

GORE DISTRICT COUNCIL

DRAFT KEEPING OF ANIMALS, POULTRY AND BEES BYLAW 2016

The Local Government Act 2002 allows the Council to control the keeping of animals, poultry and bees within the District. The Council has a Keeping of Animals, Poultry and Bees Bylaw 2009 which was due for review on 25 August 2014. Due to this review not being carried out the 2009 Bylaw is scheduled to be revoked in accordance with Section 160 of the Local Government Act 2002 on 25 August 2016. This bylaw is therefore made pursuant to Sections 145 and 146 of the Local Government Act 2002 and Section 64 of the Health Act 1956.

1. Title and Commencement

This Bylaw shall be known as the Keeping of Animals, Poultry and Bees Bylaw 2016.

This Bylaw shall come into force on XXX

For the avoidance of doubt the Gore District Council Keeping of Animals, Poultry and Bees Bylaw 2009 is hereby revoked from the day this bylaw comes into force.

2. Purpose

This Bylaw controls the keeping of animals, poultry and bees within the district to ensure they do not create a nuisance or a risk to health or safety and if a nuisance or risk does occur then the Council has appropriate regulatory powers to take relevant action.

3. Application

This Bylaw does not apply to dogs or cats.

This Bylaw does not apply to veterinary clinics or pet shops within the Gore District.

This Bylaw does not apply to the land occupied by the Gore A & P Association or Bannerman Park.

This Bylaw should be read in conjunction with the Gore District Plan and other relevant legislation for the keeping of animals in particular the Animal Welfare Act 1999, the Impounding Act 1955 and the Health Act 1956. Nothing in this Bylaw shall derogate from any provision of, or the necessity for compliance with, any statute, regulation, rule of law or permission relating to the keeping of animals, poultry or bees.

4. Dispensing power

It shall be lawful for the Council in any particular case or cases, by resolution to dispense with any of the following requirements of this Bylaw.

(1) Definitions and Interpretation

In this Bylaw, unless the context otherwise requires:

Animal includes livestock, poultry, birds and any vertebrate animals of any age or sex that is kept in a state of captivity or is dependent upon human beings for its care and sustenance which is kept for domestic or farming purposes.

Authorised Officer means any person appointed by the Council in accordance with Section 177 of the Local Government Act 2002 to enforce this Bylaw.

Council means the Gore District Council.

Livestock includes any age or sex of any sheep, bovine (cattle), pig, deer, horse, goat, donkey, hinny, mule, alpaca, llama or any other heard animal of all descriptions.

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

Person includes a natural person, incorporated company and a body of persons whether incorporated or not.

Poultry includes any age or sex of chicken, geese, ducks, pigeons, turkeys, guinea-fowl, peafowl, game birds and domestic fowls of all descriptions.

Premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied and all lands buildings and places adjoining each other and occupied together shall be deemed to be the same premise.

Public place means any place that, at any material time, is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road whether or not it is under the control of the Council. It also includes every reserve, park, domain and recreational grounds under the control of the Council.

Rural area means the area of the Gore District not included within an urban area and specifically excludes the Gore A & P Showgrounds and Bannerman Park.

Urban area 1 means the area of Gore and Mataura as shown highlighted in yellow on the attached maps.

Urban area 2 means the area of Gore shown highlighted blue on the attached map.

(2) General Provisions

No person shall:

- (1) Keep any animal, poultry or bees which are or are likely to cause a nuisance including but not limited to, noise, odour, dust or through the attraction of flies or vermin.
- (2) Keep any animal, poultry or bees in conditions which are or are likely to cause a nuisance or a threat to public health or safety. This includes:
 - 2.1 Providing fresh water (preferably a running water supply) at all times.
 - 2.2 Any enclosure constructed for animal(s), poultry or bees governed by this bylaw shall be constructed in good workman like manner and maintained in the same so that the enclosure itself does not create a nuisance whether in use or not.
 - 2.3 Pens, runs or cages or other similar forms of containment should be maintained in good repair in a clean condition free from any offensive smell, overflow or vermin.
- (3) Keep any animal, poultry or bees which are or are likely to become offensive or a nuisance to the occupier of an adjoining property;
- (4) Keep, or allow any animal or poultry in a public place in a manner that is or is likely to cause a nuisance or a threat to public health and safety;
- (5) Keep any animal or poultry on any property that is not appropriately contained or restrained within the property where it is being kept by way of a fence, tether, pen, run or cage so as to prevent such animal or poultry escaping onto any neighbouring property or onto any road or public place.
- (6) Have electric fences, hotwires or barbed wire fencing in any urban area or along the boundary of any urban and rural area.

