

Keeping of Animals, Bees and Poultry BYLAW

Contents

1.	Introduction.....	3
2.	Exclusions.....	3
3.	Title	3
4.	Commencement.....	3
5.	Interpretation	4
5.1	Definitions.....	4
6.	Penalties and recovery of costs.....	4
7.	Bylaw clauses	4
7.1	Keeping of animals	4
7.2	Keeping of cats or kittens	5
7.3	Pig keeping.....	6
7.4	Poultry keeping - excluding racing pigeons	6
7.5	Racing pigeons.....	7
7.6	Noise from animal or bird	7
7.7	Bee keeping.....	8
7.8	Keeping of stock.....	8
7.9	Slaughter of stock.....	8
8.	Adoption of bylaw	9
	Schedule 1	11

Keeping of Animals, Poultry and Bees Bylaw 2017



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Approval authority:	Council
Consultation required:	Special Consultative Procedure (LGA Sec 156)
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Associated documents:	

1. Introduction

This bylaw regulates the keeping of animals including stock, poultry and bees in the district, to ensure they do not create a nuisance or endanger the health of the public. When necessary, this bylaw controls the number of cats or kittens a household may keep in urban areas. The keeping of dogs is not covered by this bylaw; it is covered by the Dog Control Bylaw. This bylaw controls the keeping and slaughtering of stock in urban areas and manages the nuisance that the keeping of stock in urban areas may cause if not managed appropriately.

Notes in italics are not parts of this bylaw, but are intended to explain the contents of this bylaw or give further information on matters within this bylaw.

The application of this bylaw should be read in conjunction with Sections 145 and 146(a) (v) of the Local Government Act 2002 and Sections 29 and 64 of the Health Act 1956, and with the relevant provisions in the South Waikato District Operative District Plan.

2. Exclusions

This bylaw does not apply to:

- (a) Any zoo or zoological gardens
- (b) Any dogs

3. Title

The title of the bylaw shall be the South Waikato District Council Keeping of Animals, Poultry and Bees Bylaw 2017.

4. Commencement

This bylaw shall come into force after Council resolves to adopt the bylaw and the date of commencement of the bylaw shall be identified in Council's resolution.

5. Interpretation

Definitions and, matters of interpretation, and administration (including the provisions relating to the penalties for any breach of this and any other bylaw) not included in this bylaw may be found in the Bylaws Administration Bylaw 2017.

For the purposes of this bylaw the word "shall" refers to practices that are mandatory for compliance with this bylaw, while the word "should" refers to practices which are advised or recommended.

5.1 Definitions

In this bylaw, unless the context requires otherwise,

Animal includes any member of the animal kingdom, including any mammal, finfish, shellfish, reptile, amphibian, insect or invertebrate which is kept in a state of captivity or domesticated and includes the carcass or constituent parts of the animal but it does not include human beings or dogs.

Bylaws Administration Bylaw 2017 means the South Waikato District Council Bylaws Administration Bylaw 2017.

Enforcement Officer means a Police Officer or any other person appointed to carry out any of the duties of an officer.

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

Pigsty means a covered enclosure used solely or principally for the housing of pigs.

Poultry includes geese, ducks, guinea fowl, doves, peacocks, pukeko, pheasants, pigeons and turkeys.

Schedule means any schedule included as part of this bylaw.

Slaughter means the process of killing, skinning, and dismemberment of any animal, the retention of parts for use, and disposal of the balance and **slaughtered** and **slaughtering** shall have a corresponding meaning.

Stable means, for this part, a building in which stock is kept.

Stock includes any age or sex of any cattle beast, sheep, deer, donkey, hinny, mule, pig, goat, thar, alpaca, llama, bison or other herd animal not specifically mentioned.

Urban area means the area defined in schedule 1 of this bylaw.

6. Penalties and recovery of costs

Council may recover amelioration costs and/or impose penalties or fines where an authorised officer or agent of the Council takes action to enforce any provision in this bylaw, as provided in the Bylaws Administration Bylaw 2017, Clause 9 Serving of Orders and Notices and Clause 18 Right of Appeal.

