

# KEEPING OF ANIMALS, BEES & POULTRY BYLAW 2021


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**1 Title, Commencement and Application**

- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Keeping of Animals, Bees & Poultry Bylaw 2021 and comes into force on 1 January 2022.
- 1.2 This Bylaw is made pursuant to sections 145 and 146(a)(v) of the Local Government Act 2002 and any other Act or Authority enabling the Council in that behalf.
- 1.3 This Bylaw applies to the Kapiti Coast District.

**2 Bylaw Validation**

- 2.1 The Kapiti Coast District Council Keeping of Animals, Bees & Poultry Bylaw 2021 was approved at a meeting of the Kapiti Coast District Council held on 30 September 2021 after completion of the Special Consultative Procedure.
- 2.2 The Common seal of the Kapiti Coast District Council was affixed, pursuant to a resolution of Council on 30 September 2021 in the presence of:

  
.....  
K Gurunathan  
Mayor

  
.....  
Wayne Maxwell  
Chief Executive Officer

  
.....  
JE Holbrow  
Councillor



### 3 Objective

- 3.1 This Bylaw manages the keeping of animals, poultry and bees throughout the Kapiti Coast District to ensure this activity does not create a nuisance or become a threat to public health and safety. There are special controls on the keeping of animals, poultry, and bees, which have the potential to cause problems, particularly in urban areas.
- 3.2 Nothing in this Bylaw derogates from any provision of, or the necessity for compliance with:
- i. the Animal Welfare Act 1999 or any Act passed in amendment or substitution thereof;
  - ii. any other applicable Acts of Parliament, regulations or rules;
  - iii. any other Council bylaws, District Plan requirements; and
  - iv. any other requirements imposed by either Greater Wellington Regional Council or Department of Conservation.

### 4 Interpretation

4.1 In this Bylaw, unless the context requires otherwise:

<b>Animal</b>	means any live member of the animal kingdom (excluding dogs) that is a mammal, a bird or any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal for the purposes of the Animal Welfare Act 1999.
<b>Authorised Officer</b>	means any person authorised by the Council to carry out any of the duties provided for under this bylaw or any Council bylaw; and (a) includes any Council Enforcement Officer; and (b) includes any agent licensed by Council to carry out a duty or operate a public place on Council's behalf.
<b>Aviary</b>	means a fixed, permanent structure designed for the keeping of cage birds and excludes any structure used to house poultry.
<b>Bird</b>	means any live domesticated bird including, but not limited to: pigeon, parrot, budgerigar, canary, dove.
<b>Circus Animal</b>	means any domestic or non-domestic, including exotic, animal kept in a circus for the purpose of public exhibition or performance.
<b>Council</b>	means the Kāpiti Coast District Council, or an officer authorised to exercise the authority of the Council.
<b>Enforcement Officer</b>	means any person appointed by the Council to enforce the provisions of any Council Bylaw and who holds a warrant under section 177 of the Local Government Act 2002 or an appropriate section of any other Act
<b>Feral Animals</b>	means an animal in a wild state, but descended from domesticated species.
<b>Granting of Licences</b>	an application for a licence must: (a) be made in writing on the appropriate form provided by the Council (if any); (b) contain all the required information; and (c) be lodged with the appropriate application fee (if any)

<b>Keeping</b>	means: (a) in respect of all animals, the keeping of one or more of the species concerned and includes their young; and (b) in respect of bees, the keeping of one or more occupied hives.
<b>Nuisance</b>	means unreasonable interference with the peace, comfort, or convenience of a person, whether by way of excessive noise, or offensive odours, or as defined under the Health Act 1956.
<b>Offence</b>	means a breach of this Bylaw.
<b>Poultry</b>	means any live domesticated or farmed bird usually kept for its utility such as meat and eggs. It includes, but is not limited to: fowl, goose, duck, turkey, peacock (including peafowl), pheasant, ostrich or emu.
<b>Poultry Coop</b>	means a structure suitable for containing poultry that consists of a rainproof roof, a properly graded floor of concrete, timber or other appropriate material with a suitably enclosed run attached.
<b>Public Place</b>	means every thoroughfare of a public nature or open to or used by the public as of right, and, every park, reserve, beach, riverbed, place of public resort or place to which the public has access.
<b>Rooster</b>	means an adult male chicken.
<b>Slaughter</b>	means the killing of animals for food and does not include euthanizing animals for welfare purposes.
<b>Stock</b>	shall include any horse, cattle, deer, donkey, sheep, pig, goat, alpaca or llama.
<b>Wild Animal</b>	means an animal living in a wild state, that is not domesticated or tamed, and normally living in a natural environment.
<b>Urban Area</b>	means any part of the District zoned for general residential, industrial, or commercial and mixed use zone in the Kapiti Coast District Plan.

## 5 Keeping of Animals

### 5.1 No person shall:

- (a) keep any animal which is or likely to be a nuisance or a threat to public health and safety; or
- (b) keep any animal in conditions which are or are likely to be a nuisance or threat to public health or safety<sup>1</sup>; or
- (c) keep, or allow any animal in a public place in a manner which is likely to be a nuisance or a threat to public health and safety; or
- (d) slaughter an animal or dismember, handle, process or dispose of the carcass or remains of an animal on any property or premise so as to cause or be likely to cause a nuisance or threat to public health and safety.

