

Wellington Animal Bylaw

April 2024



1. Purpose

- 1.1. The title of this Bylaw is the “Wellington City Council Animal Bylaw 2024” (Bylaw). This Bylaw sets requirements for the keeping of Animals. It seeks to protect the public from nuisance, maintain and promote public health and safety and to safeguard the welfare of animals. This Bylaw gives effect to, and gives legal powers to enforce, the Wellington City Council Dog Policy 2024.

2. Commencement

- 2.1. This Bylaw shall come into effect on the 18th day of April 2024.

3. Legislative authority

- 3.1. This Bylaw is established under the Sections 145, 146 and Part 8 of the Local Government Act 2002; Section 20 of the Dog Control Act 1996; and Section 64 of the Health Act 1956.
- 3.2. Clause 11.4.4 is made pursuant to the *Burial and Cremation Act 1964*.

4. Revocation and savings

- 4.1. This Bylaw consolidates, repeals, and replaces *Part 2 (Animals)* of the *Wellington City Council Consolidated Bylaw 2008*.
- 4.2. Any resolution made under the Wellington City Consolidated Bylaw 2008 continues in force until altered or revoked by further resolution.
- 4.3. All approvals issued under any revoked bylaw shall, after the coming into force of this Bylaw, be deemed to have been issued under this Bylaw and be subject to the provisions of this Bylaw.
- 4.4. All Council officers appointed under or for the purpose of any revoked bylaw and holding office at the time of the coming into operation of this Bylaw, will be deemed to have been appointed under this Bylaw.
- 4.5. All fees and charges fixed by resolution of the Council in regard to any goods, services, inspections, or approvals provided for in any revoked bylaw shall apply under the corresponding provisions of this Bylaw until altered by further resolution of the Council.

5. Interpretation

- 5.1. The Animal Welfare Act 1999 and the Wellington City Council Dog Policy 2024 should be read in conjunction with this Bylaw.
- 5.2. Text in italics (*italics*) is not part of the Bylaw but is explanatory in nature.

5.3. All defined terms within the document begin with capitalisation.

5.4. In this Bylaw, unless the context otherwise requires:

Animal has the meaning defined in the Animal Welfare Act 1999 *and includes any live member of the animal kingdom that is a mammal, bird, reptile, amphibian or fish.*

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

Beach exercise area means any designated beach area where dogs can exercise off-leash under the control of their owner as specified in the Wellington City Council Dog Policy 2024.

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.

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

Controlled public place means any area where dogs are allowed, provided they are being walked on a leash with the leash being held by their owner, ensuring direct control.

Council means the Wellington City Council.

Disability assist dog means a dog certified by one of the organisations listed in [Schedule 5](#) of the Dog Control Act 1996 as being a dog that has been trained (or is being trained) to assist a person with a disability. *It generally means any dog certified to assist a person with a visual, hearing, mobility or other disability.*

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.

Exercise area means any designated public area where dogs are allowed to exercise off-leash under the control of their owner at all times as specified in the Wellington City Council Dog Policy 2024. *Exercise areas are not necessarily enclosed by fences and are often colloquially referred to as "Woof Woof Ruff" areas.*

Exercise area (specified times) are areas where dogs are permitted to exercise off-leash under the control of their owner at specified times of day and dependent on the season, as outlined in the Wellington City Council Dog Policy 2024.

Identification device refers to any animal identification device approved under the National Animal Identification and Tracing Act 2012 or in accordance with an identification system approved under section 50 of the Biosecurity Act 1993.

Large Lot Residential Zone refers to properties in lower density residential development as

outlined in the Council’s District Plan. They are typically larger sites that are located on the periphery of urban areas. *The Zone typically provides a rural outlook, along with a greater sense of privacy than what would be expected within the residential areas.*

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.

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 Dog Control 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.

Prohibited area means any public place where dogs are not allowed at any time, on or off-leash as specified in the Wellington City Council Dog Policy 2024.

Prohibited area (specified times) means areas where dogs are prohibited during the times as specified in the Wellington City Council Dog Policy 2024.

