



# **Hauraki District Council Consolidated Bylaw**

## **PART 3: (PUBLIC SAFETY)**

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## **PART 3 (PUBLIC SAFETY)**

### **Purpose**

Residents and visitors have the right to safety within the public domain, including to enjoy public amenities that are well maintained and an environment free of danger and nuisance. Potential threats to the public are the actions of rowdy elements within public places, nuisance emanating from private premises, the keeping of animals such as bees, pigs and poultry on private property, the potential danger of dogs, the abuse of liquor in public places and the visual impact of a proliferation of signs within the public domain.

The amenities (visual, quietness) that are negatively affected by public safety issues, particularly nuisance, the keeping of animals, including dogs and the proliferation of signage are to be protected and the impact reduced to acceptable levels.

## **1.0 INTRODUCTION**

### **1.1 SCOPE**

The purpose of Part 3 of the Bylaw is to ensure that acceptable standards of safety, convenience, visual amenity and civic values are maintained for the well-being of inhabitants and visitors to the district.

### **1.2 ENABLING ENACTMENTS**

This Part of this Bylaw is made pursuant and subject to the Local Government Act 2002, the Litter Act 1979, the Health Act 1956, the Dog Control Act 1996, the Sale of Liquor Act 1989, the Reserves Act 1977 and the Electricity Regulations 1997.

### **1.3 TITLE OF THIS PART OF THIS BYLAW**

This Part shall be known and cited as Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw 2007. . For expediency this Part of this Bylaw may be referred to as Part 3 (Public Safety).

### **1.4 DEFINITIONS AND INTERPRETATION**

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

ACT in clause 7 is the Dog Control Act, 1996 and its subsequent amendments.

AT LARGE in addition to its accepted meaning, includes any dog, whether on a leash or not, that is present in any area included in the zones where Council, by resolution, has prohibited the presence of dogs under the provisions of this bylaw. Dogs effectively caged or confined to pens or vehicles shall not be considered to be at large in any prohibited area or public place.

BARBED WIRE means any wire that contains barbs, spikes, blades, jagged edges or pointed projections along its length and used to make fences and barriers.

BEACH means that part of the foreshore landwards from the mean low water springs that is under the control of the Council.

BOAT has the same meaning as in the Reserves Act 1977.

CAMPING shall include the use of any vehicle for sleeping in, whether or not it is specially equipped for sleeping.

DOG CONTROL OFFICER means a dog control officer appointed under section 11 of the Dog Control Act 1996 and includes a warranted officer exercising powers under section 17 of the Dog Control Act 1996.

DOG RANGER means a dog ranger appointed under section 12 of the Dog Control Act 1996 and includes an honorary dog ranger.

DOG includes any bitch, spayed bitch or puppy

DOMESTIC ANIMAL has the same meaning as in the Dog Control Act 1996.

FORESHORE has the same meaning as in the Reserves Act 1977.

LEASH means an adequate restraint held by a responsible person physically capable of restraining the dog.

LITTER has the same meaning as in the Litter Act 1979.

LITTER CONTROL OFFICER has the same meaning as in the Litter Act 1979.

LIQUOR has the same meaning as in the sale of Liquor Act 1989.

ON A LEASH – means that a dog is kept under control by means of leash, lead or chain which is secured or is held by a capable person so that the dog cannot break loose.

OWNER in clause 7 has the same meaning as defined in section 2 of the Dog Control Act 1996.

PUBLIC PERFORMANCE includes public speaking, busking, miming, singing, dancing, acting or the playing of musical instruments, regardless of whether such performance is:

- a) prerecorded or live;
- b) requires public participation; or
- c) requires payment, donations or is performed gratis;

PRIVATE PLACE in clause 7 means any place owned or occupied by any private person, but does not include any place owned or occupied by the owner of the dog in question.

PROSCRIBED SUBSTANCE means a mind altering substance, whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes what is commonly known as glue sniffing, but does not include:

- a) medically prescribed substances ingested by the person for whom they were prescribed;
- b) substances purchased from a pharmacy without a medical prescription;
- c) nicotine;
- d) liquor.

PUBLIC PLACE in clause 7 has the same meaning as defined in section 2 of the Dog Control Act, 1996.

NUISANCE shall have the meaning assigned to it by section 29 of the Health Act 1956 and its amendments.

