



# **NAPIER CITY**

## **Animal Control Bylaw 2014**

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## NAPIER CITY ANIMAL CONTROL BYLAW 2014

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## 1. Scope

- 1.1 This bylaw controls animal keeping in private property and trapping activities in public and private places in Napier City. It sets the requirements for the keeping of animals, poultry, bees and reptiles, and the minimum necessary requirements for owners for maintaining the principles of animal welfare and for the protection of residents and the local community from potential nuisance, excess noise, and health hazards. The bylaw is aimed primarily at the keeping of animals as pets or for home produce (whether in residential or industrial/commercial environments or on a temporary basis for mobile events), but may be applied to any circumstance as required.
- 1.2 Part 8 subpart 1 of the Local Government Act 2002 (the Act) and other relevant legislation such as the Animal Welfare Act 1999, the Wildlife Act 1953, the Conservation Act 1987 and the Health Act 1956, outline some of the powers and requirements of the Council in regard to animal welfare. Areas of control prescribed by this legislation are not necessarily repeated within this bylaw. Accordingly the relevant sections of the Act and other relevant Acts should also be read.
- 1.3 This bylaw comes into force on 1 February 2015.
- 1.4 This bylaw revokes the Napier City Animal Control Bylaw 2008.
- 1.5 So far as they are applicable, and are not contrary to the provisions of this bylaw, the provisions of the Napier City Introductory Bylaw 2014 are incorporated into and form part of this bylaw.
- 1.6 All Licences or permits issued under the Napier City Animal Control Bylaw 2008, after the coming into force of this bylaw are deemed to have been issued under this bylaw and are subject to the provisions of this bylaw.
- 1.7 All matters and proceedings commenced under the Napier City Animal Control Bylaw 2008 pending or in progress on the coming into operation of this bylaw may be continued, completed or enforced under this bylaw.

## 2. Definitions

- 2.1 For the purposes of this bylaw the following definitions apply;

LEG HOLD TRAP is a long-spring or double-coil spring type trap intended for the capture of any animal by the leg using metal jaws, whether serrated, smooth or padded, that does not meet the National Animal Welfare Advisory Committee guidelines for humaneness of kill traps under the principles of the Animal Welfare Act 1999. It includes any trap prohibited for sale or use by any Ministry for Primary Industries regulations.

For clarity such traps include spring jaw or gin trap (Lanes Ace) traps, or other similar devices made of metal or other hard material having two jaws closing on each other and operated by a spring. It does not include a trap designed only to trap mice or rats.

NUISANCE has the meaning assigned to that term in section 29 of the Health Act 1956.

POULTRY means any live domesticated or farmed bird including but not limited to: fowl, goose, duck, pigeon, turkey, pheasant, ostrich, guinea fowl, or emu, or any similar such caged bird including but not limited to: parrot, budgerigar, or canary.

STOCK means cattle, sheep, horses, deer, donkeys, mules, goats, pigs, alpacas, llamas, or other animal (excluding dogs) including their young, kept in captivity, or farmed, and dependent on humans for their care and sustenance.

### **3. General**

- 3.1 The keeping of animals must comply with the National Animal Welfare Advisory Committee of the Ministry for Primary Industries requirements for animal welfare under the Animal Welfare Act 1999, and any other applicable legislation, regulations and guidelines for maintaining public health, keeping animals, animal welfare and agriculture practices.
- 3.2 The keeping of animals at any premises must be of a restricted quantity and in a suitable manner such that their keeping does not cause a nuisance, excessive noise, or a health hazard to residents in the neighbourhood.
- 3.3 The keeping of any animal must be in accordance with any Licence or permit required under this bylaw and in accordance with any conditions that may apply.
- 3.4 Any Licence or permit issued under this bylaw is valid for 12 months and must be renewed annually for the continued keeping of the animals to which it relates.
- 3.5 No Person shall, without the prior permission of an Authorised Officer, turn in or allow any stock, poultry or other animal to wander or graze, on any Council land.
- 3.6 No Person shall drive, ride, swim, or lead any horse or other animal on any Council land except on those areas set aside specially for such purpose.
- 3.7 No Person shall drive or ride any animal on any Council land in such a manner as to cause damage to the surface or to any part of the land.
- 3.8 No Person can by any means whatsoever destroy, disturb, shoot, capture, snare, injure, interfere with, take, or attempt to do any such act to, any animal, waterfowl, or native bird species protected by the Wildlife Act 1953 (administered by the Department of Conservation), or any other bird, in or from any Council land without the prior consent of the Department of Conservation and an Authorised Officer of the Council.

### **4. Cats**

- 4.1 There is no limit to the number of cats permitted to be kept in any Premises provided the cats are sufficiently cared for in accordance with the Animal Welfare (Companion Cats) Code of Welfare 2007, however catteries require resource consent under the District Plan.
- 4.2 If the keeping of cats causes an environmental health issue the number of cats may be limited on a case by case basis at the discretion of the Regulatory Services Manager.

### **5. Pig Keeping**

- 5.1 Pigs may be kept in areas zoned Rural (including lifestyle character) in properly constructed cleanable housing with suitable drainage located no closer than 50m

to any dwelling, or other building or boundary. Where pigs are allowed to free range they are to be held in fields no closer than 100m to any dwelling.

