1. **TITLE**

1.1 This bylaw is the Keeping of Animals Bylaw 2018.

2. **COMMENCEMENT**

2.1 This Bylaw comes into force on 1 April 2019.

3. **APPLICATION**

3.1 This Bylaw applies to Tauranga.

4. **PURPOSE**

4.1 To allow for the keeping of animals and poultry in a manner which has minimal impact on, or causes minimal nuisance to, the wider community.

5. **DEFINITIONS**

5.1 For the purposes of this Bylaw the following definitions shall apply:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal</td>
<td>means any mammal, other than a human being, and includes any bird, reptile, amphibian, fish or invertebrate organism of any kind</td>
</tr>
<tr>
<td>Approved</td>
<td>approved in writing by the Council, either by resolution of the Council or by any Authorised Officer of the Council</td>
</tr>
<tr>
<td>Authorised Officer</td>
<td>any officer of the Council or any other person authorised under the Local Government Act 2002 and authorised by the Council to administer and enforce its Bylaws</td>
</tr>
<tr>
<td>Bylaw</td>
<td>refers to the Tauranga City Council Keeping of Animals Bylaw 2018</td>
</tr>
<tr>
<td><strong>Council</strong></td>
<td>refers to Tauranga City Council, the elected member body representing Tauranga</td>
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</tr>
<tr>
<td><strong>Level 1 or 2 Road</strong></td>
<td>as defined in the Tauranga City Council – Local Road Categories.</td>
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<tr>
<td><strong>License</strong></td>
<td>includes a permit or other authority from Council</td>
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<tr>
<td><strong>Occupier</strong></td>
<td>means the inhabitant occupier of any property and in any case where any building, house or tenement or premises is unoccupied, shall be deemed to include the owner</td>
</tr>
<tr>
<td><strong>Owner</strong></td>
<td>means the person entitled to receive the rent of property, land, building or premises, and includes an agent acting on behalf of the owner.</td>
</tr>
<tr>
<td><strong>Poultry</strong></td>
<td>includes any domestic fowl (including roosters), turkey, geese, ducks, ostrich, pigeon or emu</td>
</tr>
<tr>
<td><strong>Residential zone</strong></td>
<td>as defined in the Tauranga City Plan.</td>
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<tr>
<td><strong>Road</strong></td>
<td>has the same meaning as in the Land Transport (Road User) Rule 2004, or subsequent amendments</td>
</tr>
<tr>
<td><strong>Rural zone</strong></td>
<td>as defined in the Tauranga City Plan.</td>
</tr>
<tr>
<td><strong>Stock</strong></td>
<td>includes any cattle, horse, deer, ass, mule, sheep, goat, pig or camelid (alpaca and llama)</td>
</tr>
<tr>
<td><strong>Stock Proof Fence</strong></td>
<td>being a wire fence, having seven or eight wires properly strained, the posts to be of durable timber, metal, or reinforced concrete, and not more than five metres apart, and securely rammed and, in hollows or where subject to lifting through the strain of the wire, to be securely footed, or stayed with wire; the battens (droppers) to be affixed to the wires and of durable timber, metal or plastic, evenly spaced, and not fewer than three between posts; the wires to be galvanised and of 2.5mm high tensile steel or 4mm steel or its equivalent; the bottom wire to be not more than 125mm from the ground, the next three wires to be not more than 125mm apart; and the top wire or rail to be not less than one metre from the ground.</td>
</tr>
</tbody>
</table>

6. **PIGS AND GOATS**

   6.1 Pigs and goats are only permitted to be kept in areas zoned rural in the Tauranga City Plan.

7. **BEES**

   7.1 Bees may be kept on private property unless, in the opinion of the Authorised Officer, the keeping of bees is causing a public safety or nuisance issue.

   7.2 Council encourages beekeepers to engage with their local beekeeping clubs to access advice and expertise to manage bees.