SKATING DEVICE means roller skates, roller blades, inline skates, skateboard, scooter or other or similar recreational devices but does not include any wheelchair, baby or invalid carriage or bicycles.

UNDER CONTROL – means that the dog is not causing a nuisance, distress, danger, injury, to any person, domestic animal, stock, poultry or protected wildlife, or causing any property damage and; the person in charge of a 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.

WORKING DOG has the same meaning as defined in section 2 of the Dog Control Act 1996.

## **2.0 SAFETY IN PUBLIC PLACES**

### **2.1 PURPOSE**

The purpose of clause 2 is to promote public safety and the enjoyment of public places by inhabitants and visitors by managing and regulating the use of public places

### **2.2 PROHIBITED CONDUCT IN PUBLIC PLACES**

#### **2.2.1**

No person shall in any public place:

- a) place or leave litter or any materials or object or substance, which are likely to be hazardous or injurious to any person, or likely to create a nuisance ;
- b) deposit in or around a public litter receptacle any household or trade refuse;
- c) interfere with any refuse, which is awaiting collection by an authorised collector;
- d) drive any vehicle except on a formed road, or drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles;
- e) leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
- f) consume, inject or inhale any proscribed substances or offer or sell such substances to any person;
- g) play any game or use any object including skateboards, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to any person in the public place, or damage the public place;
- h) use profane or obscene language on a public place or within the hearing of a person in a public place;
- i) loiter or remain in or on a public place after being directed to move on by an enforcement officer;

- j) attempt to commit or willfully encourage or assist any other person to commit any of the offences in clause 2.2.1 (a) to (i).

### **2.2.2 RESTRICTED CONDUCT IN PUBLIC PLACES**

Except with the prior written permission of the Council, no person shall in any public place:

- a) solicit any subscription, collection or donation or provide a public performance in a way that does or is likely to create a nuisance;
- b) distribute any printed or written material advertising any product, service or public entertainment in a way that does or is likely to create a nuisance;
- c) set off fireworks or explosive material in or on a public place, or so near thereto in a way that does or is likely to create a nuisance;
- d) erect or place any structure on, over or under the public place except in compliance with any other Part of the Bylaw;
- e) take off or land any aircraft, hot air balloon, hang glider, parachute or similar aircraft except in an emergency;
- f) attempt to commit or willfully encourage or assist any other person to commit any of the offences in clause 2.2.2 (a) to (e).

### **2.3 OBSTRUCTING PUBLIC PLACES**

Except with the prior written permission of the Council, no person shall:

- a) obstruct any entrance to or exit from a public place;
- b) place or leave any material or object on a public place that could obstruct the public right of passage or interfere with the free flow of movement on the public place;
- c) allow any gate or door on property abutting a public place to swing over or across the public place or any part thereof;

- d) carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed.

## **2.4 DAMAGE TO PUBLIC PLACES**

Except with the prior written permission of the Council, no person shall in any public place:

- a) damage, interfere with, destroy or remove any grass plot, ornamental verge, flowerbed, tree, shrub or plant, or any inscription or label relating to it;
- b) pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with an ornament, statue, building, structure, or facility;
- c) Nothing in this clause shall prevent the Council from supplying or approving the installation of display boards in a public place for the purpose of allowing posters to be displayed announcing forthcoming functions or events;
- d) cause or permit to be done any act whatsoever by which damage is caused to a public place, or a work or object in, on, over or under the public place;
- e) damage or interfere with a natural feature, animal or plant;
- f) use a vehicle or be in control of an animal in a manner so that it damages any part of a public place;
- g) drive or park a vehicle in a public place except on a road or in an area set aside for the driving or parking of vehicles;
- h) remove any sand, soil or other naturally occurring material found in a public place;
- i) open a drain or sewer on, or disturb or remove the surface of, any public place.
- j) attempt to commit or willfully encourage or assist another person to commit any of the offences in clause 2.4(a) to (h).

## **2.5 FIRES AND CAMPING**

### **2.5.1**

Notwithstanding the requirements of any other clause of this Part of this Bylaw, no person shall in any public place:

- a) light a fire, except at fireplaces specially provided or in an appliance designed for outdoor cooking, and in accordance with any restriction imposed by Council on the lighting of fires;
- b) camp in an area not set aside for that purpose for a period exceeding 12 hours.

