

Hamilton City Council

BYLAWS



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Hamilton City Animal Nuisance Bylaw 2013 (amended 2025)

Ture-aa-rohe Kararehe Poorearea

This bylaw is made by Hamilton City Council pursuant to the Health Act 1956 and the Local Government Act 2002 and any amendments to those acts.

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1. Preamble

- 1.1. Hamilton City Council recognises the wellbeing benefits of keeping animals. People who keep animals must comply with animal welfare regulations and Council encourages people to follow the best practice standards of caring for animals, including the microchipping and neutering of companion animals.

Keeping animals has the potential to cause problems. This bylaw has been developed to protect the community from nuisance and support the maintenance of public health and safety.

(Note: the above preamble does not form part of this bylaw and is intended to be read as an introductory note)

2. Short title, commencement and application

- 2.1. This bylaw may be cited as the Hamilton City Animal Nuisance Bylaw 2013 (amended 2025).
2.2. This bylaw shall apply to the keeping of animals in the district of Hamilton City.
2.3. The bylaw comes into force on 1 July 2013.
2.4. Amendments to this bylaw come into force on 31 March 2025.

3. Purpose

- 3.1. The purposes of this bylaw are:
- a) protecting the public from nuisance,
 - b) protecting, promoting, and maintaining public health and safety, and
 - c) regulating the keeping of animals.

4. Compliance with other acts

- 4.1. This bylaw is in addition to, and should be read in conjunction with, relevant legislation, regulations and guidelines for maintaining public health, keeping animals, animal welfare and agricultural practices. Persons who keep animals must comply with the requirements of the National Animal Welfare Advisory Committee (NAWAC) of the Ministry for Primary Industries Manatū Aha Matua for animal welfare issued under the Animal Welfare Act 1999 (Act), and any other applicable legislation, regulations or bylaws.

5. Definitions

- 5.1. In this bylaw except where inconsistent with the context:

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| Animals | Means any live member of the animal kingdom that is: <ul style="list-style-type: none">a) a mammal; orb) a bird; orc) a reptile; ord) an amphibian; ore) a fish (bony or cartilaginous); orf) any octopus, squid, crab, lobster, or crayfish (including freshwater crayfish); org) 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 Act; and includesh) any mammalian foetus, or any avian or reptilian pre hatched young, that is in the last half of its period of gestation or development; andi) any marsupial pouch young;j) bees; but Does not include: |
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- k) a human being; or
- l) except as provided in h) or i) of this definition, any animal in the pre-natal, pre-hatched, larval, or other such development stage;
- m) a dog.

Authorised officer Means an employee or contractor of the Hamilton City Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this bylaw; and includes a Police Officer and any enforcement officers appointed and warranted by Council under the Local Government Act 2002.

Council Means Hamilton City Council.

Nuisance Without limiting the meaning of the term nuisance, a nuisance shall be created by an animal causing unreasonable trouble or annoyance, or unreasonable interference with the peace, comfort or convenience of any person or persons.

Without limiting the meaning of the term “nuisance”, the following situations shall be deemed a nuisance:

- a) Where any accumulation or deposit is in such a state or so situated as to be offensive.
- b) Where any cages, buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive.
- c) Where any noise emitted by an Animal that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person.

Owner Means, in relation to any animal, a person who owns the animal, the parent or guardian of someone under the age of 16 who owns the animal, or any person who has an animal in their possession and is responsible for it.

Private property Means property owned, occupied, leased, or rented by the animal owner and excludes public property, the road corridor, and private ways; including but not limited to, berms, reserves, and shared driveways.

6. Keeping of animals

- 6.1. Every person who owns or keeps any animal on private property must ensure that the animal:
 - a) Does not create a nuisance to any person; and
 - b) Is kept in conditions that do not create a nuisance to any person.
- 6.2. Cages, buildings, or premises used for the keeping of animals must be within the boundaries of the owner’s private property.
- 6.3. No person shall keep a rooster in any part of the district of Hamilton without the prior written approval of an authorised officer. Approval if given may be subject to conditions.
- 6.4. Without limiting clause 6.1, no person may keep any animal on the premises, if in the opinion of the authorised officer, the keeping of such animals is causing a nuisance.

7. Enforcement

- 7.1. Where an authorised officer has reasonable grounds for suspecting that a nuisance exists, an authorised officer may, by written notice, require the owner or person keeping the animal to take such action as the authorised officer considers necessary to mitigate or eliminate the nuisance within a timeframe specified in the notice.

- 7.2. An authorised officer may seize or impound any animal causing a nuisance if the owner or person keeping the animal has not adequately mitigated or eliminated the nuisance within the timeframe specified in the written notice issued by the authorised officer under clause 7.1 above.

8. Penalties and offences

- 8.1. A person commits a breach of this bylaw who:
- a) Permits or allows any condition to exist or continue to exist contrary to this bylaw;
 - b) Fails to comply with any lawful notice of direction given under this bylaw.
 - c) Where required, fails to obtain written approval or having obtained written approval fails to abide by the conditions (if any).
 - d) Obstructs or hinders any authorised officer from performing any duty or exercising any power conferred by this bylaw.
- 8.2. Pursuant to section 242 of the Local Government Act 2002, any person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.
- 8.3. Under section 163 of the Local Government Act 2002 the Council or an authorised officer may remove or alter any work or thing that is in breach of this Bylaw.
- 8.4. The Council may recover the costs of removing or altering the work or thing that is in breach of this Bylaw from the person who committed the breach. This does not relieve that person of liability for the breach.
- 8.5. Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this Bylaw.
- 8.6. The Council may seize and impound property materially involved in the commission of an offence, under and in accordance with sections 164 and 165 of the Local Government Act 2002.
- 8.7. The council will return and may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.