

THE KEEPING OF ANIMALS, CATS, POULTRY AND BEES BYLAW 2018

1 PRELIMINARY PROVISIONS

- 1.1 This bylaw is The Keeping of Animals, Cats, Poultry and Bees Bylaw, as reviewed from the 2008 Consolidated Bylaw (with Cats bylaw provisions now included).
- 1.2 This Bylaw is made under the Local Government Act 2002 and sections 29 and 64 of the Health Act 1956 and every other power vested in the Council to make bylaws and regulate activities in public places.

Explanatory Note: the Council also has powers under clause 15 of the Public Places Bylaw which deals with animals and stock on public places and, in relation to dogs, the Dog Control Bylaw.

Also see the Animal Welfare Act 1999 and the Codes of Welfare made pursuant to that Act which contain standards for the care of animals and offences thereof.

2 PURPOSE

- 2.1 The purpose of this Bylaw is to outline requirements for the keeping of animals, poultry and bees. The requirements are deemed necessary for the protection of neighbours and property owners.
- 2.2 For the purposes of clarity, the provisions of the Animal Welfare Act 1990 and any code of welfare made under that Act take precedence over this bylaw.

Explanatory note: The Animal Welfare Act sets out the obligations of animal owners or people in charge of animals. They have to meet an animal's physical, health, and behavioural needs, and must alleviate pain or distress. The Act defines 'physical, health, and behavioural needs' as:

- *Proper and sufficient food and water*
- *Adequate shelter*
- *The opportunity to display normal patterns of behaviour*
- *Appropriate physical handling*
- *Protection from, and rapid diagnosis of, injury and disease.*

The Ministry of Primary Industries has developed, and is continuing to develop, codes of welfare for a wide range of animal matters.

3 COMMENCEMENT

- 3.1 This Bylaw comes into force on 5 November 2018.

4 INTERPRETATION AND DEFINITIONS

4.1 The provisions of the Administration Bylaw 2018 form part of this Bylaw.

4.2 In this Bylaw, unless the context requires otherwise:

BEE KEEPING means the keeping of beehives and includes the removal of honey and bee products from the hive, but not the further processing of such products.

BEE KEEPER means a person who is keeping bees.

CATS – any reference to cats includes kittens over six months of age.

CODE OF WELFARE means any code for animal welfare issued by the Ministry of Primary Industries pursuant to the Animal Welfare Act 1999.

KEEP or KEEPING includes owning, looking after, caring for, being in charge of, being a custodian of, or in possession of any animal.

NUISANCE - Without limiting the meaning of the term “Nuisance” as defined clause 4 of the Administration Bylaw with “the meaning assigned to that term in section 29 of the Health Act 1956”, a Nuisance shall be deemed to be created in any of the following cases:

- a. Where any accumulation or deposit is in such a state or so situated as to be offensive;
- b. Where any 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; and
- c. Where any noise emitted by an animal that is under human control unreasonably interferes with the peace, comfort, and convenience of any person.

NEIGHBOUR means both the owner and occupier.

POULTRY includes geese, ducks, swans, hens and rooster, quails, guinea fowl, doves, peacocks, pukeko, pheasants, pigeons, turkeys, domestic birds (including budgies and canaries etc) and domestic fowls of all descriptions and game birds kept in aviaries.

POULTRY KEEPING means the keeping of poultry on a small scale for domestic use only but excludes the keeping of racing pigeons.

RURAL means any area that is zoned Rural Management Area in the Tararua District Plan.

SLAUGHTER means the process of killing, skinning, and dismemberment of an animal or poultry, the retention of parts for use, and disposal of the balance. Slaughtered and slaughtering shall have a corresponding meaning.

URBAN means areas that are not rural and include the towns of Dannevirke, Eketahuna, Pahiatua, and Woodville. For the purposes of the bylaws other management areas that are not rural are deemed to be urban.

4.3 Any explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be made, amended, revoked or replaced by the Council at any time.

5 GENERAL REQUIREMENTS

- 5.1 Every person keeping, or permitting to be kept, animals, cats, poultry, or bees on private land must comply with the Animal Welfare Act 1999 and its codes of welfare and, where no code of welfare applies, ensure that such animals:
- a. Do not cause or are likely to cause a nuisance to any person; and
 - b. Are kept in conditions which are not offensive or injurious to health.
- 5.2 The Council may by written notice require that an owner or person keeping the animals, poultry, bees and stock take specified steps to ensure compliance with, or to mitigate or abate the conditions referred to in, clause 5.1.a or 5.1.b.
- 5.3 It is the duty of the owner or person keeping the animals, poultry, bees and stock to comply with the steps set out in the notice provided under clause 5.2 within the specified time period.