7. Bylaw clauses

7.1 Keeping of animals

7.1.1 No person shall keep, permit, or suffer to be kept any animals or bees:

- (a) Which, in the opinion of an authorised officer, is a nuisance through noise, smell, dust or through the attraction of flies or vermin;
- (b) In a manner that, in the opinion of an authorised officer; is or is likely to become a nuisance;

- (c) That are, or are likely, may become, offensive to the occupier of an adjoining property or a threat to public health.
- 7.1.2 Despite the provisions of this part, no person shall keep an animal in such a manner or in such conditions, which in the opinion of an authorised officer, creates a nuisance or causes a threat to public health or safety.
- 7.1.3 It is the responsibility of any person keeping an animal to confine the animal within the boundaries of the premises where the animal is being kept.
- 7.1.4 Clause 7.1.3 does not apply to the driving, leading or riding of any animal.
- 7.1.5 Horses are prohibited from all urban areas as per Schedule 7 of the Public Places Bylaw 2017.
- 7.1.6 The keeping of horses on sites less than 900m² located within the Residential Zone in the Operative District Plan, is restricted to three consecutive days only at any one time.

Please refer to Public Places Bylaw – Map 3 Horses in Public Places in Tokoroa

7.2 Keeping of cats or kittens

- 7.2.1 An authorised officer may impose a limit on the number of cats which may be kept on private land (such limit being not more than five) where:
 - (a) the Council has received a complaint about the number of cats kept on the private land; and
 - (b) the officer considers that the number of cats creates or is likely to create a public health nuisance; and
 - (c) the person keeping those cats fails to comply with any reasonable request of the officer to abate or prevent the nuisance created.
- 7.2.2 No person shall keep five or more cats or kittens over six months of age within, or adjacent to any household unit, in an urban area except with the written approval of an authorised officer.
- 7.2.3 Before granting any approval under clause 7.2.1, the authorised officer must be satisfied that:
 - (a) The cats or kittens will be adequately housed and that no nuisance will result.
 - (b) Any other lawful requirements of the Council have been satisfied including any relevant provisions of the District Plan.
- 7.2.4 The approval of the authorised officer under clause 7.2.2 may include such terms and conditions as the authorised officer considers appropriate in the circumstances.
- 7.2.5 Despite clause 7.2.1, a breeder of cats may keep more than five cats in the breeder's cattery if the cattery meets the following criteria:
 - (a) The breeder holds a registered prefix granted to them by the New Zealand Cat Fancy;
 - (b) The breeder cats are held in a cattery accredited under the Cattery Accreditation Scheme operated by the New Zealand Cat Fancy Incorporated;
 - (c) The number of cats held in the cattery must be no more than that for which the cattery is accredited;
 - (d) The cattery is operated to a high standard of hygiene at all times;
 - (e) The cattery does not create a nuisance.
- 7.2.6 Despite clause 7.2.1 a breeder may keep up to five free-living cats in the breeder's household, in addition to the number in their cattery.
- 7.2.7 If, in the opinion of an authorised officer, any cattery has created a nuisance, or a health nuisance is caused by the keeping of cats or kittens (due to odour or accumulated faecal matter), the Council may by written notice sent to the breeder, owner or occupier, as the case may be, require the breeder, owner or occupier to abate the nuisance.
- 7.2.8 It is the duty of the breeder, owner or occupier to abate the nuisance as required by any notice sent under clause 7.2.7.

7.3 Pig keeping

- 7.3.1 No person shall:
- (a) Keep pigs in any urban area as defined in Schedule 1 of this bylaw.
 - (b) Keep any pigs in such a manner as to create a nuisance, or which is, or is likely to be, injurious to health or offensive.
 - (c) Keep pigs unless in compliance with the relevant provisions of the District Plan.
- 7.3.2 Any discharge from a pigsty must comply with the Resource Management Act 1991, and any relevant requirements of the Council.

7.4 Poultry keeping - excluding racing pigeons

Note: Clauses 7.4.1. to 7.4.5 apply to the keeping of poultry in urban areas. Clauses 7.4.6 to 7.4.8 apply to the keeping of poultry in rural areas in addition to urban areas.