(3) Special Requirements for Keeping of Livestock

- (1) Unless in receipt of a permit from the Council, no person shall keep any livestock in urban area 1.
- (2) The following livestock are prohibited to be kept within urban area 1:
 - Pigs
 - Bovine (cattle)
 - Deer
 - Thar

- (3) Livestock must not be able to breach a property boundary within urban area 1 by reaching over or through a fence. This may require the property to be double fenced particularly if keeping livestock adjacent to urban area 1.
- (4) Within urban area 1 no more than two horses may be kept on any one property and the minimum area for keeping of horses shall be not less than 1012m² (1/4 acre) per horse.
- (5) Gates to properties where horses are kept in urban area 1 must be padlocked.
- (6) Leading or riding any horse on any footpath, berm or reserve is prohibited.
- (7) Horses must not be left tethered in any unfenced areas.
- (8) Within urban area 1 horse defecation on any public place shall be picked up within 2 hours after the defecation has taken place. Failure to comply with this requirement will result in enforcement action being taken under the Litter Act 1979.
- (9) Within the rural area no person shall construct or allow any pigsty to remain, or any pigs to be at large or to range, at a distance less than 50m from any adjoining dwelling, or any wholly or partly occupied adjoining 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.
- (10) In urban areas where animals and poultry are kept, the property and any associated enclosure shall be 'mucked out' on a regular basis with appropriate muck disposal so as not to cause a nuisance to neighbouring properties.
- (11) Within the urban areas, any livestock found wandering or straying will be impounded in accordance with the enforcement provisions of the Impounding Act 1955.

(4) Special Requirements for Keeping of Poultry

- (1) Unless in receipt of a permit from the Council, no person shall keep any more than 12 head of poultry in any urban area.
- (2) A person may keep a rooster or cockerel in an urban area provided that a sound proof enclosure is present on the property and is utilised to eliminate or reduce the nuisance of noise that a rooster or cockerel may cause to neighbouring residents.
- (3) No person shall keep any poultry in an urban area unless in a properly constructed rain-proof poultry house to which a poultry run may be attached. Every poultry run shall be enclosed to confine the poultry.

(5) Special Requirements for Keeping of Bees

- (1) Unless in receipt of a permit from the Council, no person shall keep any more than 1 hive in any urban area (which includes the storage of a hive in transit).
- (2) Bees may be kept in a rural area without a permit provided the hive(s) is not located within 50 metres of any adjoining urban area property boundary. If the hive(s) is located within 50 metres of any adjoining urban area property boundary, a permit from the Council will be required.
- (3) Council may require the removal or relocation of a hive(s) if complaints are received and if the Council is satisfied that the location of the hive(s) has resulted in the bees causing a nuisance or a threat to public health and safety.

(6) Special Requirements for the Keeping of Rodents

- (1) The keeping of rodents (for example rats and mice) is not encouraged in this district due to being deemed to be a pest if uncontrolled. However, the keeping of these types of animals must be contained at all times within the property on which they are kept. They shall be kept in cages or other similar confinement (or contained within the dwelling) at all times and are not permitted to roam free from the property on which they are kept.

