
Draft Wellington Consolidated Bylaw 2008: Part 2 - Animals



**Absolutely Positively
Wellington City Council**

Me Heke Ki Pōneke

Proposed Bylaw

Purpose

The Wellington Consolidated Bylaw 2008: Part 2 – Animals sets requirements for the keeping of animals, to protect the public from nuisance, and to maintain and promote public health and safety and safeguard the welfare of animals. It also gives effect to, and gives legal powers to enforce, the Dog Policy 2023.

This bylaw is made under:

- Sections 145 and 146 of the Local Government Act 2002.
- Section 20 of the Dog Control Act 1996.
- Section 64 of the Health Act 1956.

The Animal Welfare Act 1999 should be read in conjunction with this bylaw.

1. Interpretation

1.1. In this bylaw, unless the context otherwise requires:

Animal has the meaning defined in the Animal Welfare Act 1999 and means any live member of the animal kingdom that is a mammal, bird, bee, or any other member of the animal kingdom that is declared from time to time by the Governor-General, by Order in Council, to be an animal.

Authorised Officer means any person appointed or authorised by the Council on its behalf.

Community garden refers to an approved non-exclusive occupation of Council land to grow plants, fruit, and vegetables.

Domestic animal means any animal (including a bird or reptile but excluding bees) kept as a domestic pet; any working dog; any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

Large lot residential zone refers to properties in lower density development as outlined in the Council's District Plan. They are typically larger sites that are located on the periphery of urban areas.

Nuisance refers to the dictionary definition (a person, thing, or circumstance causing trouble, annoyance; anything harmful or offensive to the community or a member of it) or to a statutory nuisance as defined in Section 29 of the Health Act 1956.

Owner means a person who owns the animal, the parent or guardian of someone who is under the age of 16 who owns the animal, or a person who is looking after the animal and is responsible for it. For dogs, it includes the meaning as defined under the Act.

Poultry refers to domesticated birds that are kept or raised for their eggs, meat, feathers, or companionship. It may include hens, roosters, ducks, geese, quail, peafowl, pheasants, swans, and guinea fowls.

Public place means any area of public nature that is open to or used by the public, whether free or requiring payment, which is owned, managed, maintained, or controlled by the Council or Council Controlled Organisation. It includes any road, street, footpath, court, alley, lane or accessway, park, recreation ground, sports field or facility, reserve, beach, Wellington Town Belt, Waterfront, pool, pedestrian mall, wharf, breakwater, boat ramp, pontoon, public open space, community facility, cycle track, bridleway, public garden, berm, grass verge, public square, cemetery, foreshore and dune, accessway, square, and carpark, and any part of the public place. Public place does not cover private

roads, state highways or other roads under the control of the New Zealand Transport Agency, except where responsibility has been delegated to the Council.

Residential area refers to any area that is not classified as the “General Rural Zone” or (unless otherwise specified) “Large Lot Residential Zone” in the Council’s District Plan. It includes areas such as the Medium Density Residential Zone, High Density Residential Zone and City Centre Zone.

Rural area refers to any area included in the “General Rural Zone” and (unless otherwise specified) “Large Lot Residential Zone” in the Council’s District Plan. It is the largest Zone in terms of land area and is characterised by a sense of remoteness, spaciousness, pastoral farming and rolling countryside.

Stock refers to livestock, which may include alpacas, cattle, deer, donkeys, horses, sheep, goats and pigs.

Stray cat does not have a microchip or other identifiable features to suggest human ownership. They may live as an individual or in a group (colony) and have many of their needs indirectly supplied by humans and live around centres of human habitation.

The Act means the Dog Control Act 1996.

2. Activities that require Council permission

2.1. The process to grant Council permission for anyone to carry out the activities set out below is outlined in Part 1 (Introduction) of the Wellington Consolidated Bylaw 2008. Council permission may be granted subject to any conditions the Council sees fit.

2.2. The following activities will require the Council's prior written permission:

2.2.1. Animal establishments

- a. Establishing or maintaining any animal boarding establishment, including dog day care services.
- b. Establishing or maintaining a pet shop, pet grooming facility, cattery, animal hospital, or refuge centre for the keeping, selling, or treating of animals that also operates a business as a boarding establishment.

2.2.2. Bringing domestic animals into designated public areas

- a. Bringing a domestic animal, other than where this is permitted under the Dog Policy, into areas classified as a beach area (restricted during summer), controlled public place, exercise area (specified times), prohibited public place, prohibited place (specified times) for special events.

2.2.3. Keeping animals

- a. Keeping more than three dogs, as outlined in Section 5.
- b. Keeping more than four hives in a residential area, as outlined in Section 6.
- c. Keeping bees on Council land, as outlined in Section 6.
- d. Keeping stock in a residential area, as outlined in Section 7.
- e. Keeping more or different types of poultry in a residential area, other than those outlined in Section 8.

