



Keeping of Animals Bylaw 2018

South Taranaki District Council



South Taranaki
Alive with opportunity



Keeping of Animals Bylaw 2018

South Taranaki District Council

1.0 Title

1.1 This Bylaw is made under section 146 of the Local Government Act 2002 and shall be known as the South Taranaki District Council Keeping of Animals Bylaw 2018.

2.0 Commencement

2.1 This Bylaw shall come into force on 1 November 2013.

3.0 Revocation

3.1 The South Taranaki District Council Keeping of Animals in Urban Areas Bylaw 1992 (and all subsequent amendments) is hereby revoked.

4.0 Scope

4.1 This Bylaw relates to the keeping of animals in urban areas unless specifically mentioned otherwise.

4.2 This Bylaw does not apply to dogs unless specifically mentioned.

5.0 Purpose of the Bylaw

5.1 To protect the public from nuisance and to maintain public health and safety by controlling the keeping of animals within the District and to provide requirements for the keeping of animals, as deemed necessary for the protection of neighbouring property owners.

6.0 Interpretation

6.1 In this Bylaw –

Authorised Officer means any person appointed by the Chief Executive of the Council for purposes of acting as an Authorised Officer under this Bylaw.

Animal as defined under the Animal Welfare Act 1999.

Breeder means a person who owns or keeps animals for the purpose of or with the intention of breeding from them.

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Council means the South Taranaki District Council.

Domestic owned pet means a domestic or tamed animal or bird kept for companionship or pleasure. The animal is completely dependent on humans to provide food, water, shelter or social structure. Owners are expected to control disease and reproduction potential.

Feral animal means an animal existing in a wild, untamed state.

Poultry includes any domesticated or farmed bird including but not limited to, chickens, ducks, geese, turkeys, swans, peafowl, pigeons, parrots, turkey and doves.

Keeping of Animals is defined as the occupation of land by animals whereby there is no agricultural or commercial activity that meets the South Taranaki District Council current operative District Plan definition of farming or intensive farming.

Nuisance Without limiting the meaning of the term **nuisance**, a nuisance shall be deemed to be created in any of the following cases:

- a) where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health.;
- b) where any premises used for keeping animal/s are so situated, or are in such a state, as to be offensive or likely to be injurious to health.

Owner in relation to any animal, means every person who—

- a) Owns the animal; or
- b) Has the animal in his or her possession, whether the animal is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the animal causing injury, damage, or distress, or for the sole purpose of restoring a lost animal to its owner; or
- c) The parent or guardian of a person under the age of 16 years who—
 - i) Is the owner of the animal pursuant to paragraph a) or paragraph b); and
 - ii) Is a member of the parent or guardian's household living with and dependent on the parent or guardian.

Semi-domesticated animal means an animal that lives around human habitation and has its needs partly or indirectly supplied by human activities including obtaining food from human carers.

Stock is defined under the Impounding Act 1955 and includes any llama or alpaca.

Urban Area means every zone other than the Rural Zone and Rural Industrial Zone as described in the South Taranaki District Council current operative District Plan but may include properties within a Township or Rural Zone that have an allotment size of 2,000 square metres or less.



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Unreasonable Noise means any noise of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted).

7.0 Keeping of Animals

- 7.1 All animals must be kept in a way that complies with the Animal Welfare Act 1999.
- 7.2 No person shall keep or harbour any animal so as to be, or be likely to be injurious to health or a nuisance to others (as defined under the Health Act 1956).
- 7.3 No person shall keep or harbour animals in such numbers so as to cause a nuisance to other persons.
- 7.4 In all areas of the District, no person shall stack or store any animal related offensive matter within 50 metres from any occupied building, street, public place, or the boundary of any occupied adjoining property; in such a way whatsoever as to be or likely to become a nuisance, dangerous to health, or offensive.
- 7.5 In all areas of the District, no person shall convey any animal related material or substance emitting an offensive smell along any street or public place, or store any such material or substance on any property unless it is contained in impervious receptacles with close-fitting covers sufficient to prevent the escape of effluvia, or prevent access of insect or vermin pests.
- 7.6 No person shall keep any poultry or animal that causes unreasonable noise to residents in the neighbourhood, as determined by an Authorised Officer.

8.0 Prohibited animals in the urban area

- 8.1 No rooster, gander or peacock may be kept.
- 8.2 No stallion, bull, ram, or un-neutered male goat may be kept.

