



Proposed Keeping of Animals Bylaw 2024

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1 Animals Bylaw

- 1.1 This Bylaw is the Tararua Animals Bylaw 2024, as reviewed from the Tararua Keeping of Animals, Cats, Poultry and Bees Bylaw 2018.
- 1.2 This Bylaw is made under section 145 of the Local Government Act 2002 and section 64 of the Health Act 1956 and any amendments.

2 Commencement

- 2.1 This Bylaw comes into force on XXXXXXXXX
- 2.2 This Bylaw applies to the district of Tararua District Council.

3 Purpose

- 3.1 The purpose of this Bylaw is to provide for the keeping of animals (excluding dogs) so that they do not create a nuisance or endanger the health and safety of the public.

GUIDANCE NOTES

This Bylaw does not apply to dogs unless specifically mentioned – dogs are covered by the Tararua Dog Control Bylaw.

This Bylaw supplements other animal owner obligations which include (but are not limited to) those set out in the Animal Products Act 1999 and Animal Welfare Act 1999; any codes developed under such legislation; and in the Tararua Public Places Bylaw.

4 Interpretation

- 4.1 In this bylaw, unless context requires otherwise:

Animal means any live member of the animal kingdom (excluding dogs) that is a mammal, a bird, a reptile, an amphibian, a fish, a shellfish, an insect or invertebrate, or any other member of the animal kingdom which is declared from time to time by the Governor General, by Order in Council, to be an animal for the purposes of the Animal Welfare Act 1999.

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

Bylaw means the Tararua Animals Bylaw 2024.

Council means the Tararua District Council or any officer authorised to exercise the authority of Council.

Dwelling means any house, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the soil or not, used in whole or in part for human habitation and includes the land of the dwelling.

Enforcement Officer means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of the bylaws of Council.

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

Keep or Keeping means the owning, looking after, caring for, being in charge of or otherwise being in possession of any Animal (and in terms of bees, includes the possession of any hives).

Nuisance includes, but is not limited to, the meaning in section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person.

***GUIDANCE NOTE** circumstances that may be deemed a nuisance can include noises and odour and attraction of flies and accumulation of waste associated with keeping animals.*

Permit means an approval, licence, permit or any other form of written consent issued or granted by Council under this Bylaw.

Person means a natural person and also a body of persons, whether corporate or unincorporated.

Poultry means any live, domesticated or farmed bird including but not limited to fowl, goose, duck, pigeon, peacock, turkey, parrot, budgerigar, pheasant, canary, ostrich, guinea fowl or emu.

Premises means any land, dwelling or building or part of the same, or enclosed space, separately occupied and all lands, buildings and places adjoining each other and occupied together are deemed to be the same premises.

Schedule of Fees and Charges means a schedule published by the Council from time to time which sets out the fees and charges associated with the doing of certain things or particular activities by Council and for which it is authorised to fix fees and charges.

Stock or Livestock means cattle, sheep, horses, deer, donkeys, mules, goats, pigs, alpacas, llamas or other animal (excluding dogs) including their young, kept in captivity, or farmed and dependent on humans for their care and sustenance.

Urban Areas means all areas that are not rural and include the towns of Dannevirke, Eketahuna, Pahiatua, and Woodville. For the purposes of the bylaws other

management areas that are not rural (for example, commercial areas) are deemed to be urban.

- 4.2 Any guidance or explanatory notes are for information purposes only. They do not form part of this Bylaw and can be made, amended, revoked or replaced by Council at any time.

GENERAL REQUIREMENTS

5 Keeping of Animals

- 5.1 Every person keeping Animals must comply with the Animal Welfare Act 1999 and its codes of welfare, as relevant.
- 5.2 Without limiting clause 5.1, every person keeping Animals must ensure that such animals:
- a. Do not cause (or be likely to cause) a nuisance;
 - b. Are kept in conditions which are not offensive or injurious to the health of any person;
 - c. Are confined within the boundaries of the property where the animal is usually kept (noting that this does not apply to cats or bees; and does not present a person from driving, leading or riding any animal).
- 5.3 Without limiting clause 5.1, every person keeping Animals must ensure that any building or structure or yard in which the Animals are kept is maintained in a clean and sanitary condition and that the noise and odour associated with the Animal(s) is as far as practicable confined within the premises concerned.
- 5.4 No person may release or abandon any Animal.
- 5.5 Council may, by written notice, require a person to take specified steps to ensure compliance with clauses 5.1 and/or 5.2 within a timeframe specified in that notice.
- 5.6 A person issued with a written notice under clause 5.5 must comply with that notice.

SPECIFIC RESTRICTIONS

6 Keeping Bees

- 6.1 No person may keep bees or cause or permit bees to be kept if they are, or are likely to become, dangerous, injurious to health or a nuisance to any person.