### **2.5.2**

The Council may from time to time specify by resolution in Schedule 1 of this Part of this Bylaw public places where camping is prohibited.

## **2.6 ACCESS TO BEACH**

### **2.6.1**

No person shall ride, drive, stop, stand, or park a vehicle on a beach under the control of the Council except:

- a) with the prior written permission of the Council; or
- b) when launching or retrieving a boat from the sea, or estuary or river; provided that such vehicular access shall be restricted to:
  - i) a route to the designated launching and retrieval point approved by the Council;
  - ii) removal of the vehicle from the beach immediately upon completion of the launching or retrieval;
- c) an emergency vehicle used at the time to save or protect life or health, or prevent injury or serious damage to property; or

- d) a vehicle used in an official capacity at the time by an authorised officer.

### **2.6.2**

No person shall drive or ride a vehicle or horse on a beach under the control of the Council in a manner as to:

- a) endanger the safety of persons; or
- b) be an annoyance or inconvenience to persons;

either on the beach or the foreshore.

### **2.6.3**

Any person wishing to gain access from a public place to a beach shall use a designated access where this is available.

## **2.7 PLACING OF ARTICLES ON AND DAMAGE TO PUBLIC PLACES**

No person shall place or leave or cause or permit to be placed or left any material or object, including signage or items for sale or hire, on any public place unless:

- a) such a person has obtained the prior written permission from the Council;
- b) such action is taken for the purpose of regular refuse or other collections authorised by the Council or is otherwise authorised by law; or
- c) such action is allowed pursuant to any Part of the Bylaw or the District Plan.

## **2.8 REINSTATEMENT ON COMPLETION OF AUTHORISED WORKS**

A person carrying out authorised works on a public place shall on completion of the works reinstate the place to the satisfaction of the Council.

## **2.9 ELECTRICAL OR BARBED WIRE FENCING**

### **2.9.1**

Except with the prior written permission of the Council, no person shall erect any electrified fencing or barbed wire fencing along the boundary or within one metre of a public place, provided that this sub-clause shall not prohibit:

- a) the placing of such barbed wire at a height of not less than two metres or electrified fencing not less than three metres from the level of the ground of such public place;
- b) the placing of such barbed wire or electrified fencing on the side of the boundary line that abuts the land or building and shielded in a manner to prevent access thereto from a public place.

### **2.9.2**

- c) Clause 2.9 shall not apply within an area zoned “rural” in the District Plan, except when the fence abuts or adjoins a footpath;
- d) Council may from time to time specify by resolution conditions that will apply to temporary electric fences.

## **2.10 SKATING**

### **2.10.1 RESTRICTIONS ON SPECIFIED PUBLIC PLACES**

The Council may from time to time specify by resolution in Schedule 2 of this Part of this Bylaw public places where the riding of any skating device is at all or certain times prohibited or restricted to the extent determined by the Council.

### **2.10.2 OFFENCES PROHIBITED IN SPECIFIC PUBLIC PLACES**

- a) No person shall ride a skating device in any area or at any time in breach of any prohibition or restriction specified in Schedule 2.

- b) It shall be an offence to ride a skating device on any footpath in a manner that endangers any person or property.

## **2.11 TRADING IN PUBLIC PLACES**

Except with the prior written permission of the Council, no person shall conduct trade or provide a service to the public or expose for sale any article or service in a public place;

## **2.12 ASSEMBLY**

No person shall without the prior written permission of the Council:

- a) participate in any assembly or associate with other persons in a public place so as to impede pedestrians or traffic or to prevent or hinder ready access to shops or premises facing onto the public place; or
- b) organize, hold or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place so as impede traffic or cause an obstruction to, or impede, annoy or inconvenience any person.

## **2.13 AWNINGS AND BLINDS**

Except with the prior written permission of the Council, no person shall erect or maintain, or cause to be erected or maintained, an awning over any public place, or hang an awning, blind or screen from a premises or a structure on any public place.

## **2.14 PROJECTIONS ON PUBLIC PLACES NOT PERMITTED**

### **2.14.1**

Except with the prior written permission of the Council, or as may be permitted by other Parts of the Bylaw, no person shall allow a portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, vegetation or other obstruction or projection of any kind whatsoever in, on, over or under a public

place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place.