9.0 Encouraging nuisances by Feral or Semi Domesticated Animals (including Cats)

- 9.1 No person shall provide sustenance, harbourage or comfort to feral or semi domesticated animals so as to cause them to become a nuisance to other persons.
- 9.2 Where feral or semi domesticated animal(s) cause a nuisance, the owner of the property from which such animals 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 domestic owned pet and keep it in such a state as to abate any nuisance;
 - b) permanently removing it so it no longer causes a nuisance to others; or



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- c) The Council removing feral or semi-domesticated animals causing a nuisance, and claiming costs from the owner or person giving sustenance, harbourage or comfort.

10.0 Keeping of animals for breeding purposes

- 10.1 Breeding of animals is considered under this Bylaw to be a commercial activity and may be subject to conditions under the Resource Management Act 1991 and the Council's current operative District Plan.
- 10.2 If, in the opinion of an Authorised Officer, any breeding facility creates a nuisance by the keeping of any animal, the Council may, by written notice to the breeder, owner or occupier, require the breeder, owner or occupier to abate the nuisance.
- 10.3 It is the duty of the breeder, owner or occupier to abate the nuisance as required by the notice under Clause 9.2.

11.0 Animal Housing Facilities

- 11.1 Every animal house shall be constructed in accordance with the Building Act 2004 as the case may require.

12.0 Keeping of Pigs

- 12.1 No person shall keep any pig in an urban area.
- 12.2 In all other areas within the District) no person shall construct or allow any pigsty to remain less than 50 metres from any boundary of any adjoining property except with the written approval from the Council.

13.0 Keeping of Poultry

- 13.1 No person shall construct or allow any poultry house, poultry run, aviary or coop to remain less than five metres from any boundary of any adjoining property except with written consent from the Council.
- 13.2 Except with the written consent of the Council not more than 12 head of poultry shall be kept in any poultry house, poultry run, aviary or coop.
- 13.3 No poultry shall roam freely outside the boundary of the property at which it is kept.
- 13.4 Every poultry house, aviary or coop shall be maintained in good repair, in a clean condition and free from any nuisance.
- 13.5 Nothing in this clause contained shall prevent any person keeping poultry in an auction room or in any premises used for the killing and dressing of poultry for sale for not more than 48 hours for the purpose of sale, or keeping poultry on the premises in an approved type of coop for the purpose of immediate



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consumption, or from keeping poultry in a bird fancier's shop for the purpose of sale.

14.0 Keeping of Bees

- 14.1 In all areas within the District, any person keeping bees or permitting bees to be kept on their property shall ensure that no nuisance is caused to other persons by those bees.
- 14.2 Where Council considers a hive to be dangerous, offensive or likely to be injurious to people it shall require removal of such a hive.
- 14.3 No hive shall be kept less than ten metres from any boundary in an urban area.
- 14.4 In all other areas within the District, no hive shall be kept less than 10 metres from any boundary, roadside, public place or right of way.
- 14.5 No more than two hives shall be placed on a property smaller than 2,000 square metres.
 - 14.5.1 No hive in an urban area shall be constructed more than 1.2 metres high.

15.0 Grazing animals in an urban area

- 15.1 No horse shall be kept in an urban area without a permit from the Council to do so.
- 15.2 No stock (excluding sheep) can be grazed on land in an urban area without a permit from Council to do so.
- 15.3 If, in the opinion of an Authorised Officer, the keeping of sheep for grazing on section/s is causing or likely to cause a nuisance, be offensive or injurious to health, the Authorised Officer may require the owner or occupier of the section/s to obtain a grazing permit from the Council.
- 15.4 A grazing permit will be approved (subject to conditions and Authorised Officer assessment) if written approval from all neighbours directly next to, in front of and behind the sections to be grazed, is received.
- 15.5 A grazing permit will be declined if written approval from all neighbours directly next to, in front of and behind the section/s to be grazed, is not received.
- 15.6 A person whose permit has been declined may appeal under section 16.9 of this Bylaw.
- 15.7 Any stock grazing on land in an urban area must be ear tagged with the owner's details.

Note: where required under any other legislation, a National Animal Identification and Tracing (NAIT) tag must be worn by the animal.

