

**ANIMAL NUISANCE AND THE KEEPING OF PIGS, POULTRY
AND BEES BYLAW 2014**

PREAMBLE

The Horowhenua District Council, in pursuance of the powers vested in it under sections 145 and 146(a)(v) of the Local Government Act 2002, and the powers under section 64 of the Health Act 1956, and any other authority enabling the Council in that behalf, makes this Bylaw. This Bylaw shall be in force throughout the whole of the District of Horowhenua.

1. SHORT TITLE AND COMMENCEMENT

The Bylaw shall be known and referred to as 'the Horowhenua District Council Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw 2014, and shall come into effect on 6 November 2014.

2. PURPOSE

2.1 The Horowhenua District Council acknowledges that keeping animals, poultry or bees has benefits for the wellbeing of the owner and members of the household. The purpose of this Bylaw is to:

- (a) control the keeping of animals (including pigs, poultry, bees, horses, and other domestic pets such as rabbits and cats) within the District to ensure they do not create a nuisance or endanger health;
- (b) control the slaughtering of animals in urban areas; and
- (c) enable Authorised Officers to manage animal nuisance.

3. EXCLUSIONS

- (a) This Bylaw does not apply to dogs.
- (b) This Bylaw does not include Animal Welfare matters. Animal Welfare is dealt with by the Ministry of Primary Industries and the SPCA.

4. INTERPRETATION

In this Bylaw, unless the context requires otherwise –

Animal means any living member of the animal kingdom, except for a person.

Council means the Horowhenua District Council.

District means the area controlled by the Horowhenua District Council.

Authorised Officer	means a person appointed by Council to carry out duties and exercise powers under this Bylaw.
Feral Animals	means an animal in a wild state, not domesticated or cultivated.
Hive	means a box or container for the keeping or housing of bees.
Kitten	means any cat less than six (6) months of age.
Livestock	means farm and herd animals, including but not limited to – cattle, horses, goats, deer, donkeys, alpaca, llama and sheep.
Nuisance	Without limiting the meaning of the term nuisance, a nuisance shall be created by an animal causing unreasonable trouble or annoyance, or unreasonable interference with the peace, comfort or convenience of any person or persons (including but not limited to the effects of noise, odour, pests or any vermin), or statutory nuisance as defined in the Health Act 1956.
Offence	means a breach of this Bylaw.
Person	includes a natural person, incorporated company and a body of persons whether incorporated or not.
Pigsty	means a partly covered enclosure for the keeping of pigs.
Poultry	includes but is not limited to geese, ducks, pigeons, turkeys and domestic fowl of all descriptions.
Public Place	means every thoroughfare of a public nature or open to or used by the public as of right, and, every park, reserve, beach, riverbed, place of public resort or place to which the public has access.
Residential	is as defined in the Horowhenua District Plan - planning maps, residential zone.
Slaughter	means the killing of animals for food and does not include euthanizing animals for welfare purposes.

5. NOISE FROM ANIMALS, BIRDS OR POULTRY

No person shall keep within or upon any premises any noisy animal, bird, or poultry which shall be or cause a nuisance to occupiers of other properties in the neighbourhood.

6. ENCOURAGING NUISANCES BY FERAL ANIMALS

6.1 No person shall provide sustenance, harbourage or comfort to feral animals, including cats, in a public place, so as to cause them to become a nuisance to other persons.

6.2 Where feral animals, including cats, cause a nuisance the owner of the property from which they emanate shall be required to abate the nuisance caused by the animal(s). Actions may include but are not limited to:

- (a) claiming the animal(s) as a pet and keep it in such a fashion as to abate any nuisance;
- or

- (b) permanently removing it so it no longer causes a nuisance to others.

7. GENERAL PROVISIONS

- 7.1 No person shall keep, permit or suffer to be kept, any animal, poultry or bees, which causes, or is likely to cause, a nuisance by, including but not limited to, noise, odour, dust, wandering, or through the attraction of flies or vermin.
- 7.2 No person shall keep, permit or suffer to be kept, any animal, poultry or bees, in a manner that is or is likely to become offensive to the occupier of an adjoining property, a threat to public health or an endangerment to neighbouring animals.
- 7.3 It is the responsibility of any person to keep any animals owned by them restricted within the boundary of their property.

8. SLAUGHTER OF LIVESTOCK AND POULTRY

- 8.1 No person shall slaughter or permit to be slaughtered any livestock, poultry, or other animal, in such a manner as to be in view of any person nearby other than the contractor or owner of occupier on whose land the activity is carried out. If the slaughtering or processing of livestock (including skinning, gutting and cutting of a carcass) is likely to be in view of any person nearby, including from a residence:
 - (a) Adequate screening must be provided around the slaughtering or processing site; and
 - (b) The screening must be of sufficient height and size to cut out the line of sight by any such persons so as to prevent the slaughtering or processing operation from being seen.
 - (c) All waste associated with the slaughter of livestock, poultry or other animal is to be immediately removed.
- 8.2 The slaughter of any livestock, poultry or other animal and disposal of waste shall be carried out in such a manner so that no nuisance is created, and the procedure is not offensive to persons nearby.
- 8.3 No person shall dispose of the body, any part of the body, bodily fluids or effluent of any animal belonging to the person, or in that person's charge or keeping, in a manner that will produce odour, cause a nuisance or a threat to public health.