#### **2.14.2**

Clause 2.14.1 shall not apply to a verandah or awning erected pursuant to a requirement of the operative District Plan.

#### **2.14.3**

If any such projection or obstruction as aforesaid has been placed against or in front of any building before the coming into operation of Part 3 – Public Safety and which is contrary to any Part of the Bylaw in force, the Council may upon application approve the continued existence of such projection or obstruction.

### **2.15 ROAD AND BUILDING IDENTIFICATION**

#### **2.15.1**

Notwithstanding that a building or property is identified by other means, the owner or occupier of every building, or group of buildings forming part of a complex, or of a property shall, if the Council so requires mark such building complex or property with numbers, being in no case less than 50 mm in height for residential buildings and not less than 150mm in height for all other buildings. Numbers shall be as allocated or approved by the Council and displayed in a position on the building, complex or property so as to be readily visible from the road to which it has frontage.

#### **2.15.2**

Numbers required by clause 2.15.1 shall be maintained by the owner or occupier in such a manner so as to readily identify the property at all times.

### **2.15.3**

The Council may alter the number of a building, complex or property when it is necessary or advisable to do so.

## **2.16 ANIMALS ON PUBLIC PLACES**

### **2.16.1**

No person shall take or allow any animal under that person's care or control onto any public place if the Council has by resolution in Schedule 3 of this Part of this Bylaw prohibited entry of that type of animal to that public place.

### **2.16.2**

A person in control of an animal on any public place shall ensure that the animal is kept under proper control so as not to create a nuisance or danger for other persons using the public place.

### **2.16.3**

A person in control of an animal on any public place shall ensure that the animal is kept under proper control to ensure that no damage is caused to the public place, any part thereof or to any object thereon.

### **2.16.4**

A person in control of an animal on any public place shall immediately remove any faeces deposited by that animal.

## **2.17 RESERVES**

### **2.17.1**

The Council may fix charges for the entry to a reserve in accordance with the Reserves Act, 1977 and it shall be an offence against this Part of this Bylaw to enter a reserve without having paid the proper charge for entry, if a charge is payable.

### **2.17.2**

The Council may close or restrict entry to, or any portion of, a reserve at such times as are considered necessary to prevent damage to, or allow maintenance of the reserve. Such closure shall be advertised by signs at the entrances to the reserve. It shall be an offence against this Part of this Bylaw to access a reserve at any time when it is closed to public entry.

### **2.17.3**

- a) A person committing a breach of the provisions of clause 2.17.2 shall, upon request by an authorised officer, immediately leave the reserve and shall be prohibited from appearing on the reserve for such period as the authorised officer deems fit.
- b) A person ordered to leave a reserve as provided for in clause (a) shall still be liable to be prosecuted for the breach of the Bylaw.

## **2.18 LIST OF SCHEDULES PASSED IN TERMS OF CLAUSE 2 OF PART 3 – (PUBLIC SAFETY)**

- a) Schedule 1 – Prohibited camping areas;
- b) Schedule 2 - Restricted areas for skating devices;
- c) Schedule 3 - Restricted areas for animals;

## **3.0 NUISANCE ON PRIVATE PROPERTY**

### **3.1 PURPOSE**

The purpose of clause 3 is to protect the public from nuisance and to protect and promote and maintain public health and safety in relation to activities emanating from private property not controlled by the District Plan or other enactments.

### **3.2 RESTRICTIONS**

No person may:

- a) burn, or cause or permit to be burnt, any matter or thing in such a manner as to create a nuisance.
- b) being the owner or occupier of premises use, or permit to be used or to remain on premises a lavatory other than a flush toilet, unless it be so maintained as to prevent the creation of a nuisance;
- c) so deposit in or discharge, or so cause or permit the deposit or discharge into a stream, watercourse, pond, lagoon, open drain, gutter or channel, any litter, animal or other offensive matter or thing as to create or be likely to create a nuisance;
- d) being the owner or occupier of premises so cause or permit offensive liquid or matter to remain in or on, or flow from those premises so as to create or be likely to create a nuisance;
- e) being the owner or occupier of premises, cause or permit a sanitary fixture (as defined in the Building Regulations 1992, Schedule 1, "The Building Code") on those premises to be in such a state or defective condition as to create or be likely so to create a nuisance;
- f) being the owner or occupier of premises to cause or permit conditions on those premises likely to contribute to the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin.