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16.0 Permits

- 16.1 Every person who wishes to obtain a permit to keep animals shall make application to the Council in writing and shall provide any supporting information and application fee as the Council may require.
- 16.2 For every permit required under any section in this Bylaw, the applicant must pay to the Council a fee that Council may by resolution from time to time prescribe in its current Fees and Charges Schedule.
- 16.3 The Council reserves the right to impose conditions on a permit as it sees fit, to prevent situations that may be a nuisance of any sort or that may be offensive, or injurious to health.
- 16.4 The Council may refuse to issue a permit if, in the opinion of the Authorised Officer, the keeping of animals under such a permit is likely to become a nuisance of any sort, offensive, or injurious to health.
- 16.5 The Council may cancel or revoke (in writing) any permit issued if, in the opinion of the Authorised Officer, the keeping of animals under such permit has become a nuisance, offensive, injurious to health or if any conditions stated on the permit are breached.
- 16.6 The Council reserves the right to revoke (in writing) any permit issued under this bylaw, at any time, if any conditions stated on the permit are breached.
- 16.7 The Council shall, within 20 working days of receiving all information necessary to process an application, either grant or decline the permit.
- 16.8 The Council shall notify the applicant in writing of:
 - a) The approval permit application along with any conditions; or
 - b) The declined permit application.
- 16.9 Any person who has received written notification that their permit application has been declined or disagrees with the conditions stated in their approved permit, may within 10 working days of receipt of that notification; lodge an objection in writing to the Council, stating the grounds for their objection.
- 16.10 The Council shall consider the objection through a hearing, where the applicant may state their case to the Council.
- 16.11 The applicant shall be notified of the decision in writing, no later than 10 working days after the Council has made a decision.

17.0 Cleanliness of Animal Facilities

- 17.1 The occupier of any property where animals are kept shall keep all runs, drains, and catchpits or settling tanks used in connection therewith in a state of cleanliness, and shall remove or cause to be removed and disposed of all accumulated manure and offensive matter in an approved manner.



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- 17.2 All troughs from which animals are fed shall be properly constructed of material that is watertight. All troughs, of whatever material constructed, shall be kept clean.

18.0 Impounding of Animals

- 18.1 An Authorised Officer may, by written notice to the owner or occupier, require the owner or occupier to abate the nuisance made by the animal(s) in a time of not less than 24 hours to comply with that written notice.
- 18.2 The Council may impound the animal(s) for a maximum of seven days.
- 18.3 As soon as practicable after the animal(s) has been impounded, the Council shall give written notice to the owner that the animal(s) have been impounded and that unless the animal(s) is claimed and any fee paid within seven days of the receipt of that notice, it may be sold, destroyed or otherwise disposed of in such a manner as the Council thinks fit and after the expiry of that period the Council may so dispose of the animal(s).

19.0 Powers of enforcement

- 19.1 An Authorised Officer may enter land for the purpose of detecting a breach of a bylaw or an offence against the Local Government Act 2002, if the officer has reasonable grounds for suspecting that a breach of the bylaw or if the offence has occurred or is occurring on the land.
- 19.2 An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a warrant for an Authorised Officer to enter private property involved in an offence, and seize and impound property.
- 19.3 The Council may claim the actual cost from the owner or occupier, of the land or premises; for carrying out the abatement. These costs are additional to any costs incurred for the impounding and sustenance of the animal(s) seized or impounded.

20.0 Fees and Charges

- 20.1 For fees and charges required under any section in this Bylaw, the applicant must pay to the Council a fee that Council may by resolution from time to time prescribe in its current Fees and Charges Schedule.

21.0 Penalties and Offences

- 21.1 Every person commits a breach of this Bylaw who:
- a) Does, or causes anything that is contrary to this Bylaw;
 - b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw;
 - c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing;



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- d) Knowingly permits any condition or thing to exist contrary to any provision contained in this Bylaw;
- e) Refuses or neglects to comply with any notice or direction given to them under this Bylaw;
- f) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this Bylaw; or
- g) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer.

21.2 Every person who is convicted of an offence against this bylaw is liable on summary conviction to a fine not exceeding \$20,000.

This Bylaw was adopted by resolution of the South Taranaki District Council on 30 September 2013. All amendments to this Bylaw are listed in Attachment I.

The **Common Seal** of)
The South Taranaki District Council)
 was affixed in the presence of:)

 Ross Dunlop - Mayor

 Waid Crockett – Chief Executive

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History of Bylaw

Action	Description	Decision date	Decision number	Commencement
New	Adoption of new Keeping of Animals Bylaw 2013	30/09/2013	146/13	01/11/2013
Amendment (v. 2)	Review and renewal of Bylaw – 2018	19/12/2018	355/18	20/12/2018



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