- 5.2 No Person shall keep any pigs in such a manner as to create a nuisance, or which is likely to be injurious to health or offensive.
- 5.3 The animals must be provided with suitable care and housing as provided for in the Animal Welfare (Pigs) Code of Welfare 2010 from the National Animal Welfare Advisory Committee of the Ministry for Primary Industries.
- 5.4 If the keeping of pigs causes an environmental health issue the number of pigs may be limited on a case by case basis at the discretion of the Regulatory Services Manager.

## **6. Poultry keeping**

- 6.1 The maximum number of poultry that may be kept at any premises in areas not zoned Rural or lifestyle character is 12, except where poultry is kept temporarily for the preparation or purpose of sale. Roosters are not permitted.
- 6.2 In all cases the poultry must be provided with suitable care and housing as provided for, as far as is relevant, in the Animal Welfare (Layer Hens) Code of Welfare 2012 or the Animal Welfare (Meat Chickens) Code of Welfare 2012.
- 6.3 In areas of Napier City not zoned Rural or lifestyle character, poultry must be kept in a properly constructed pigeon loft or poultry house covered with a rain proof roof and provided with a floor of concrete or other approved material with a surrounding nib wall.
- 6.4 If the poultry house is greater than 1.2 m high and 10 m<sup>2</sup> floor area it must be constructed in accordance with the Building Act 2004 and a permit is required.
- 6.5 Where a poultry run is provided it must be enclosed to confine the poultry and be adequately graded and drained.
- 6.6 The poultry house or run must be located no closer than 10m to any dwelling or other building and no closer than 2m from a boundary.
- 6.7 Pigeon lofts must be located no closer than 3m to any dwelling or other building and no closer than 2m from a boundary.
- 6.8 Every poultry house or pigeon loft must be treated with insecticide every six months, maintained in good repair, and be clean, dry, and rat proof.
- 6.9 Without limiting 6.1, if the keeping of poultry causes an environmental health issue the number of poultry kept at any Premises may be limited on a case by case basis at the discretion of the Regulatory Services Manager.
- 6.10 Council investigates bird noise complaints from the public only where there is a minimum of 3 adult complainants, from separate households, directly affected by the noise.

## **7. Bee keeping**

- 7.1 Bees may be kept in a properly constructed bee hive in non-rural areas of Napier City subject to obtaining a permit from Council, and payment of any applicable

fee. The permit may be cancelled if the keeping of bees becomes a nuisance or health hazard.

- 7.2 The permit may include conditions at the discretion of the Regulatory Services Manager, based on a case by case assessment taking into account aspects such as the quantity and position of hives, proximity to neighbours, flight path of bees and any other relevant matters.

## **8. Reptile keeping**

- 8.1 Native reptiles, which are classified as absolutely protected wildlife, can only be kept under permit by the Department of Conservation in accordance with the criteria by which any particular reptile species must be housed, cared for, and kept.

- 8.2 Exotic reptiles may be kept in captivity under permit from the Ministry for Primary Industries in accordance with the Codes of Welfare and any other relevant terms and conditions of the Animal Welfare Act 1999.

- 8.3 If the keeping of reptiles causes an environmental health issue the number of reptiles that may be kept may be limited on a case by case basis at the discretion of the Regulatory Services Manager.

## **9. Temporary and travelling events**

- 9.1 Animals may be temporarily kept at an approved location anywhere in Napier City for the purposes of travelling circuses or shows, subject to obtaining a licence from Council, and in accordance with any conditions and payment of any applicable fee.

- 9.2 Animals permitted by the Ministry for Primary Industries to be kept for the purposes of travelling circuses or shows, must be properly cared for and housed according to Codes of Welfare and any other relevant terms and conditions of the Animal Welfare Act 1999.

## **10. Use of Traps**

- 10.1 No Person must set or cause to be set, in or on any Premises, public or private, or in any Public Place within Napier City any leg hold trap, including setting the trap in a manner such that the trap may act as a kill trap.

- 10.2 Any Person who sets or uses a leg hold trap for any purpose within Napier City commits an offence under section 239 of the Act and is liable to a fine as specified in section 242 of the Act or to the issue of an infringement notice under section 245 of the Act.

## **11. Offences**

- 11.1 Any person commits a breach of this bylaw who:
- (a) Does, or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this bylaw;
  - (b) Omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done by them at the time and in the manner provided by this bylaw;



- (c) Does not refrain from doing anything which under this bylaw they are required to refrain from doing;
  - (d) Knowingly permits or suffers any condition or things to exist contrary to any provision contained in this bylaw;
  - (e) Refuses or neglects to comply with any notice given to that Person under this bylaw;
  - (f) Obstructs or hinders any Authorised Officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon that officer by this bylaw; or
  - (g) Fails to comply with any notice or direction given under this bylaw.
- 11.2 Where it is suspected that any Person has committed a breach of this bylaw, that Person must, on the direction of an Authorised Officer, provide their full name and address.

## **12. Penalties**

- 12.1 Every Person who commits an offence against this bylaw is liable to the penalty set out in section 242 of the Act; or where another enactment specifies the penalty for a breach of the bylaw, that other penalty.
- 12.2 In accordance with section 162 of the Act, the Council may apply to the District Court for an injunction to restrain a Person from committing a breach of this bylaw.
- 12.3 In all cases the Council may recover costs associated with breach of this bylaw in accordance with sections 175 and 176 of the Act respectively.

This bylaw was made by the Napier City Council by resolution at a Council meeting on 17 December 2014 and must be reviewed within 5 years in accordance with section 158 of the Act.

Sealed with the Common Seal  
Of the Napier City Council  
In the presence of:



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Chief Executive

