

HUTT CITY COUNCIL BYLAW 2008

CONTROL OF ANIMALS

Adopted by Council 3 June 2008

1. Interpretation

1.1 In this bylaw:

“**Animal**” includes poultry, birds, and bees, but does not include dogs.

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

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

“**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.

“**Urban area**” means the area identified as urban area in the map in Schedule 1.

2 Keeping of goats

2.1 No person may keep a goat, or allow a goat to be kept in any urban area, as identified in Schedule 1, unless the person holds a permit issued by the Council under clause 2.3.

2.2 Any person may apply to the Council for a permit to keep a goat, using a Council approved form.

2.3 The Council may grant a permit to keep a goat on such conditions as the Council considers appropriate. If there is a breach of any condition, Council may at its discretion revoke the permit.

3 Keeping of poultry

3.1 The owner of any poultry must keep the poultry in a shelter that:

- (a) is built in such a way so as to ensure that the poultry are contained within the shelter; and
- (b) provides safe, clean, and dry conditions for the poultry.

3.2 No person may erect or maintain a poultry shelter or run that is not a commercial poultry shelter or run within:

- (a) 10 metres, at its nearest point, of a building (including a dwelling or factory); and
- (b) 2 metres, at its nearest point, of the boundary of any adjoining land.

3.3 No person may erect or maintain a commercial poultry shelter or run within:

- (a) 15 metres, at its nearest point, of a building (including a dwelling or factory); and
- (b) 15 metres, at its nearest point, of the boundary of any adjoining land.

4 No roosters in urban areas

4.1 No person may keep a rooster, or allow a rooster to be kept, in any urban area.

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 so as to create a danger to the health and safety of persons in the vicinity.

7 Trapping devices

7.1 No person may set a trapping device.

Commentary

The following comments do not form part of the Control of Animals Bylaw. They are provided to alert readers to relevant law and information that relate to the Bylaw.

Objective

The objective of this Bylaw is to control the keeping of animals within the district so they do not create a nuisance or endanger health, as well as control the use of traps.

Statutory authority

This Bylaw is made pursuant to the Council's bylaw-making powers in the Local Government Act 2002, and in conjunction with section 66 of the Health Act 1956. This Bylaw should be read in conjunction with the Animal Welfare Act 1999.

Offences

It is an offence under section 239 of the Local Government Act 2002 to breach a bylaw. If you breach this Bylaw, you may be liable on conviction to a fine of up to \$20,000 under section 242(4) of the Local Government Act 2002.

SCHEDULE 1

Urban Area