Explanatory note: the procedure for signing and service of notices is contained in the Administration Bylaw.

6 PIG KEEPING

- 6.1 No person may keep pigs in any urban area:
- a. In such a manner where it will or is likely to create a nuisance, or which is likely to be injurious to health or offensive; and
 - b. In a manner contrary to any relevant provision of the Tararua District Plan.
- 6.2 Any person wishing to keep pigs in an urban area must notify the Council. The notification must be accompanied by the:
- a. Location of where the pigs are to be housed, and locations of wallows;
 - b. Number and breed of pigs to be kept;
 - c. Reasons for wanting a pig in the urban area;
 - d. Written consent from adjoining occupiers.
- 6.3 The Council may prescribe conditions relating to the keeping of pigs in an urban area, having regard to:
- a. The Tararua District Plan;
 - b. The nature and extent of the perceived problem to be addressed;
 - c. What means can be used to address any problem;
 - d. Any advice, if required, received from the Pork Industry Board; and
 - e. Any advice received from the Ministry of Primary Industries.
- 6.4 The conditions imposed by Council under clause 6.3. must be complied with.
- 6.5 Any discharge from any pigsty in the Tararua District must comply with the Resource Management Act 1991, and any relevant requirements of the Council.

Explanatory Note:

- i. *See also the code of welfare for pigs 2010.*
- ii. *It is an offence under the Biosecurity (Meat and Food Waste for Pigs) Regulations 2005 to feed pigs untreated meat or untreated food waste.*

7 STOCK IN URBAN AREAS

- 7.1 Any person keeping stock in an urban area shall ensure that premises where stock are kept meet such conditions as may be prescribed by an authorised officer and do not cause a nuisance.
- 7.2 Any person moving stock along or across public roads must comply with the Public Places Bylaw, the Traffic and Road Use Bylaw and the Policy on Regular Droving of Dairy Stock.
- 7.3 No stock are to be slaughtered in any urban areas unless it is permitted by the Tararua District Plan and the activity complies with the said Plan and cannot be seen from beyond that rateable property.
- 7.4 The slaughter of any stock and disposal of waste must be carried out in such a manner that the procedure:
- a. Does not create a nuisance or threat to human health; and
 - b. Is not offensive to persons nearby.
- 7.5 Nothing in clauses 7.3 and 7.4 shall apply to:
- a. A veterinary surgeon registered under the Veterinary Surgeons Act 1956.
 - b. An inspector appointed for the purposes of the Animals Act 1967.
 - c. An inspector appointed for the purposes of the Animal Protection Act 1960.
- 7.6 No person may:
- a. Fail to immediately remove any waste associated with the slaughter of stock; and
 - b. Dispose of that body or part of the body of any stock belonging to the person, or in that person's charge or keeping, in a manner that will produce odour, or cause a nuisance or a threat to public health.

Explanatory note: It is an offence under the Health Act 1956 to leave animals or animal carcasses in a state where they are offensive or injurious to health. It is an offence under the Resource Management Act 1991 to contaminate waterways with animal remains.

8 CATS

- 8.1 No household shall keep more than three (3) cats where, in the opinion of an authorised officer acting on a complaint, the number becomes offensive to the occupier of a neighbouring property, a threat to public health, or an endangerment to neighbouring animals.
- 8.2 If the keeping of cats on a premises is, or is likely to become:
- a. A nuisance,
 - b. Injurious, or
 - c. Hazardous

To the health, property or safety of any person then an authorised officer may, by notice in writing, require the person who owns the premises to do all or any of the following:

- d. Reduce the number of cats kept on the premises,
- e. Require the cats to be neutered or speyed where permitted to do so in law,
- f. Take other such precautions as are deemed necessary and specified by the authorised officer to reduce the effects listed in sub-clauses a-c above.

It is the duty of the owner or occupier of the premises to abate the nuisance as required in the notice within the time period specified in that notice.

Explanatory note: the procedure for signing and service of notices is contained in the Administration Bylaw.

9 POULTRY KEEPING

- 9.1 Any person keeping poultry (including free range poultry) must ensure that the poultry are confined within the boundaries of the rateable property they are kept.
- 9.2 No more than 12 head of poultry (be they caged or otherwise) may be kept on any one rateable property in an urban area without the prior consent of Council.
- 9.3 Any person wishing to keep more than 12 head of poultry on a property in an urban area must apply in writing to the Council for a permit. The application must include information relating to:
- a. The number and type of poultry to be kept on the property;
 - b. Where the poultry are to be kept including plans showing, among other things, relevant separation distances from boundaries, fencing and effluent disposal;
 - c. Housing and run details; and
 - d. The Council may seek the written consent of the occupiers of adjoining properties.
- 9.4 An application under clause 9.3 must be accompanied by any fee as may be prescribed from time to time in Council's Schedule of Fees and Charges.