8. **POULTRY**

   8.1 Poultry can be kept in Rural and Residential Zones so long as they are confined to the property occupied by the Poultry owner.
8.2 Rules for Poultry houses and runs are as follows;
(a) any Poultry house or run is constructed at least five metres from any neighbouring dwelling or workplace; and
(b) the Poultry house and run are maintained at all times in good repair, clean and free from any offensive smell, rats, vermin or overflow therefrom.
(c) No person shall keep more than 12 head of Poultry except with a Licence from Council.

8.2 No person shall keep a rooster in an area zoned residential.

8.3 No person shall keep any rooster in the Rural Zone, if in the opinion of the Authorised Officer, the keeping of such rooster is causing a nuisance to any other person.

8.4 Nothing in this clause shall prevent any person keeping Poultry in any auction room for not more than 48 hours for the purpose of sale, keeping Poultry on their premises in an approved type of coop for immediate consumption, or from keeping Poultry in a bird shop for the purpose of sale.

Note: Any buildings will need to be compliant with relevant rules in the Tauranga City Plan.

9. STOCK

9.1 No person shall ride, drive or lead Stock on roads at any time except with the permission of Council.

9.2 Stock may be driven along any street or Road (except a street or Road designated as a Level 1 or Level 2 Road) from one paddock or farm to another, if both paddocks or farms are the property of one owner, or in the course of routine farming procedure. If Stock is driven on the Road, consideration must be given to the timing of the move to minimise impact on normal road users and the stock owner or person in charge may be required to complete a Site Specific Traffic Management Plan.

9.3 Horses may be ridden on the beach as per the Beaches Bylaw 2018. No other Stock can be driven on or along the beach.

9.4 Horses or cattle must be kept at least five metres from any dwelling, shop, warehouse, factory, workshop, place of worship, or school.

9.5 No Owner or Occupier of any land, Stock Owner, or person in charge of Stock, 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.

10. OFFENCES AND PENALTIES

10.1 Every person who breaches the terms of this Bylaw commits an offence. Further, every person commits a breach under this Bylaw who:
(a) fails, refuses or neglects to comply with any notice duly given to that person under this Bylaw;
(b) obstructs or hinders any Authorised Officer of the Council or other Council appointed person in performing any duty or in exercising any power under this Bylaw.

10.2 Subject to any provision to the contrary, any person guilty of an offence against this Bylaw shall be subject to the penalties set out in Section 242(4) of the Local Government Act 2002, and is liable on summary conviction to a fine not exceeding $20,000.
11. LICENCES

11.1 The form of any application for and grant of any permission, licence or approval required under this Bylaw will be determined by the Council.

11.2 The Council may attach to any permission, approval or licence any terms or conditions as it thinks fit.

11.3 No application for a licence from the Council, and no payment of or receipt for any fee paid in connection with such application or licence, shall confer any right, authority or immunity on the person making such application or payment.

11.4 Suspending or Revoking Licences

(a) The Council may revoke or suspend a Licence granted under this Bylaw if it reasonably believes the licence holder:
   i. has acted or is acting in breach of the Licence; or
   ii. is unfit in any way to hold such a Licence.

(b) The Council may require the Licence holder to attend a hearing to explain why the licence should not be revoked or suspended. The Council may revoke or suspend the licence at its discretion. If either;
   i. the licence holder does not attend the hearing; or
   ii. if after the hearing the Council is satisfied the licence holder has been in breach of the licence or is unfit to hold the licence.

(c) The Council may suspend any Licence granted under this Bylaw for a period not exceeding 72 hours during the staging of any special event, by giving the licence holder 10 days’ notice in writing. The Council may suspend any such Licence for the purposes of protecting the public from nuisance or for protecting, promoting or maintaining public health and safety.

12. DISPENSING POWERS

12.1 The Council may waive full compliance with any provision of this Bylaw in a case where the Council is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community. The Council may in its discretion impose conditions of any such waiver.