Public place has the meaning given to it under [Section 2 of the Dog Control Act 1996](#). It means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place. *It includes any road, park, recreation ground, sports field, reserve, beach, Wellington Town Belt, Waterfront, pool, pedestrian mall, public open space, community facility.*

RFID refers to a radio-frequency identification tag.

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, sheep, goats, and pigs. For the purpose of this Bylaw, it does not include horses.

Stray cat refers to a cat that does not have a microchip or other identifiable features to

suggest human ownership. They may live as an individual or in a group (colony) around centres of human habitation and have many of their needs indirectly supplied by humans.

The Act means the [Dog Control Act 1996](#).

Working dog has the meaning given to it under [Section 2 of the Dog Control Act 1996](#). *It generally includes any dog that is kept by the Police or Government department. It also includes any Disability assist dog.*

6. Fees, waivers, forms, and processes

- 6.1. The Council may by resolution prescribe or vary any fee in respect of any matter provided for in this Bylaw.
- 6.2. The Council may refund, remit, or waive any fee prescribed by this Bylaw or charge payable for a certificate, authority, permit or consent from, or inspection by, the Council, for any reason it thinks fit.
- 6.3. The Council may prescribe the form of, and process to be followed for, any application, certificate, licence permit or other document, which is required under this Bylaw. These forms and processes may be altered or amended at any time.
- 6.4. An application to the Council can be made to waive full compliance with any provision of this Bylaw on the basis that it would needlessly injure or affect any person, the operation of any business, or cause loss or inconvenience to any person, without any corresponding benefit to the community.
- 6.5. On receipt of an application under clause 6.4, the Council may waive the strict observance or performance of any provision of this Bylaw and impose such other terms or conditions consistent with the intention and purpose of the Bylaw as the Council may think fit.

7. Removal of works in breach of bylaws and recovery of costs

- 7.1. The Council may remove or alter any work or thing constructed in contravention of any provision of this Bylaw.
- 7.2. The Council may recover from any person responsible for the construction or permitting the continued existence of any such work or thing, all costs incurred in connection with any removal or alteration.
- 7.3. The exercise of clause 7.1 shall not relieve any person from liability for constructing or permitting the continued existence of any such work or thing.

Local Government Act 2002 enforcement powers include court injunction (section 162), seizure and disposal of property (sections 154, 165, 168), powers of entry (sections 171, 172, 173) and power to request name and address (section 178).

8. Activities that require Council permission

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

8.1.1. Bringing domestic animals into designated public areas

- a. Bringing a Domestic animal (excluding cats), other than where this is permitted under the Dog Policy, into areas classified as a Beach exercise area, Controlled public place, Exercise area (specified times), Prohibited area, or Prohibited area (specified times) for special events.

8.1.2. Animal establishments

- a. Establishing or maintaining any animal boarding establishment, including dog daycare services; and
- 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.

8.1.3. Keeping animals

- a. Keeping more than three dogs, as outlined in Section 11;
- b. Keeping more than four beehives in a Residential area, as outlined in Section 12;
- c. Keeping bees on Council land, as outlined in Section 12;
- d. Keeping stock in a Residential area, as outlined in Section 13; and
- e. Keeping more or different types of poultry in a Residential area, other than those outlined in Section 14.

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

9. General conditions of keeping animals

- 9.1. Animals shall be kept in a manner that is not, or is not likely to, cause nuisance, dangerous, offensive, or injurious to health.
- 9.2. Animals shall be kept in a manner that ensures they have adequate physical wellbeing through acceptable nutrition, environmental, health and behavioural stimulus, and adequate mental wellbeing.
- 9.3. 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.

9.4. The Council may sell, re-home or otherwise dispose of any animal seized and impounded under clauses 9.3. and 10.1. that has not been claimed or returned within seven days after it was seized and impounded.

9.5. **Feeding animals**

9.5.1. 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.

9.5.2. 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.

10. Cats

10.1. Stray cats found roaming freely may be humanely captured by an Authorised Officer and held for seven days. The cat(s) may be arranged to be microchipped and/or desexed by an Authorised Officer after seven days.

10.2. Every person who keeps cats must ensure:

10.2.1. 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.

10.2.2. 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.

10.2.3. Notwithstanding 10.2.2. cats are exempt from being desexed if a registered veterinarian certifies that undergoing the procedure will place the cat at unnecessary risk.

