

## WAITAKERE CITY COUNCIL

### ANIMALS, BIRDS AND BEES BYLAW 2010

#### 1. **Citation**

This bylaw may be cited as the Waitakere City Council Animals, Birds and Bees Bylaw 2010.

#### 2. **Commencement**

This bylaw comes into force on 1 July 2010.

#### 3. **Revocation**

Waitakere City Council's Bylaw No. 4 Chapter 13 1990 The Keeping of Animals, Poultry and Bees is revoked with effect from the commencement date of this Animals, Birds and Bees Bylaw 2010.

#### 4. **Purpose**

This bylaw is made under sections 145 (a) and (b) and 146 (a) (v) Local Government Act 2002. Its purpose is to ensure that the keeping of animals, birds and bees within the Council's boundaries does not create a nuisance and if a nuisance does arise that the Council has appropriate regulatory powers to take relevant action.

#### 5. **Interpretation**

In this bylaw unless the context otherwise requires:

“**Animal**” means any living creature but does not include a human being or a dog;

“**Bird**” means any feathered vertebrate and includes a rooster, fowl, chicken, rooster, goose, duck, pigeon, turkey, parrot, pheasant, canary, ostrich, budgerigar or emu.

“**Council**” means the Waitakere City Council and its successors;

“**Nuisance**” means any unreasonable interference with the peace, comfort or convenience of another person and includes a statutory nuisance as defined in Section 29 Health Act 1956 and any statutory re enactment.

#### 6. **GENERAL CONDITIONS OF KEEPING ANIMALS BIRDS OR BEES**

##### 6.1 No person shall keep, permit or suffer to be kept any

- (a) animal, bird or bee which causes a nuisance through noise, smell, dust or through the attraction of flies; or
- (b) animal, bird or bee in a manner that:
  - (i) is or is likely to become a nuisance or
  - (ii) is or is likely to become offensive to the occupier of an adjoining property or a threat to health, or dangerous.

#### 7. **OFFENCES**

A person commits a breach of this bylaw who:

- (a) Permits or allows any condition to exist or continue to exist contrary to this bylaw;
- (b) Obstructs or hinders any Council officer in the performance of any duty to be discharged by that officer under or in exercise of any power conferred by this bylaw;
- (c) Fails to comply with any lawful notice or direction given under this bylaw;

## **8. ENFORCEMENT AND PENALTIES**

- 8.1 Pursuant to section 239 Local Government Act 2002, every person who breaches a bylaw, commits an offence and is liable on summary conviction to the penalties set out in section 242 Local Government Act 2002.
- 8.2 Pursuant to section 162 Local Government Act 2002, the Council may apply to the District Court for an injunction restraining a person from committing a breach of this bylaw.
- 8.3 The Council may remove or alter a work or thing which has been constructed in breach of a bylaw whether or not that thing is on private land in accordance with sections 164 and 165 of the Local Government Act 2002.
  - (a) In accordance with section 167, where any property is seized under sections 164 or 165, the property will be returned upon request to the person from whom it was seized from subject to the payment of any costs incurred by the Council in the seizing of the property.
  - (b) Where the property is not claimed within 6 months from the date of being seized the Council may dispose of the property in accordance with section 168 of the Local Government Act 2002 subsequent to giving the owner 14 working day's notice of its decision.
- 8.4 Any costs incurred by the Council, including the costs of storage and legal fees, incurred in the removal or alteration of the property is recoverable from the person who committed the breach in accordance with section 163 of the Local Government Act 2002.
- 8.5 Where an infringement regime is introduced under Subpart 3 of Part 9 of the Local Government Act 2002 and bylaws are deemed to infringement offences, an offence against this bylaw is an infringement offence.
- 8.6 For the avoidance of doubt it is offence under this bylaw to:
  - (a) Obstruct or hinder any Council officer or other authorised officer in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred by this bylaw;
  - (b) Fail to comply with any lawful notice or direction given under this bylaw.

Adopted at a meeting of the Waitakere City Council on 16 June 2010 by Resolution 799/2010.



**WAITAKERE CITY COUNCIL**  
**ANIMALS, BIRDS AND BEES**  
**EXPLANATORY NOTE TO BYLAW**

**ADDITIONAL NOTES**

**District Plan**

The District Plan has special requirements relating to 'intensive animal farming' defined as 'raising animals in artificially controlled conditions including but not limited to pigs, poultry and rabbit farming, substantially within buildings.'

Under the District Plan there are also restrictions relating to the keeping of certain animals in 'natural areas'.

Questions regarding applicable District Plan rules should be addressed to Council's duty planner.

**Dogs**

The Dog Control Act 1996, the Animal Welfare Act 1999 and Waitakere's Dog Control Bylaw of 2004 all apply to the keeping and controlling of dogs in the City. The bylaw is available on Council's website. The bylaw includes plans which show which areas dogs are not permitted and where dogs are permitted on and off leash.

**Pigs**

The keeping of pigs may also be subject to Ministry of Agriculture and Forestry requirements. Check with the local MAF office. The Biosecurity (Meat and Food Waste for Pigs) Regulations 2005 and Animal Welfare Act 1999 also apply.

**Other legislation applicable to the keeping of animals**

The Wild Animal Control Act 1977  
Trade in Endangered Species Act 1989  
Hazardous Substances and New Organisms Act 1996  
Animal Identification Act 1993  
Wildlife Act 1953

In relation to certain animals, there are additional requirements for keeping and/or importing them. In all cases clause 6 of the bylaw will apply.