- 9.5 The Council may take into account the principles contained in the codes of welfare for poultry and any matters raised by the occupiers of adjoining and attach to any permit such reasonable terms or conditions as it thinks appropriate. The permit holder must comply with any conditions of the permit.
- 9.6 No person may keep poultry in an urban area unless the poultry are provided with housing that is:
- a. A properly constructed poultry house (constructed in accordance with the Building Act 2004, if required, and the relevant code of welfare for poultry); and
 - b. Enclosed with wire mesh or other material so that the poultry can be confined.
- 9.7 No poultry house or poultry run shall be erected or maintained, so that any part of it is within 5m from any dwelling, factory, or any other building, whether wholly or partially occupied, or within 2m of the boundary of adjoining premises.
- 9.8 Every poultry house and poultry run shall be maintained in good repair, in a clean condition free from any offensive smell or overflow and free from vermin. Any effluent or discharge from a poultry house or poultry run must:
- a. Be discharged in a manner that does not cause a nuisance;
 - b. Comply with the Resource Management Act 1991; and
 - c. Comply with any other relevant requirements of the Council.
- 9.9 The Council may by written notice require that an owner or occupier take specified steps to ensure compliance with any of the requirements of this clause. The owner or occupier must comply with the steps set out in the notice in the specified time period.
- 9.10 Clause 9 does not prevent any person keeping poultry in an auction room, in any premises used for the killing and dressing of poultry for sale, or in a hall being used temporarily for a poultry show.

Explanatory note: the procedure for signing and service of notices is contained in the Administration Bylaw.

10 SLAUGHTER OF POULTRY

- 10.1 The slaughter of any poultry and disposal of waste must be carried out in such a manner that the procedure:
- a. Does not create a nuisance or threat to human health;
 - b. Is not offensive to persons nearby;
 - c. If appropriate, complies with the relevant code of welfare.
- 10.2 Nothing in clause 10.1 will apply to:
- a. A veterinary surgeon registered under the Veterinary Surgeons Act 1956.
 - b. An inspector appointed for the purposes of the Animal Welfare Act 1999.

10.3 No person may:

- a. Fail to immediately remove any waste associated with the slaughter of poultry; and
- b. Dispose of the body or part of the body of any poultry belonging to the person, or in that person's charge or keeping, in a manner that will produce odour, or cause a nuisance or a threat to public health.

Explanatory note: It is an offence under the Health Act 1956 to leave animals or animal carcasses in a state where they are offensive or injurious to health. It is an offence under the Resource Management Act 1991 to contaminate waterways with animal remains.

11 NOISE FROM ANIMALS, CATS, BIRD OR POULTRY

11.1 No person shall keep on any premises any noisy animal (excluding dogs), bird, or poultry which causes a nuisance to residents in the neighbourhood.

11.2 Roosters and peacocks may be kept only in rural areas provided that the property on which they are kept is greater than one hectare.

Explanatory note: Animals do create noise in the course of normal rural activities.

12 BEE KEEPING

12.1 Any person wishing to keep bees in an urban area must notify the Council in writing advising the location of where the bees are to be kept.

12.2 The Council may advise conditions relating to the keeping of bees on any rateable property, having regard to:

- a. The nature and extent of the perceived problem to be addressed;
- b. What means can be used to address any problem;
- c. Any advice received from the National Bee Keepers Association;
- d. Any advice received by the Council; and
- e. Any advice received from the Ministry of Primary Industries.

12.3 The owner of the hives must comply with any conditions imposed by the Council under clause 12.2.

12.4 No person may keep bees or cause or permit bees to be kept if they are, or are likely to become, dangerous, injurious to health or a nuisance to any person.

12.5 The Council may order the relocation or removal of a beehives, where an enforcement officer is satisfied that the hives will be a continuing breach this bylaw.

Explanatory Note: If you keep bees in New Zealand it is a legal requirement that you register your hive/s. See the Ministry of Primary Industries website www.mpi.govt.nz for further advice.

13 OFFENCES AND BREACHES

13.1 Every person who commits a breach of this Bylaw commits an offence and is liable to pay:

- a. A fine pursuant to the Local Government Act 2002,
- b. A fine pursuant to the Health Act 1956, and
- c. In the event of breach of this Bylaw, the Council may take enforcement action as provide for under legislation, including the Local Government Act 2002.

Explanatory Note: This clause should be read in conjunction with the Administration Bylaw.

This Bylaw was made by the Tararua District Council by resolution at a council meeting on 31 October 2018 and must be reviewed within five years.

*Sealed with the Common Seal of the
Tararua District Council
In the presence of:*

[SEAL]

Mayor

Chief Executive