



Keeping of Animals Bylaw 2013

South Taranaki District Council



South Taranaki
Alive with opportunity



KEEPING OF ANIMALS BYLAW 2013 SOUTH TARANAKI DISTRICT COUNCIL

1.0 Title

- 1.1 This Bylaw is made under Section 145 of the Local Government Act 2002 and shall be known as the South Taranaki District Council Keeping of Animals Bylaw 2013.

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 is hereby revoked.

4.0 Scope

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

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.
- 5.2 This Bylaw does not apply to dogs unless specifically mentioned.

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.

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 and shelter as well as their 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, doves and all other types of domestic or fancy birds.

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.

Owner means every person who

- a) owns the animal;
- b) Is the parent or guardian of a person under the age of 17 years who;
 - i) Is the owner under paragraph (a) of this definition; and
 - ii) Is a member of the parent or guardian's household living with and dependant on the parent or guardian
- c) gives substance, harbours, shelters or protects the animal; or
- d) is the registered owner of the land that the animal is kept on.

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

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 Rural Zone that have an allotment size of 2,000 square metres or less.

Nuisance as defined under the Health Act 1956 Section 29.

Unreasonable Noise as defined/outlined under Section 326 of the Resource Management Act 1991 and relates to noise under human control that unreasonably interferes with the peace, comfort or convenience of persons.

7.0 Keeping of Animals

- 7.1 All animals must be kept in such a way as to comply 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 offensive matter within 50 metres from any dwelling, or wholly or partly 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 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, which causes unreasonable noise to residents in the neighbourhood, as determined by an Authorised Officer.
- 7.7 No rooster, gander or peacock may be kept.
- 7.8 No horse, bull, ram or un-neutered male goat may be kept.
- 7.9 In all areas of the District, no person shall establish or maintain any veterinary clinic, hospital, boarding, or breeding kennel for dogs or any other animal, except on a site approved by the Council by resolution in that behalf and subject to such conditions as may be prescribed in the South Taranaki District Council current operative District Plan.

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

- 8.1 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.
- 8.2 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
 - c) The Council removing feral or semi-domesticated animals causing a nuisance, and claim costs from the owner or person giving sustenance, harbourage or comfort.

9.0 Keeping of animals for breeding purposes

- 9.1 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.
- 9.2 If, in the opinion of an Authorised Officer, any breeding facility creates a nuisance, or a health nuisance is caused by the keeping of animals, the

Council may, by written notice to the breeder, owner or occupier, require the breeder, owner or occupier to abate the nuisance.

- 9.3 It is the duty of the breeder, owner or occupier to abate the nuisance as required by the notice under Clause 9.2.

10.0 Animal Housing Facilities

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

10.2 Every animal house shall be constructed in accordance with the following conditions:

- a) The roof of the facility shall be watertight.
- b) The walls of the facility shall be constructed to prevent the accumulation of filth and the surface can be easily cleaned.
- c) The floor of the facility shall be of concrete or other approved impervious material finished to a smooth even surface.
- d) The facility shall be adequately graded and drained and shall be kept at all times clean and dry and in good repair.

11.0 Keeping of Pigs

11.1 No person shall keep a pig in an urban area.

11.2 In all other areas within the District (excluding urban areas) no person shall construct or allow any pigsty to remain less than 50 metres from any dwelling, or any wholly or partly occupied building, or any street or public place or any place used for the preparation, storage, or sale of food for human consumption.

11.3 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 Council.

11.4 The floor of pigsties shall be graded to a fall of 1 in 25 and to a channel drain.

11.5 The effluent from such channel drains shall be discharged into a catchpit or settling tank approved by the Council and shall be disposed of in such a manner as to cause no nuisance or contamination of waterways.

11.6 Every pig must be fed in accordance with the Biosecurity (Meat and Food Waste for Pigs) Regulations 2005.

11.7 No pig shall roam freely outside the boundary of the property at which it is kept.

12.0 Keeping of Poultry

12.1 No person shall construct or allow any poultry house, poultry run, aviary or coop to remain less than five metres from any dwelling, or any wholly or partly

occupied building, or any place used for the preparation, storage, or sale of food for human consumption, except with written consent from the Council.

- 12.2 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.
- 12.3 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.
- 12.4 No poultry shall roam freely outside the boundary of the property at which it is kept.
- 12.5 Every poultry house, aviary or coop shall be maintained in good repair, in a clean condition and free from any offensive smell or overflow and free from vermin.
- 12.6 Every poultry house shall be properly constructed, covered with a rainproof roof and be constructed with a concrete floor or other material, adequately graded and drained and approved by Council.
- 12.7 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 consumption, or from keeping poultry in a bird fancier's shop for the purpose of sale.

13.0 Keeping of Bees

- 13.1 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.
- 13.2 Where Council considers a hive to be dangerous, offensive or likely to be injurious to people it shall require removal of such a hive.
- 13.3 No hive shall be kept less than ten metres from any boundary or dwelling in an urban area.
- 13.4 In all other areas within the district no hive shall be kept less than 20 metres from any boundary, roadside, public place or right of way.
- 13.5 No more than two hives shall be placed on a property smaller than 2,000 square metres.
 - 13.5.1 No hive in an urban area shall be constructed more than 1.2 metres high.

14.0 Grazing animals in an urban area

- 14.1 No horse shall be kept in an urban area without a permit from the Council to do so.

- 14.2 No animal(s) can be grazed on land in an urban area without a permit from Council to do so.
- 14.3 Written approval must be obtained by the applicant, from all neighbours directly next to, in front of and behind the section/s to be grazed, before any permit will be considered.
- 14.4 If written approval from all neighbours directly affected is not obtained then no permit will be issued and no animal can graze the section/s.
- 14.5 Any animal(s) grazing on land in an urban area must be ear tagged with the owner's details.
- 14.6 At Council's pleasure, a permit may be granted for the temporary grazing of sheep to clear vegetation from vacant lots, where overgrown vegetation may pose a fire risk.

15.0 Permits

- 15.1 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.
- 15.2 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.
- 15.3 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.
- 15.4 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.
- 15.5 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 licence has become a nuisance of any sort, offensive, injurious to health or if any conditions stated on the permit are breached.
- 15.6 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 or for any other reason at Council's pleasure.

16.0 Cleanliness of Animal Facilities

- 16.1 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.

- 16.2 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 thoroughly cleaned.
- 16.3 All troughs if not fixed or permanent shall be placed on proper feeding places constructed as a smooth concrete slab with a raised nib wall all around and of sufficient size to prevent pollution of the surrounding ground.

17.0 Impounding of Animals

- 17.1 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.
- 17.2 The Council may impound the animal for a maximum of seven days.
- 17.2.1 The Council reserves the right to set fees pertaining to charges for sustenance and impounding, that Council may by resolution from time to time prescribe in its current Fees and Charges Schedule.
- 17.3 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 with 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).

18.0 Powers of enforcement

- 18.1 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.
- 18.2 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.
- 18.3 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.

19.0 Fees and Charges

- 19.1 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.

20.0 Penalties and Offences

20.1 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;
- 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.

20.2 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 made by the South Taranaki District Council on 30 September 2013.

THE COMMON SEAL of the SOUTH)
TARANAKI DISTRICT COUNCIL was)
hereto affixed by resolution)
of the said Council in the)
presence of:)



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Mayor



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Chief Executive