without the Council's prior written permission. In assessing an application to allow more than 8 chickens (or other poultry), the Council will consider:
 - a. the number of poultry at the premises; and
 - b. provision for the welfare, hygiene, control, and confinement of the poultry; and
 - c. provision for the protection of other persons or property from being affected in any way by the poultry; and
 - d. the size of the property and proximity to neighbours, and
 - e. any other factors it considers relevant.
- 4.4 Council may grant permission to keep roosters or poultry on such conditions as Council considers appropriate. If there is a breach of any condition, Council may revoke its permission.

5. NOISE FROM ANIMALS

- 5.1 No person may keep an animal that by frequent or long continued noise creates a nuisance by disturbing the quiet enjoyment of people living in the vicinity.

6. HEALTH AND SAFETY ISSUES FROM BEEKEEPING

- 6.1 No person may keep bees in such a way as to cause (or be likely to cause) nuisance, offence or be injurious to health.

7. TRAPPING DEVICES

7.1 No person may set a trapping device.

8. OFFENCES

8.1 Every person commits an offence who breaches a clause of this bylaw.