(7) Application for Permit

- (1) Applications for permits required under Clause 4, 5, and 6 of this Bylaw shall be made on the form supplied by the Council and shall provide such information in respect of the application as the Council may reasonably require.
- (2) A permit issued under Clause 4, 5, and 6 may be subject to conditions set by the Council at its sole discretion, this may include for example limiting the number or location of animals or hives being kept. Any breach of such conditions or other terms or restrictions shall be a breach of this Bylaw.
- (3) No permit shall be granted to the owner or occupier of any premises if such premises by reason of inadequate fencing, size, location, or detrimental effect on any other premise would be inappropriate for the keeping of animals, poultry or bees concerned.
- (4) Any permit issued under Clause 4, 5, and 6 may be revoked by the Council for: breach of conditions; or in the event of change of circumstances relating to the premises, the owner or occupier thereof or the animals kept or remaining on such premises. If a permit is revoked as soon as reasonably practical there after the removal of the animals, poultry or bees will be required along with any associated enclosure.
- (5) The Council may at its sole discretion require the written consent of an adjoining property occupier and/or owner in respect of the land on which the animals, poultry or bees are

proposed to be kept. If written consent is required and withheld, it will be the Council's policy to consult with all parties involved. If after consultation written consent is still withheld, the Council will not issue the permit.

- (6) If the property or land upon which the animals, poultry or bees are proposed to be kept is leased or rented, the written consent of the property owner or their authorised agent is required before any consideration for a permit will be given. A copy of such consent must be forwarded to the Council. If written consent is not given then a permit will not be issued.

(8) Slaughter of / deceased Livestock and Poultry

No person shall:

- (1) Slaughter or dispose of the carcass or remains of any livestock (that was kept on the property) on any property in urban area 1.
- (2) Allow dead livestock or poultry to remain on the property to which it was kept in urban area 1. Removal and appropriate disposal must be arranged as soon as possible and failure to do so will result in the Council arranging removal and disposal with costs being charged to the permit holder or owner of the livestock or poultry.
- (3) Slaughter or dispose of the carcass or remains of any livestock or poultry on any property in urban area 2 or the rural area so as to cause or be likely to cause a nuisance or threat to public health and safety.