## **4.0 CONTROL OVER THE POSSESSION AND CONSUMPTION OF LIQUOR IN PUBLIC PLACES**

### **4.1 PURPOSE**

The purpose of clause 4 is to regulate the consumption and bringing into and possession of liquor in specified public places, and for specified days, times and events including the related presence or use of a vehicle.

### **4.2 DESIGNATION OF SPECIFIED PUBLIC PLACES GENERALLY RESTRICTED**

#### **4.2.1**

The Council by resolution may specify public places, days and times where:

- a) the consumption of liquor in;
- b) the bringing of liquor into;
- c) the possession of liquor in; and
- d) the presence or use of a vehicle in conjunction with the prohibitions or restrictions in clauses a), b), or c)

shall be prohibited or restricted.

#### **4.2.2**

The prohibitions or restrictions made under clause 4.2.1 are set out in Schedule 4 of this Part of this Bylaw.

### **4.3 DESIGNATION OF SPECIFIED PUBLIC PLACES RESTRICTED FOR SPECIFIC PERIODS OR EVENTS**

The Council may by resolution and pursuant to section 170(3) of the Local Government Act 2002, specify a public place where, the period when, and the date upon, or the events in relation to which a member of the police may, immediately and without further notice, exercise the power under section 169(2)(a) of the Local Government Act 2002 to search a container or a vehicle.

### **4.4 OFFENCES PROHIBITED IN SPECIFIC PUBLIC PLACES**

#### **4.4.1**

Every person commits an offence and is liable on summary conviction who:

- a) brings liquor into;
- b) possesses liquor in; or
- c) consumes liquor in

any specified public place or during any specified period or event.

#### **4.4.2**

It is an offence to possess or consume liquor in a vehicle while in any specified public place, or during any specified period or event.

### **4.5 SPECIAL LICENCES**

This Bylaw does not limit any individual or organisation (corporate or otherwise) from obtaining a Special Licence pursuant to section 73 of the Sale of Liquor Act 1989, in which case clauses 4.21, 4.41 and 4.4.2 shall not apply.

## **4.6 DISPENSATION**

### **4.6.1**

- a) The Council may, on application by any person grant a waiver, dispensation or licence to do or refrain from doing anything which would otherwise be in breach of clause 4 of this Part of this Bylaw for the purpose of enabling possession and/or consumption of liquor in a public place at the time of any special event.
- b) Such a waiver, dispensation or suspension of operation of any part of clause 4 of this Part of this Bylaw shall be granted only in respect of specific time periods and specific locations associated with the special event, to enable better enjoyment of the event by members of the public.

### **4.6.2**

- a) In considering any application as provided for in clause 4.6.1(a), the Council shall obtain and consider a response to the request from New Zealand Police, including the reason for that response.
- b) When any such waiver, dispensation or suspension is granted, public notice of the waiver, dispensation or suspension shall be given by public notice at least 14 days prior to the commencement of the period when the waiver, dispensation or suspension commences.

### **4.6.3**

The applicant may be required to pay the Council a fee or charge to cover any actual and reasonable costs associated with the public notice, processing the application or obtaining a police response to the application under clause 4.6.

#### **4.7 LIST OF SCHEDULES PASSED IN TERMS OF CLAUSE 4**

- a) Schedule 4 - Designation of specified public places generally restricted for the possession or consumption of liquor;

### **5.0 KEEPING OF ANIMALS (EXCLUDING DOGS)**

#### **5.1 SCOPE**

The purpose of clause 5 is to protect promote and maintain public health by:

- a) regulating the keeping of pigs, poultry and bees; and
- b) limiting the nuisance created by the keeping of other animals.

#### **5.2 DETERMINATION OF NUMBERS OF ANIMALS ALLOWED TO BE KEPT**

The Council may from time to time determine by resolution as prescribed in Schedule 5 of this Part of this Bylaw the maximum number of animals of particular species permitted to be kept on any property by reference to the District Plan.

#### **5.3 PIG KEEPING**

##### **5.3.1**

No person shall keep more than the number of pigs prescribed in Schedule 5 on any property zoned rural or rural residential in the District Plan without the prior written permission of the Council.