2.2.4. The Council may grant permission to keep animals with specific conditions and this may be subject to a fee.

3. General conditions of keeping animals

- 3.1.** All animals shall be kept in a manner that is not, or is not likely to become, a nuisance, dangerous, offensive, or injurious to health.
- 3.2.** All animals shall be kept in a manner that ensures they have adequate physical well-being through acceptable nutrition, environmental, health and behavioural stimulus, and adequate mental well-being.
- 3.3.** All domestic animals, other than domestic cats, found at large and not within their owner's property, may be seized and impounded by an Authorised Officer.
- 3.4.** All stray cats found roaming freely may be humanely captured by an Authorised Officer and held for 7 days. The cat(s) may be arranged to be microchipped and/or desexed by an Authorised Officer after 7 days.
- 3.5.** The Council may sell, re-home or otherwise dispose of any animal seized and impounded under clause 3.3. and 3.4. that has not been claimed or returned within 7 days after it was seized and impounded.

3.6. Feeding animals

- 3.6.1.** Feeding of animals can attract rats or other vermin or cause excessive fouling to public places. No animals (excluding dogs) are to be fed in public places, except in designated areas, or with prior written permission from the Council.
- 3.6.2.** Areas for feeding will be clearly signposted. In assessing an application to feed animals, the Council will consider the following factors:
 - a. whether the activity is likely to attract vermin or create public health issues
 - b. whether the activity is likely to cause nuisance, or adversely impact wildlife.

4. Cats

4.1. Every person who keeps cats must ensure:

- 4.1.1. All domestic cats over the age of 12 weeks must be microchipped and the cat's microchip registered with New Zealand Companion Animal Register. Owners must ensure the microchip information is kept up to date.
- 4.1.2. All domestic cats over six months must be desexed, unless they are kept for breeding purposes and the owner is a current registered breeder with a recognised New Zealand registering body, such as New Zealand Cat Fancy Ltd and Catz Inc.
- 4.1.3. Notwithstanding 4.1.2. cats are exempt from being desexed if a registered veterinarian certifies that undergoing the procedure will place the cat at unnecessary risk.

The desexing requirement will come into effect from 1 June 2025, giving owners 18 months to meet the new desexing rule for cats.

5. Dogs

Interpretation

- 5.1. **This bylaw should be read in conjunction with the Wellington Dog Policy 2023.**

- 5.2. **In this bylaw, unless the context otherwise specifies:**

Beach exercise areas means any designated beach area where dogs can exercise off-leash under the control of their owner.

Control means that the dog is not causing a nuisance or danger and that the person in charge of the dog has the dog under continuous surveillance and is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles, or other effective means.

Disability assist dog means a dog certified by one of the organisations listed in Schedule 5 of the Act as being a dog that has been trained (or is being trained) to assist a person with a disability.

Exercise area means any designated public area where dogs are allowed off-leash under the control of their owner.

Exercise area (specified times) means areas where dogs are allowed off-leash at specified times throughout the year as specified in the Dog Policy.

Leash means a physical strap or chain attached to a collar or harness on the dog, sturdy enough to ensure that the dog is restrained and controlled by the person using the leash.

Prohibited public place means any area where dogs are not allowed at any time, on or off-leash.

Prohibited place (specified times) means areas where dogs are prohibited during the times specified in the Dog Policy.

Working dog has the meaning given to it under Section 2 of the Act. This may include any dog that works for the Government, the Police, is a disability assist dog, or is part of commercial activity.

5.3. Keeping more than three dogs

5.3.1. No household (other than those in a rural area) may keep more than three dogs in total, unless given prior written permission by the Council. Permission will be required for more than three dogs over the age of 3 months, whether or not the dogs are registered or the owner/occupier is the registered owner of the dogs.

5.3.2. On application, dog owners will have to pay the associated fee for permission to keep more than three dogs on a property

5.3.3. In assessing an application to keep more than three dogs, the Council will consider the impact on the amenity of the neighbourhood. The Council's permission may be subject to any terms, conditions and restrictions it thinks fit, including:

- a. specifying the number of dogs that may be kept on the premises at any one time.
- b. specifying the duration of the Council's permission.
- c. restrictions as to the purpose for which the dogs may be kept.
- d. provision for the dogs' hygiene, control, confinement and regular inspection.
- e. provision for the protection of other persons or property from being affected in any way by the dogs.

5.3.4. Any person who faces an infringement or prosecution under the Animal Welfare Act 1999 will have any permission to keep more than three dogs revoked.