- 7.4.1 Except with the written consent from Council, the maximum number of poultry birds caged or otherwise (which shall include all birds or water birds of all descriptions) shall be kept in any one property anywhere in any urban areas as defined in schedule 1 shall be 10.
- 7.4.2 Any person wishing to keep more than 10 poultry birds on one property in an urban area shall apply in writing to the Council for a permit or obtain the necessary resource consent for a specified number of birds and shall provide the Council with the necessary information required to make a decision.
- 7.4.3 Any permit issued by the Council pursuant to Clause 7.4.2 may include such conditions, as the Council deems appropriate. The permit-holder shall comply with the conditions of their permit.
- 7.4.4 No person shall keep any rooster in an urban area where, in the opinion of an authorised officer, a nuisance is being, or is likely to be, created by noise from the rooster or any actions of the rooster.
- 7.4.5 No person shall keep poultry in an urban area unless they are provided with housing that is:
- (a) Constructed in accordance with the Building Act 2004 if the poultry house is over 10 square metres in floor area; and
 - (b) Rainproof and provided with a floor of concrete or other approved material raised 150 millimetres above ground level to which a poultry run may be attached;
 - (c) Not located 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;
 - (d) Adequately graded and drained, and kept clean and in good repair and be enclosed with wire mesh or other material to confine the poultry; and
 - (e) Maintained in good repair, in a clean condition free from any offensive smell or overflow and free from vermin.
- 7.4.6 All effluent or discharge from a poultry house or run must:
- (a) Not be discharged in such a manner as to cause a nuisance
 - (b) Comply with the Resource Management Act 1991
 - (c) Comply with the relevant requirements of the Council
- 7.4.7 If, in the opinion of an authorised officer; a poultry house or poultry run is causing a nuisance, whether continuously or intermittently, the Council may by written notice sent to the owner or occupier require the owner or occupier to abate the nuisance.
- 7.4.8 It is the duty of the owner or occupier to abate the nuisance as required by any notice under clause 7.4.7. If the owner or occupier does not abate the notice issued under clause 7.4.7, then the appropriate enforcement shall be taken as set out in the Bylaws Administration Bylaw 2017.

7.5 Racing pigeons

Note: Clauses 7.5.1. to 7.5.4 apply to the keeping of racing pigeons in urban areas. Clauses 7.5.5 to 7.5.7 apply to the keeping of poultry in rural areas in addition to urban areas

- 7.5.1 Except with the written consent from Council, the maximum number of racing pigeons caged or otherwise that shall be kept in any one property anywhere in any urban areas as defined in schedule 1 shall be 60; providing the owner of such birds is a current financial member of the South Waikato Pigeon Club or Waikato Racing Pigeon Federation or Pigeon Racing New Zealand Incorporated and the birds are kept in accordance with the "Code of Practice for Pigeon Keeping and Pigeon Racing in New Zealand".
- 7.5.2 Any person wishing to keep more than 60 racing pigeons on one property in an urban area shall apply in writing to the Council for a permit or obtain the necessary resource consent for a specified number of birds and shall provide the Council with the necessary information required to make a decision.
- 7.5.3 Any permit issued by the Council pursuant to Clause 7.5.2 may include such conditions, as the Council deems appropriate. The permit-holder shall comply with the conditions of their permit.
- 7.5.4 No person shall keep racing pigeons in an urban area unless they are provided with a pigeon loft that is:
- (a) Constructed in accordance with the Building Act 2004 if the pigeon loft is over 10 square metres in floor area; and
 - (b) Rainproof and provided with a floor of concrete or other approved material raised 150 millimetres above ground level to which a pigeon run may be attached;
 - (c) Not located within 5 metres of any dwelling (including a dwelling on a neighbouring site), factory, or any other building whether wholly or partially occupied; or within 2 metres of the boundary of adjoining premises;
 - (d) Adequately graded and drained, and kept clean and in good repair and be enclosed with wire mesh or other material to confine the pigeons; and
 - (e) Maintained in good repair, in a clean condition free from any offensive smell or overflow and free from vermin.
- 7.5.5 All effluent or discharge from a pigeon loft or run must:
- (a) Not be discharged in such a manner as to cause a nuisance;
 - (b) Comply with the Resource Management Act 1991;
 - (c) Comply with the relevant requirements of the Council.
- 7.5.6 If, in the opinion of an authorised officer; a pigeon loft or pigeon run is causing a nuisance, whether continuously or intermittently, the Council may by written notice require the owner or occupier to abate the nuisance.
- 7.5.7 It is the duty of the owner or occupier to abate the nuisance as required by any notice under clause 7.5.6. If the owner or occupier does not abate the nuisance as required by the notice issued under clause 7.5.6, then the appropriate enforcement shall be taken as set out in the Bylaws Administration Bylaw 2017.