### **5.3.2**

No person shall keep any pigs on any property in urban areas of the District Plan.

### **5.3.3**

No person shall keep any pigs in a manner that:

- a) is a nuisance; or
- b) creates conditions injurious to health; or
- c) is offensive; or
- d) pollutes any water as defined in the Resource Management Act 1991.

### **5.3.4**

Except with the prior written permission of the Council, or subject to the provisions of the District Plan, no person shall construct or allow any pigsty to remain or any pigs to be at large or to range at less distance than 50 metres from any dwelling, dairy, or any wholly or partly occupied building, or any street or public place or any place used for the preparation, storage, or sale of food for human consumption, or from any boundary of any adjoining property.

## **5.4 POULTRY KEEPING**

### **5.4.1**

In urban areas of the District Plan no poultry caged or otherwise shall be kept except in a properly constructed poultry house, built in accordance with the Building Regulations 1992, Schedule 1, ("The Building Code"), and covered in with a rainproof roof and provided with a floor of concrete or other approved material with a surrounding nibwall, to which a poultry run may be attached.

#### **5.4.2**

No poultry house or poultry run shall be erected or maintained so that any part of it is within 10 metres of any dwelling, factory, or any other building, whether wholly or partially occupied, or within 2 metres of the boundary of adjoining premises.

#### **5.4.3**

Except with the prior written permission of the Council no person shall keep:

- a) more than the number of head of poultry prescribed in Schedule 8 in any poultry house or poultry run on any property in urban areas of the District Plan;
- b) more than the head of poultry prescribed in Schedule 5 on any property in areas zoned rural and rural residential in the District Plan;

#### **5.4.4**

With the exception of coops used to keep pigeons, doves and similar birds, every poultry run of whatever size shall be enclosed to confine the poultry within the poultry run.

#### **5.4.5**

Notwithstanding anything hereinbefore contained, no person shall keep poultry on any property so as to cause or be likely to cause a nuisance or any condition injurious to health or offensive because of the overcrowding of the property with such poultry or because of the state of repair of the poultry house or poultry run.

#### **5.4.6**

No person shall keep on any property in the urban areas of the District Plan any noisy poultry which causes a nuisance to the neighbours.

#### **5.4.7**

If a nuisance is created as a result of any poultry house or poultry run or the keeping of poultry, the Council may serve a notice on the owner or the keeper of the poultry house, poultry run or poultry requiring that person to abate the nuisance and the nuisance shall be abated in accordance with the notice.

### **5.5 BEE KEEPING**

#### **5.5.1**

Except with the prior written permission of the Council, no person shall keep bees or cause or permit bees to be kept at or on any property in the urban areas of the District Plan.

#### **5.5.2**

Every person keeping bees or causing or permitting bees to be kept on private property must ensure that:

- a) the bees do not create nor are likely to create a nuisance or cause distress to any person; and
- b) the bees are not kept in such conditions that create or are likely to create a nuisance or cause distress to any person.

### **5.6 GENERAL NUISANCE CREATED BY ANIMALS**

Every person keeping an animal on private property must ensure it is kept in a manner that the animal does not create nor is likely to create a nuisance to any person.

## **5.7 SHELTER FOR ANIMALS**

No suffering shall be caused to an animal by the manner of its shelter or keeping.

## **5.8 LIST OF SCHEDULES PASSED IN TERMS OF CLAUSE 5**

- a) Schedule 5 - Determination of numbers of animals allowed to be kept;

## **6.0 CONTROL OF DOGS**

### **6.1 DOGS TO BE UNDER CONTROL AT ALL TIMES**

The owner or any person in charge or having control of any dog, ensure that the dog is under control by not causing a nuisance, danger or injury and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice command, hand signals, whistles or other effective means, except as may be permitted under another clause section of this Part of this Bylaw.

Every owner allowing a dog to ride on the open tray of a utility vehicle in a public place shall ensure that it is secured by a leash, lead or chain short enough so that the dog cannot fall from the tray and be kept under control at all times.

### **6.2 DOG EXERCISE AREAS**

Dogs may be exercised free of restraint but under control in the areas specified in Schedule 6 as designated dog exercise areas and any further areas added to the schedule by resolution of Council. The owner or a responsible person over the age of sixteen (16) years must have continuous control of the dog and remain in the exercise area while the dog is running free.

