

Porirua City Council General Bylaw 1991

PART 7

KEEPING OF ANIMALS

7.1 TITLE

This bylaw is Part 7 of the Porirua City Council General Bylaw 1991 and also known as the Keeping of Animals Bylaw. It has been adopted under the provisions of the Health Act 1956 and Local Government Act 2002.

7.2 PURPOSE

- 7.2.1 The purpose of this part of the bylaw is to encourage owners of animals to keep them in a way that protects people from nuisance and maintains and promotes health and safety.
- 7.2.2 The bylaw supplements rather than duplicates other animal owner obligations, including but not limited to, the Animal Welfare Act 1999, Biosecurity Act 1993 and Resource Management Act 1991.

7.3 INTERPRETATION

In this part of the bylaw:

Animal shall take the meaning given in Animal Welfare Act 1999 but will exclude dogs and cats.

Keeper means an owner or person in charge of an animal who has the animal in their possession or custody, or under their care, control, or supervision. It does not include a person who has legally seized an animal.

Owner, in relation to an animal, includes the parent or guardian of a person under the age of 16 years who:

(a) owns the animal; and

(b) is a member of the parent's or guardian's household living with and dependent on the parent or guardian

Nuisance has the meaning given under the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person. A nuisance can include excessive noises and offensive odours associated with keeping animals.

7.4 GENERAL OBLIGATIONS FOR KEEPING ANIMALS

- 7.4.1 The keeper of any animal must at all times:

(a) ensure that animal does not cause a nuisance to any other person; and

(b) ensure that animal does not cause a risk to public health and safety.

- 7.4.2 Animals must be kept in clean living conditions free from any offensive smell or overflow, and free from vermin.

7.4.3 Any property where animals (excluding bees) are not confined to a pen or house must have secure boundary fences to confine them to that property.

7.4.4 Where any animal kept on private land is causing or is likely to cause a nuisance the Council may issue a notice requiring the person keeping the animal to take action to abate or prevent the nuisance.

7.5 **ANIMALS PROHIBITED IN CERTAIN ZONES**

7.5.1 Pigs, goats, roosters, peacocks and similar crowing animals are not permitted in or within 100 metres of the City Centre or Suburban Zones as defined by the District Plan.

7.5.2 Poultry, sheep and rabbits are not permitted in or within 100 metres of the City Centre Zone as defined by the District Plan.

7.5.3 The prohibition does not apply to authorised pet shops, animal boarding houses or similar animal service premises.

7.6 **BEEKEEPING**

7.6.1 No person shall keep bees on any property if the keeping of bees is or is likely to become a nuisance or annoyance to any person or potentially dangerous or injurious to health.

7.6.2 Any keeper of bees in the urban area must gain the permission of all affected neighbouring properties before setting up hives and must advise any new neighbours of existing hives.

7.6.3 It is **compulsory** for keepers to register with Apiculture New Zealand (APINZ) and adhere to the APINZ code of conduct.

7.7 **ENFORCEMENT**

7.7.1 The Council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this bylaw.

7.7.2 The Council may remove any animals or hives found to be in breach of this bylaw. Costs will be recovered from the person who committed the breach.

7.7.3 A person who fails to comply with this bylaw commits an offence and is liable to a penalty upon prosecution under the Local Government Act 2002 or the Health Act 1956.