7.6 Noise from animal or bird

- 7.6.1 No person shall keep, or continue to keep, on any premises any noisy animal, bird, or poultry which causes or is likely to cause, a nuisance to any person residing or working in any urban area as defined in schedule 1 of this bylaw.

7.7 Bee keeping

- 7.7.1 No person shall keep, or continue to keep, bees if, in the opinion of an authorised officer, the keeping of such bees is, or is likely to become dangerous, injurious to health or a nuisance to any person.
- 7.7.2 An authorised officer may prescribe conditions relating to the location and number of hives able to be kept on any premises in an urban area.
- 7.7.3 In prescribing any conditions under clause 7.7.2 the authorised officer shall consider:
- (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
 - (e) Any advice received from the Ministry of Agriculture and Forestry

7.8 Keeping of stock

- 7.8.1 Any person keeping stock in an urban area shall ensure that premises where stock is kept meet such conditions as may be prescribed by an authorised officer.
- 7.8.2 No person shall keep, or allow to be kept, within an urban area any stock at a distance less than 2 metres from a boundary of any adjoining premises where, in the opinion of an authorised officer, an annoyance or nuisance may be created by the presence of the stock.
- 7.8.3 No stock may be stabled or housed other than in a stable or other approved building that complies with all relevant legislation.

The Public Places Bylaw should be referred to for other rules and regulations relating to the management of stock in urban areas.

7.9 Slaughter of stock

- 7.9.1 No person shall slaughter, or permit to be slaughtered, any stock in such a manner that:
- (a) creates any nuisance; or
 - (b) causes any offensive nuisance to persons nearby resulting from committing an act of slaughter.
- 7.9.2 Nothing in clause 7.9.1 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.
- 7.9.3 No person shall:
- (a) Fail to immediately remove any waste associated with the slaughter of stock
 - (b) Dispose of the body or part of the body of any animal 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.

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. It is an offence under the Biosecurity (Meat and Food Waste for Pigs) Regulations 2005 to feed pigs untreated meat or untreated food waste.

- 7.9.4 If the slaughtering of cattle is likely to be in view of any person nearby, including from a residence:

- (a) Adequate screening must be provided around the slaughtering site; and
- (b) The screening must be sufficient in height and size to cut out the line of sight by any such persons so as to prevent the slaughtering operation from being seen.

8. Adoption of bylaw

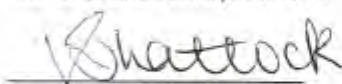
The foregoing bylaw was duly adopted by resolution of the South Waikato District Council following completion of the Special Consultative Procedure prescribed by Sections 83 & 86 of the Act.

I, Craig Hobbs, Chief Executive of South Waikato District Council, CERTIFY that this bylaw was made by Resolution No 17/317 on the 13th day of December 2017, to come into effect on the 20th day of December 2017.

Dated this 20th day of December 2017.

The **COMMON SEAL** of THE
SOUTH WAIKATO DISTRICT COUNCIL)
was hereto affixed in the presence of:)





JR Shattock - Mayor



C Hobbs - Chief Executive

Annotations

Res No	Date	Subject/Description
11/294	15 September 2011	Adopted by Council
15/357	3 December 2015	Amendment 7.1.5 adopted
17/317	13 December 2017	Adopted by Council

Schedule 1 Urban Areas