### **6.3 DOG CONTROL AREAS**

- a) The owner or person for the time being in charge of any dog shall keep it on a leash in every public place into which it is taken or led, and shall keep and prevent such dog from entering or being upon a public place unless it is so controlled.
- b) Notwithstanding the provisions of sub-clause (a) hereof, the Council may by resolution prohibit or restrict the entry of dogs onto any public place specified in that resolution. Those prohibited and restricted areas are listed in Schedule 7 of this Part of this Bylaw.
- c) Schedule 7 of this bylaw shall be amended to reflect all such resolutions.
- d) The provisions of this clause shall not apply to working dogs exercising the work in respect of which the animal has been registered.

### **6.4 SHELTER**

Every owner of a dog shall ensure that the dog is provided with adequate shelter and that no suffering is caused to the dog by the manner of the shelter.

### **6.5 FOULING**

The owner or any person in possession or control of any dog that defecates in a public place or on land or premises occupied by anyone other than the owner of the dog shall immediately remove the faeces. No offence shall be deemed to have been committed against this bylaw where the person having control of the dog removes the droppings immediately.

### **6.6 LIMITATION OF THE NUMBER OF DOGS ON ANY PREMISES**

No person shall keep, or permit to be kept, on or within any premises within the urban area more than two dogs of greater age than three months without first obtaining the written consent of the Council.

- a) Every application for such consent shall be in writing on the prescribed form and signed by the applicant and the applicant shall give to the Council such further information as it may require. Every such application shall be accompanied by an application fee which shall be fixed by the Council by resolution from time to time and publicly notified.
- b) The Council may grant or refuse to give consent for the issue of a licence at its absolute discretion and subject to any terms, conditions or restrictions as it may impose in any particular case concerning the housing and control of the dogs.
- c) Every person who commits any breach of the terms, conditions or restrictions imposed by the Council under sub-clause (b) hereof shall be guilty of an offence against this Part of this Bylaw.
- d) At the end of each dog registration period, any approval given during that year for any person to keep more than two (2) dogs on their premises may be reviewed by an authorised Council officer. On review, the approval may be modified or revoked in the event of non-compliance with any condition of approval.

## **6.7 DISEASED DOGS**

No person owning or having control or charge of any mangy or diseased dog shall take the same into any public place or permit or suffer such dog to enter or remain thereon or wander free and at large.

## **6.8 NUISANCES**

- a) The owner of any dog or the owner or the occupier of any premises whereupon any dog or dogs are customarily kept shall:
  - i) take adequate precautions to prevent the dog or dogs or the keeping thereof from becoming a nuisance or injurious to health;
  - ii) keep every bitch in season continuously confined but adequately exercised whilst it is in that condition;

- iii) take such steps as are necessary to prevent dogs under the owner's control from being or becoming a nuisance or annoyance to residents in the neighbourhood by barking or howling or by obstructing the lawful passage of persons in public places or by rushing at and frightening such persons.
- b) If in the opinion of the Council's Planning and Environmental Services Manager, any dog or dogs or the keeping thereof on any premises has become or is likely to become a nuisance or injurious to health, the Council or any person duly authorised in that behalf by the Council may by notice in writing require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:
- i) Reduce the number of dogs kept on the premises;
  - ii) Construct, alter, re-construct or otherwise improve the kennels or other buildings used to house or contain such dog or dogs;
  - iii) Require such dog or dogs to be tied up or otherwise confined during specific periods;
  - iv) Take such other action as the Council's Planning and Environmental Services Manager deems necessary to minimise or remove the likelihood of nuisance or injury to health.
- c) Any person to whom notice is given under the preceding provisions of this clause who fails to comply with such notice within the time therein specified commits an offence against Part of this Bylaw.

In compliance with the provisions of the Local Government Act, 2002 and the Bylaws Act, 1910, this Part of the Bylaw is passed by the Hauraki District Council on 12 July, 2007.



THE COMMON SEAL of the HAURAKI DISTRICT COUNCIL was affixed on this 30<sup>th</sup> day of July, 2007 in the presence of

\_\_\_\_\_ Mayor

\_\_\_\_\_ Chief Executive