10.2.4. Failure to comply with the desexing requirements outlined in this clause shall be subject to the penalties stipulated within this bylaw.

Existing cat owners shall be granted a transition period from the commencement of this bylaw, during which they are required to desex any cats they already own. This transition period shall extend until June 1, 2025.

11. Dogs

11.1. Keeping more than three dogs

- 11.1.1. 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 three months, whether or not the dogs are registered, or the owner/occupier is the registered owner of the dogs.
- 11.1.2. On application, dog owners will have to pay the associated fee for permission to keep more than three dogs on a property.
- 11.1.3. 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; and
 - e. provision for the protection of other persons or property from being affected in any way by the dogs.
- 11.1.4. Any person who faces an infringement or prosecution under the Dog Control Act 1996 or Animal Welfare Act 1999 may have their permission to keep more than three dogs revoked.

11.2. Dog nuisances

- 11.2.1. 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; and
 - 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.
- 11.2.2. The owner must comply with any notice issued under clause 11.2.1. within the time specified in the notice.

11.3. Classification of public places

11.3.1. 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. controlled public place;
- e. prohibited area; and
- f. prohibited area (specified times).

11.4. Dogs in public places

11.4.1. Dog owners or the person in charge of a dog must keep their dog under control at all times in any public place.

11.4.2. Dogs must be on-leash at all times unless in a designated Exercise area, Exercise area (within the specified times) or Beach exercise area.

11.4.3. 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 2024 or resolution under clause 11.3.1.

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

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

11.4.5. 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 11.3.1. as specified in the Wellington City Council Dog Policy 2024.

11.4.6. Despite any restrictions imposed under clause 11.3.1, any Working dog that is working at the time may or Disability assist dog may be off leash in a Prohibited area, Exercise area (regardless of specified times) or a Prohibited area (specified times).

11.5. Right of access to a prohibited area

11.5.1. Dog owners are allowed:

- a. to move through a play area on-leash, 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;
- b. to take their dog on-leash access at Wellington International Airport if they

- intend to transport their dog;
- c. on-leash on the coastal track between Wahine Memorial Park and Moa Point; and
- d. to take their dogs off-leash only during the designated times as outlined in the Dog Policy 2024.

12. Bees

12.1. Community beekeeping

- 12.1.1. Beekeeping on any Council land, including parks and reserves, is a managed activity and is prohibited unless you have obtained a licence or prior written permission from the Council. Applications will be assessed by an Authorised Officer and may be granted with specific conditions.
- 12.1.2. No new beehives will be permitted on parks and reserves land unless they are located within a Community garden licensed area.

12.2. Keeping bees on private land

- 12.2.1. Written permission is not required if a person wishes to keep bees within a Rural area.
- 12.2.2. An owner or occupier of any property in a Residential area may keep up to four beehives without prior written permission from the Council.
- 12.2.3. The Council may require the removal or relocation of a beehive(s) if the conditions for which the permission was originally given are not being met and/or if an Authorised Officer considers the beehives to be causing a nuisance. This applies to both Residential and Rural areas.

The limit of four beehives (clause 12.2.2.) applies to any bees kept following the adoption of this bylaw. For instance, if an owner already possesses five beehives before the enactment of this bylaw, they are exempt from the limitation.

12.3. Conditions for keeping bees

- 12.3.1. In order to keep bees, a person must comply with the following conditions:
 - 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; and
 - c. management techniques employed to reduce the likelihood of causing a nuisance.
- 12.3.2. All beekeepers have a legal requirement to register any apiary, as required under the Biosecurity Act 1993, within 30 days of placing beehives on that

site. All hives must prominently show the Beekeeper's Registration Number. *Registration of beehives is with The Management Agency (National American Foulbrood Pest Management Plan), not the Council.*

We strongly recommend referring to the Council's [Caring for Bees Factsheet](#) for further guidance on good hive management.

13. Horses and Stock

- 13.1. Written permission is not required to keep Stock and/or horses within a Rural area.
- 13.2. Keeping any Stock and/or horses in a Residential area is prohibited unless prior written permission from the Council is obtained.
- 13.3. The Council may require the removal of Stock and/or horses 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 areas.
- 13.4. Authorised Officer may seize and impound any wandering horses or Stock.