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<sup>1</sup> Every animal owner has a responsibility to treat and care for their animal/s humanely. The Council will report any breaches of the Animal Welfare Act 1999 to the SPCA, Police or MPI inspectors.

Note: It is an offence under the Health Act 1956 to leave animals, or animal carcasses in a state where they are offensive or injurious to health. It is an offence under the Resource Management Act 1991 to discharge any contaminant into water unless authorised under the Act.

5.2 Where a private property owner wishes to permanently keep a wild animal on their property and/or a circus animal (other than those classified as stock or poultry), they shall apply for a licence from the Council and abide by any requirements specified on the licence to protect public health and safety.

5.3 No person shall site any building housing animals within 1 metre of property boundaries, or within a 4.5 metre set back of the front boundary.

Note: Additional distance requirements are required for some animal types (i.e. stock and poultry) as identified in this Bylaw or the District Plan.

## **6 Stock**

6.1 No owner or occupier of any land shall permit any stock to be kept or grazed thereon, unless such land is enclosed on all sides by a proper and adequate stock proof fence.

6.2 Every person being the owner or having the care of any stock shall keep and prevent the same from wandering or being at large without proper guidance on any public place.

6.3 No person shall use a public road frontage for the permanent grazing of stock unless the prior written approval of the Council is given. This approval shall be subject to such conditions as the Council may impose.

6.4 No person shall keep any pig or goat on any property in an urban area when the area is less than 2000 square metres in size, unless a licence granting an exemption to this rule has been provided by the Council<sup>2</sup>.

6.5 No person shall site a building housing pigs, pig swill or manure, closer than 50 metres from any dwelling or building used for the storage or sale of food for human consumption and no such building shall be within 20 metres of a property boundary.

## **7 Poultry<sup>3</sup>**

7.1 A licence is required from the Council before any person can keep or allow to be kept within an urban area any rooster<sup>4</sup>.

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<sup>2</sup> The keeping of pigs or goats in a “general residential zone” (as defined by Kapiti’s District Plan) is a non-complying activity under the District Plan and requires a resource consent.

<sup>3</sup> Kapiti’s District Plan contains several separate provisions for birds which must be adhered to, including siting distances and aviary size requirements.

<sup>4</sup> Roosters in a “general residential zone” (as defined by Kapiti’s District Plan) also require a resource consent.

- 7.2 A licence is required from the Council before any person can keep or allow to be kept within an urban area any peacock.
- 7.3 Every person being the owner or having the care of any poultry on any property shall keep and prevent the same from wandering beyond the property boundary.
- 7.4 No person shall site a poultry coop closer than 2 metres from any property boundary, dwelling or building where food is stored for human consumption, or within a 4.5 metre set back from the front boundary.
- 7.5 Every poultry coop of whatever size shall be suitably constructed so that poultry are confined within the poultry coop and associated run.
- 7.6 The size of each poultry coop and attached run must provide for the minimum standards as set out in the Layer Hens Code of Welfare issued under the Animal Welfare Act 1999<sup>5</sup>.
- 7.7 In an urban area the total number of poultry on any one urban premises shall not exceed 12 unless a licence for more has been granted by the Council.

## **8 Bees**

- 8.1 Persons wishing to keep bees in an urban area are required to obtain a license from the Council. A license will be given, if in the opinion of an Authorised Officer, the keeping of such bees is set up and carried out in such a way that it is unlikely to become a nuisance to any person or dangerous or injurious to health.
- 8.2 A license to keep bees may be revoked if the conditions for which the license was originally given are not being met, or nuisance complaints from two or more different adjoining property owners have been received.
- 8.3 All non-urban apiaries must be placed 10m or more from public places unless an exemption license has been granted by Council.

Note: All beekeepers have a legal requirement under the Biosecurity Act 1993 to register any apiary, within 30 days of placing beehives on that site, with The Management Agency. This is additional to the requirement to license your beehives with the Council.

## **9 Encouraging Nuisances by Feral Animals**

- 9.1 No person shall provide sustenance, harbourage, or comfort to feral animals, so as to cause them to become a nuisance or health and safety risk to other persons.

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<sup>5</sup> Some poultry types do not apply under the Layer Hens Code of Welfare and may have their own Code of Welfare. The Animal Welfare Act 1999 applies for all animals.

Note: Animal rescue activities in the community are not prohibited unless they are conducted in such a way as to encourage feral animals to cause a nuisance or health and safety risk to other persons.

## **10 Offence and Penalty**

- 10.1 Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.
- 10.2 The Council may apply to the District Court for an injunction to restrain a person from committing a breach, or continuing to breach this Bylaw, as set out in the Local Government Act 2002.
- 10.3 Notwithstanding the above, nothing in this Bylaw serves to prevent the Council, where it considers it appropriate, from exercising its powers under the Health Act 1956 or Resource Management Act 1991 to abate nuisance without notice.

<p>For rules on Dogs see the Kapiti Coast District Council Dog Control Bylaw 2019 and Dog Control Policy 2019.</p>
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