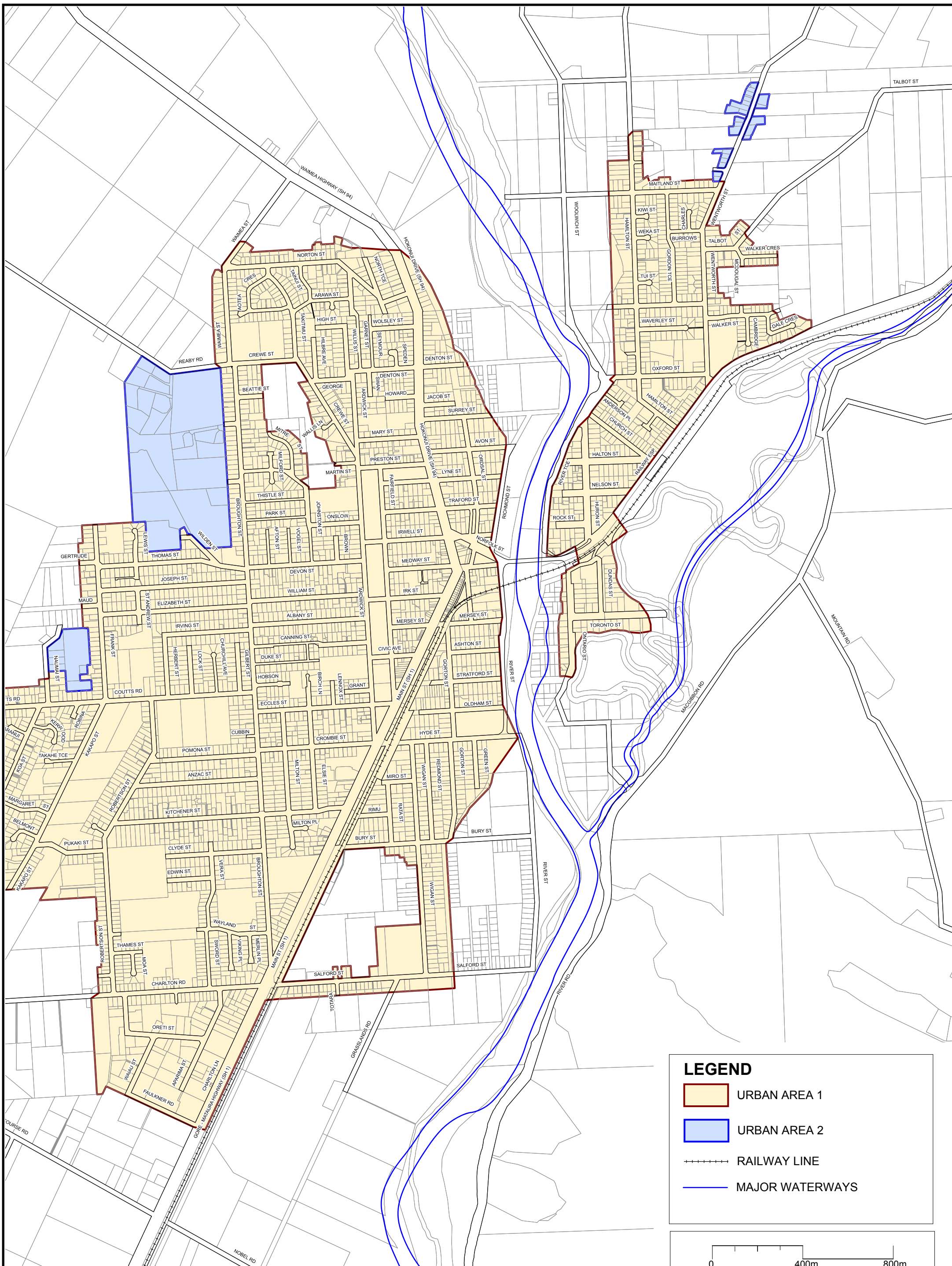
(9) Offences and Penalties

- (1) Every person who breaches the bylaw commits an offence and is liable on summary conviction to the penalty set out in Section 242(2) of the Local Government Act 2002. Every person breaches this Bylaw and commits an offence who:
 - a) Does, or allows anything to be done, which is contrary to this Bylaw or any part of it;
or
 - b) Fails to do, or allows anything to remain undone, which ought to be done by him or her in the manner required by this Bylaw or any part of it; or
 - c) Does anything which this Bylaw prohibits; or
 - d) Fails to comply with any notice given to him or her under this Bylaw or any part of it;
or
 - e) Fails to comply with any condition of a permit granted by the Council; or
 - f) Obstructs or hinders any Council authorised officer or other Council appointed person in performing any duty or in exercising any power under this Bylaw.