5.4. Dog nuisances

- 5.4.1. If, in the opinion of an Authorised Officer, any dog or the keeping of any dog on any premises has become, or is likely to become, a nuisance, injurious or hazardous to health, property, or safety, the officer may require the owner by written notice to:
- a) reduce the number of dogs kept on the premises
 - b) construct, alter, reconstruct or otherwise improve the kennels, fences or other buildings used to house or contain the dog
 - c) take such action as the Authorised Officer deems necessary to minimise or remove the likelihood of nuisance, hazard or injury to health, property, or safety.
- 5.4.2. The owner must comply with any notice issued under clause 5.3.1. within the time specified in the notice.

5.5. Dogs in public places

- 5.5.1. Dog owners or the person in charge of a dog must keep their dog under control at all times in any public place.
- 5.5.2. Dogs must be on-leash at all times in public places unless in a designated exercise area, exercise area (within the specified times) or beach exercise area.

- 5.5.3 The Council may, by publicly notified resolution, designate any public place to be one of the following classifications and may impose permissions, prohibitions and restrictions in respect of that area:

- a. exercise area
- b. exercise area (specified times)
- c. beach exercise area
- d. prohibited public place
- e. prohibited public place (specified times).

- 5.5.4. Dogs are permitted to enter any cemetery controlled by the Council, provided that:

- a. this part of the bylaw is complied with.
- b. the dog is under the control of its owner and on-leash at all times.

This clause is made pursuant to the Burial and Cremation Act 1964.

- 5.5.5. The owner of any dog will ensure their dog does not enter any public place contrary to any classification, prohibition or restriction imposed by the Council under clause 5.5.1. as specified in the Dog Policy 2023.

5.5.6 The owner of any dog may keep their dog off-leash in any designated exercise area, exercise area (specified times) or beach exercise area during the times specified in the Dog Policy 2023 or resolution under clause 5.5.3.

5.5.7. Despite any restrictions imposed under clause 5.5.2, any working dog that is working at the time may enter a prohibited public place, exercise area (regardless of specified times) or a prohibited place (specified times).

5.5.8. The owner of any disability assist dog may keep their dog off-leash in a prohibited public place, exercise area (regardless of specified times) or a prohibited place (specified times).

5.6. Right of access to a prohibited place

5.6.1. Dog owners are allowed:

- To move through a play area specifically to move from one side to the other if there is no alternative route but they cannot stop with their dog in the play area.
- Access to Wellington International Airport if they intend to transport their dog.
- Tarakena Bay Beach – dogs are allowed on-leash on the coastal track between Palmer Head and Moa Point.

5.7. Considerations to determine dog exercise areas

5.7.1. There are various factors that the Council will consider when considering to establish a new dog exercise area. These include:

- a. Potential disturbance to local wildlife and negative impact on conservation efforts.
- b. Use of the space for other purposes (the area should not be extensively used for sporting or other recreational activities).
- c. Sufficient size and access (the area should be of significant size to allow for appropriate access points to ensure easy entry and exit for dog owners).
- d. Adequate sight lines that allow owners to maintain visual contact with their dogs.
- e. Well-defined boundaries to clearly separate the dog exercise areas from adjacent areas to ensure the safety of dogs and other groups, where required. Fencing, signage, and other suitable barriers (trees and natural fencing) may be used to establish these boundaries.
- f. Additional considerations may include factors such as community demand for a dog exercise area, dog registration level and current provision.

6. Bees

6.1. Keeping bees on private land

- 6.1.1 Written permission is not required if a person wishes to keep bees within a rural area.
- 6.1.2. An owner or occupier of any property in a residential area may keep four hives without prior written permission from the Council.
- 6.1.3. The Council may require the removal or relocation of a hive(s) if the conditions for which the permission was originally given are not being met, if the Authorised Officer deems it to be an issue, and/or if nuisance complaints from two or more different adjoining property owners have been received. This applies to both residential and rural zoned areas.

6.2. Community beekeeping

- 6.2.1. Beekeeping on any Council land, including parks and reserves, is a managed activity and is prohibited unless you have obtained a license or prior written permission from the Council is obtained. Applications will be assessed by an Authorised Officer and may be granted with specific conditions.

- 6.2.2. No new hives will be permitted on Parks and Reserves land unless they are located within a community garden licensed area.

6.3. Assessment considerations

- 6.3.1. The Council may consider the following conditions when assessing permission for beekeeping:
 - a. Beekeepers must ensure that hives are positioned to avoid the flight path impinging on any neighbouring dwellings or living areas.
 - b. A suitable water source must be provided for the bees.
 - c. Management techniques employed to reduce the likelihood of causing a nuisance to any person will be taken into consideration.
 - d. The positive effects of bees on the pollination process will be acknowledged.
- 6.4. All beekeepers have a legal requirement under the Biosecurity Act 1993 to register any apiary, within 30 days of placing beehives on that site. All hives must prominently show the Beekeeper's Registration Number.