Note- clause 13.2. applies to the acquisition of any Stock/horses following the adoption of this bylaw.

13.5. Conditions for keeping Stock (excluding horses)

- 13.5.1. In order to keep Stock, a person must comply with the following conditions:
 - 13.5.2. prevent the Stock from causing any nuisance or damage to the property of adjoining premises and is confined within their owner's property;
 - 13.5.3. properly recycle, reuse, or remove manure from the premises before it creates a nuisance;
 - 13.5.4. provide an adequate and appropriate living environment for their species, including companionship, space, shade and shelter; and
 - 13.5.5. ensure that Stock wears an Identification device (an RFID tag or similar) or collar to indicate that they are not feral and so the owner can be traced if the animal is seized.

We strongly recommend referring to the Council's [Caring for Stock Factsheet](#) for further guidance.

14. Poultry

- 14.1. Written permission is not required to keep poultry within a Rural area.
- 14.2. 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.
- 14.3. 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.

14.4. Considerations for authorising Poultry keeping

- 14.4.1. 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.

14.5. Conditions for keeping Poultry

- 14.6. In order to keep poultry, a person must comply with the following conditions:
 - 14.6.1. 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.
 - 14.6.2. Poultry feed must be stored securely in vermin-proof containers.
 - 14.6.3. The poultry enclosure must be cleaned regularly to prevent offensive odours, and all waste must be disposed of appropriately.
- 14.7. 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 areas.

We strongly recommend referring to the Council's [Caring for Poultry Factsheet](#) for further guidance.

15. Offences

- 15.1. Under this Bylaw no person may:
 - 15.1.1. keep animals in a manner that is, or is likely to become, a nuisance, dangerous, offensive, or injurious to public health;
 - 15.1.2. be the owner or have the care, custody, or control of any domestic animal, other than domestic cats, and not confine it adequately to prevent it from straying onto any road or car park; trespassing on any land or reaching into or over any residential property or public place;
 - 15.1.3. injure or kill any domestic animal in a public place;
 - 15.1.4. bury any animal carcass in a manner that is or is likely to become a nuisance, injurious or hazardous to health or safety.
- 15.2. Every dog owner or person in possession of the dog at the time commits an offence who:
 - 15.2.1. 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;
 - 15.2.2. does not immediately pick up and remove/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;
 - 15.2.3. fails to carry effective means to remove and dispose of any dog faeces when in public places with their dog;
 - 15.2.4. 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 11.3.1.
- 15.3. Every person who owns or exercises control over a horse commits an offence if they do not pick up and remove/dispose of the horse's faeces when their horse defecates in any public place as soon as practically possible. This includes defecating on land or premises other than that occupied by the owner.
- 15.4. Every person commits an offence against this Bylaw who damages, destroys or defaces (or has in their possession without authority from the Council) any property, article or thing belonging to the Council or under its control.
- 15.5. Every person commits an offence against this Bylaw who does not comply with any requirement or condition of their approval or acts contrary to any prohibition or resolution made in this Bylaw.
- 15.6. The continued existence of any work, building, land, premises, or thing in such a

state or form as to be in contravention of any provision of this Bylaw shall be deemed to be a continuing offence under this Bylaw.

16. Penalties

- 16.1. A person who fails to comply with this bylaw may be liable on conviction to the penalty prescribed by section 242 (4) of the Local Government Act 2002, not exceeding \$20,000.
- 16.2. A person who fails to comply with clauses 11.1 to 11.5 and 15.2. of this bylaw may commit an infringement offence under Schedule 1 of the Dog Control Act 1996 and may be served with an infringement notice and be liable to pay an infringement fee of \$300.
- 16.3. A person who fails to comply with clauses 11.1 to 11.4 and 15.2 of this bylaw may commit an offence under section 20(5) of the Dog Control Act 1996 and may be liable on conviction to the penalty prescribed by section 242(4) of the Local Government Act 2002, not exceeding \$20,000.

A full list of dog-related infringements offences and fees are stipulated in the Dog Control Act 1996 and outlined in the Dog Policy 2024. The amounts for these infringements range from \$100 to \$750.

Adopted 18 April 2024.