Enforcement Action

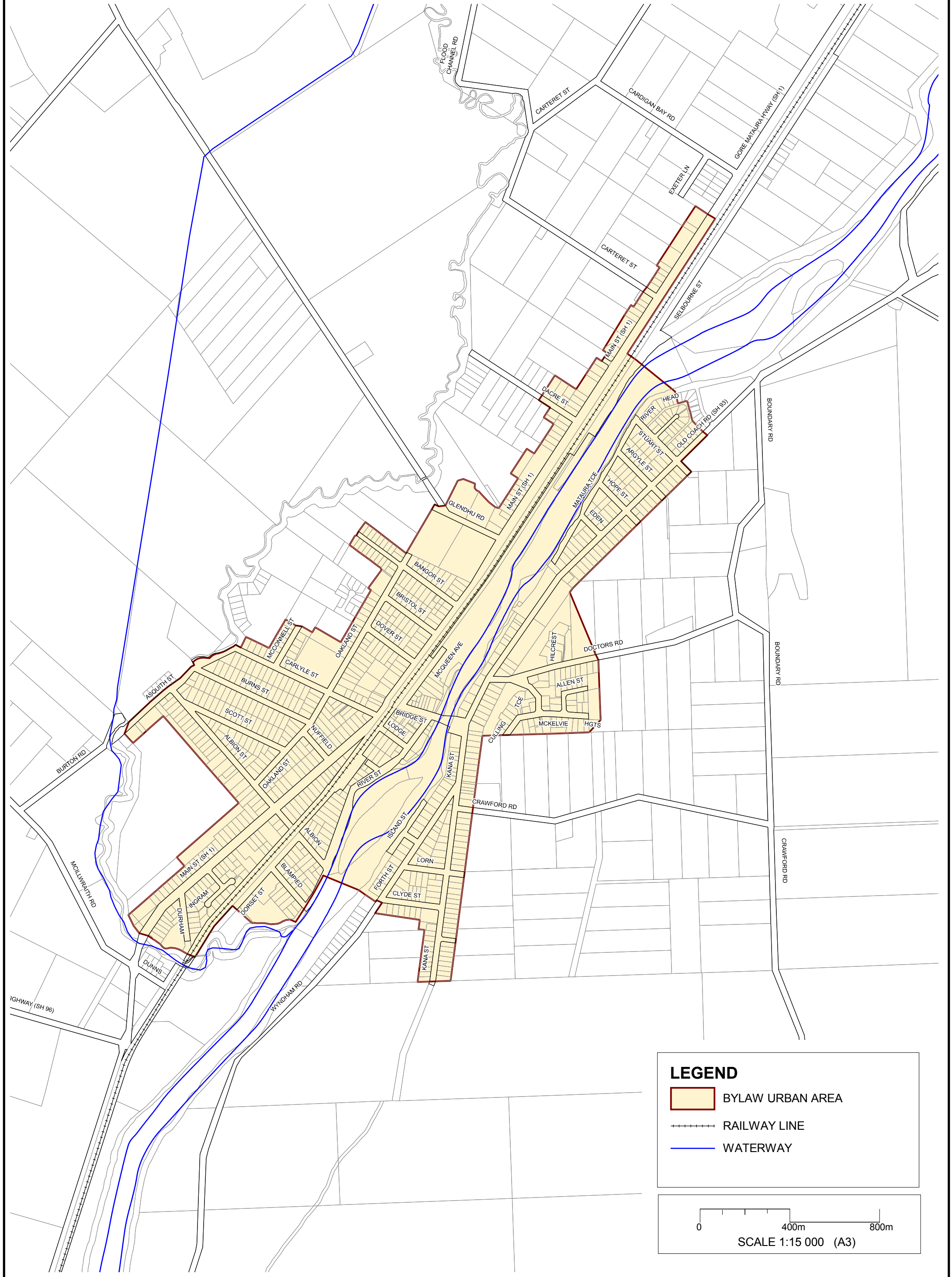
- (2) Where an authorised officer has reasonable grounds for suspecting that a nuisance exists or a breach of this bylaw is occurring, an authorised officer may, by written notice, require the owner or person keeping the animal, poultry or bees to take such action as the authorised officer considers necessary to mitigate or eliminate the nuisance within a timeframe specified to abate or prevent the nuisance in the notice.
- (3) Under section 164 and 165 of the Local Government Act 2002 an authorised officer may seize or impound 'property' including animals, poultry or bees materially involved in the commission of an offence if the owner or person keeping the property has not adequately mitigated or eliminated the nuisance within the timeframe specified in the written notice issued by the authorised officer under Clause 9.2 above.
- (4) Under section 162 of the Local Government Act 2002, the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this Bylaw.
- (5) Under section 163 of the Local Government Act 2002 the Council may remove or alter any pen, run, cage or other structure used to house or contain animals or poultry that has been constructed or is maintained in a condition which is contrary to the terms of this Bylaw or the Building Act 2004.
- (6) The cost incurred in removing or altering the structure concerned shall be recoverable as a debt against the permit holder or owner of the animal or poultry in question.

The foregoing Bylaw was duly adopted at a meeting of the Gore District Council on XXX 2016 and ordered to come into force on the XXX 2016.



KEEPING OF ANIMALS, POULTY AND BEES BYLAW 2016

GORE URBAN AREAS



LEGEND

- BYLAW URBAN AREA
- RAILWAY LINE
- WATERWAY

0 400m 800m

SCALE 1:15 000 (A3)