7. Stock

- 7.1.** Written permission is not required to keep stock within a rural area.
- 7.2.** Keeping any stock in any residential area is prohibited unless prior written permission from the Council is obtained.
- 7.3.** In order to keep stock, a person must comply with the following conditions:
 - a. The stock is prevented from causing any nuisance or damage to the property of adjoining premises and is confined with their owner's property.
 - b. Manure is removed from the premises, or appropriately recycled or reused, before it creates a nuisance.
 - c. Stock should have an adequate and appropriate living environment for their species, including companionship, space, shade and shelter.
 - d. Stock must wear an ear tag (an RFID tag or similar) or collar to indicate that they are not feral, so the owner can be traced if the animal is seized.
- 7.4.** The Council may require the removal of stock if the conditions for which the permission was originally given are not being met, if the Authorised Officer deems it to be an issue, and/or if nuisance complaints from two or more different adjoining property owners have been received. This applies to both residential and rural zoned area.
- 7.5.** Authorised officers have the right to seize and impound any wandering stock.

8. Poultry

- 8.1.** Written permission is not required to keep poultry within a rural area.
- 8.2.** No roosters or peafowl are to be kept in residential areas and properties on large lot residential zones unless prior written permission has been granted by the Council.
- 8.3.** An owner or occupier of any property in a residential area may keep the following without the Council's prior written permission:
 - a. a combined maximum of eight (8) hens and/or female ducks or
 - b. a maximum of twelve (12) female quails.

8.4. Assessment considerations

- 8.4.1.** The Council may consider the following conditions when assessing permission for keeping poultry:
 - a. the number of poultry at the premises.
 - b. provision for the welfare, hygiene, control, and confinement of the poultry.
 - c. provision for the protection of other persons or property from being affected in any way by the poultry.

- d. the sex of the poultry and possibility of breeding,
- e. the size of the property and proximity to neighbours,
- f. any other factors it considers relevant.

8.5. Conditions for keeping poultry

- 8.5.1.** Poultry must be contained within the owner's property at all times, so as not to cause (or be likely to cause) nuisance, offence or be injurious to health.
 - 8.5.2.** Poultry feed must be stored securely in vermin-proof containers.
 - 8.5.3.** The poultry enclosure must be cleaned regularly to prevent offensive odours, and all waste must be disposed of appropriately.
- 8.6.** The Council may require the removal of poultry if the conditions for which the permission was originally given are not being met, if the Authorised Officer deems it to be an issue, and/or if nuisance complaints from two or more different adjoining property owners have been received. This applies to both residential and rural zoned area.

9. Offences

9.1. Everyone commits an offence who:

- a. keeps animals in a manner that is, or is likely to become, a nuisance, dangerous, offensive, or injurious to health
- b. being the owner or having the care, custody, or control of any domestic animal, other than domestic cats, and does not confine it adequately to prevent it from straying on to any road or car park; trespassing on any land or reaching into or over any residential property or public place
- c. injures any domestic animal in a public place and fails to render assistance
- d. kills any domestic animal in a public place and allows it to remain in a public place
- e. buries any animal carcass anywhere in the district in a manner that is or is likely to become a nuisance, injurious or hazardous to health or safety.

9.2. Every dog owner or person in possession of the dog at the time commits an offence who:

- a. allows their dog to enter or be in a public place when it is infected with an infectious disease or is a female dog in season
- b. does not immediately pick up and remove and/or dispose of their dog's faeces when their dog defecates in any public place, or on land or premises other than that occupied by the dog's owner
- c. fails to carry effective means to remove and dispose of any dog faeces when in public places with their dog
- d. allows their dog (except a working dog that is working at the time) in a public place, unless it is controlled by a leash or unless allowed by resolution under clause 5.4.1.

10. Enforcement

- 10.1.** The Council reserves the right to use its powers granted by the Dog Control Act 1996 and the Local Government Act 2002 to uphold and ensure compliance with this Bylaw.
- 10.2.** A dog owner in breach of a dog-related clause of this Bylaw commits an offence under Section 20(5) of the Dog Control Act and:
- a) is liable on conviction to the penalty prescribed by section 242(4) of the Local Government Act 2002, not exceeding \$20,000; or
 - b) if an infringement notice is issued, is liable to pay an infringement fee of \$300 as prescribed in Schedule 1 of the Dog Control Act.
- 10.3.** Other offences are contained in the Dog Control Act and outlined in the Council's Dog Policy.