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.

9. BEE-KEEPING

- 8.1 The Council recognises that bees occupy a unique niche in the urban ecosystem and responsible bee-keeping can bring many benefits to the local environment.
- 8.2 Notwithstanding the above, no person shall keep bees in any urban area if in the opinion of an Authorised Officer the keeping of bees is, or is likely to become, a nuisance or causes a threat to public health or safety. An Authorised Officer may prescribe conditions relating to the location and number of hives able to be kept on any premises or place within any urban area of the District.

Please note: if you keep bees in New Zealand it is a legal requirement that you register your hive(s).

10. POULTRY KEEPING - RESIDENTIAL AREAS

- 10.1 Poultry are to be confined in a poultry house/run at all times.
- 10.2 No person shall site a poultry coop closer than eight (8) metres from any property dwelling or building where food is stored for human consumption.
- 10.3 Every poultry house shall be properly constructed, 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. and be maintained in good repair and in clean condition,
- 10.4 The total number of poultry on any one premises shall not exceed ten (10) unless a licence for more has been granted by the Council.

11. HORSES

- 11.1 The riding or leading of a horse on any footpath or berm that causes damage in a residential area is not permitted.
- 11.2 Horse manure must be removed from any public place by the person in charge of the horse.

12. PIG KEEPING

No pigs shall be kept in any area which has a predominantly urban character under the District Plan of Council.

13. CATS AND KITTENS

- 13.1 No person shall keep Cats and Kittens where the number kept becomes offensive to the occupier of a neighbouring property, a threat to public health, or an endangerment to neighbouring animals.
- 13.2 If the keeping of any 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 the Authorised Officer may by, notice in writing, require the person who owns the premises to do all or any of the following:

- (a) Reduce the number of cats kept on the premises;
- (b) Take other such precautions as may be considered necessary by the Authorised Officer to reduce the effects listed in sub-clauses (a) to (c) above.

It is the duty of the owner or occupier to abate the nuisance as required by the notice within the timeframe specified by that notice.

14. POWERS OF AUTHORISED OFFICERS

- 14.1 Any Authorised Officer may enter, at any reasonable time, any property during the course of their duties to investigate any breach of this Bylaw and may take any photographs or other evidence necessary to establish that a breach of the Bylaw has occurred.
- 14.2 Where an Authorised Officer has reasonable grounds for suspecting that a nuisance exists, an Authorised Officer may, by written notice, require the owner or person keeping that animal(s) to take such action as the Authorised Officer considers necessary to mitigate or eliminate the nuisance within a timeframe specified in the notice.
- 14.3 An Authorised Officer may seize or impound any animal other than domesticated cats found at large which are causing a nuisance.

15. OFFENCES AND PENALTIES

- 15.1 Every person who fails to comply with this Bylaw is in breach of this Bylaw. For the avoidance of doubt, it will among other things be a breach of this Bylaw if a person:
- (a) Permits or allows any condition to exist or continue to exist contrary to this Bylaw;
 - (b) Fails to comply with any lawful notice or direction given under this Bylaw;
 - (c) Where required, fails to obtain written approval or having obtained written approval fails to abide by the conditions (if any);
 - (d) Obstructs or hinders any Authorised Officer in the performance of any duty to be discharged by that officer under or in exercise of any power conferred by this Bylaw.
- 15.2 Every person who breaches this Bylaw commits an offence and may be liable to a fine of up to \$20,000 pursuant to section 242 of the Local Government Act 2002.
- 15.3 In accordance with section 162 of the Local Government Act 2002, the Council may apply to the District Court for an injunction to restrain a person from committing a breach, or continuing to breach this Bylaw.
- 15.4 Breaches of Bylaws shall be Infringement Offences as may be prescribed in the Act under which the Bylaw was made or under regulations made pursuant to section 259 of the Local Government Act 2002.

16. REPEAL AND SAVINGS

This Bylaw repeals clauses 27 to 29 (inclusive) of the Stock Control and Keeping of Poultry, Bees and Pigs Bylaw 2005 from 6 November 2014.

14. ATTESTATION

The foregoing Bylaw entitled the Horowhenua District Council Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw 2014 was duly made at an ordinary meeting of the Horowhenua District Council held in the Council Chambers, 126 Oxford Street, Levin, on 2

July 2014 following use of the Special Consultative Procedure as required by the Local Government Act 2002, and meantime having been publicly notified, was confirmed at an ordinary meeting of Council held on 5 November 2014.

The Common Seal of the
HOROWHENUA DISTRICT COUNCIL
was hereunto affixed pursuant to a resolution
of the said Council in the presence of:

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B. J. Daffy

His Worship the Mayor

DM Clapperton

Chief Executive Officer