6.2 Without limiting clause 6.1, persons keeping bees must ensure that the hives are positioned so as to ensure the primary flightpath will not impinge on a dwelling or living area.

6.3 A person may keep bees in an urban area provided they comply with the following conditions:

- a. Hives are placed no closer than 1 metre to any boundary;
- b. Hives are placed no closer than 10 metres of a dwelling not located on the Premises;
- c. Hives are located to ensure that the bee’s flight path is made to go a minimum height of 1.8 metres above the Premises boundary;
- d. The number of hives does not exceed that which is allowed for the area of the Premises as indicated in the following table:

Property Area	Maximum number of hives
500m ² to 700m ²	2
701m ² to 1000m ²	4
1001m ² to 2000m ²	6
2001m ² or greater	8

- e. Persons keeping bees in an urban area must immediately notify Council of the number of hives and location of such hives; and immediately notify Council of any changes to the same.

6.4 No person may keep bees in an urban area in breach of clause 6.3 except with the approval of Council.

6.5 Except with the approval of Council, on a premises outside of an Urban Area:

- a. No hive may be placed less than 40 metres from any boundary of a Premises;
- b. Hives are located to ensure that the bee’s flight path is made to go a minimum height of 1.8 metres above the Premises boundary.

6.6 Any person keeping bees must ensure that a suitable water source is provided for the bees.

6.7 Where Council considers that any hives will be a continuing breach this Bylaw Council may, by written notice, require the relocation or removal of a beehives.

6.8 A person issued with a written notice under clause 6.7 must comply with that notice.

GUIDANCE NOTE: *If you keep bees in New Zealand it is a legal requirement that you register your hive/s. See the Ministry of Primary Industries website www.mpi.govt.nz for further advice.*

7 Keeping Cats

- 7.1 Except with the approval of Council, no person may keep more than three cats on a Premises.
- 7.2 Every cat over six months old must be:
- a. Microchipped and the cat's microchip registered with New Zealand Companion Animals Register; and
 - b. Desexed.
- 7.3 Clauses 7.1 and 7.2 do not apply to lawfully established vets; or the SPCA or similar registered charities; or lawfully established cat boarding Premises.
- 7.4 If, in the opinion of Council, the keeping of cats on a Premises is, or is likely to become a Nuisance, Council may, by written notice, require the number of cats kept on the Premises to be reduced; or take other such precautions as may be considered necessary by Council to reduce the Nuisance effects.
- 7.5 It is the duty of the owner or occupier of the Premises to abate the Nuisance as required in the notice within the time period specified in that notice.

8 Keeping Pigs

- 8.1 A person who keeps pigs must ensure that the pigs do not cause a nuisance to any person.
- 8.2 A person who keeps pigs must ensure that the pigsty, drains, tanks and any other areas associated with the pigsty are kept in a clean condition.
- 8.3 No person may keep pigs in an urban area except with the approval of Council.
- 8.4 Any discharge from any pigsty in the District must comply with the Resource Management Act 1991 and any subsequent amendments, and any relevant requirements of Council.

GUIDANCE NOTE: *See also the Code of Welfare for Pigs 2018; Biosecurity Act 1993; and Animal Welfare Act 1999. It is an offence under the Biosecurity (Meat and Food Waste for Pigs) Regulations 2005 to feed pigs untreated meat or untreated food waste.*

9 Keeping Poultry

- 9.1 No person may keep poultry or cause or permit poultry to be kept if they are, or are likely to become, dangerous, injurious to health or a nuisance to any person.
- 9.2 A person may keep up to 12 head of poultry in an urban area, provided that, at all times:
- The poultry are provided with a poultry house which complies, at all times, with the requirements set out in this Bylaw;
 - The poultry is contained within the owner's property.
- 9.3 No person may keep more than 12 head of poultry in an urban area except with the approval of Council.

Poultry houses and poultry runs

- 9.4 Any poultry house, aviary, coop or poultry run must be:
- Constructed in accordance with any requirements of the Building Act 2004, Tararua District Plan and any relevant code of welfare;
 - Maintained in good repair and in a clean condition free from offensive smells, overflow or vermin;
 - Enclosed with wire mesh or other material so that the poultry can be confined;
 - At least 5 metres from any dwelling; and
 - At least 2 metres from the boundary of the Premises.
- 9.5 Any effluent or discharge from a poultry house or poultry run must:
- Be discharged in a manner that does not cause a nuisance;
 - Comply with the Resource Management Act 1991; and
 - Comply with any other relevant requirements of Council.
- 9.6 Council may by written notice require that an owner or occupier take specified steps to ensure compliance with any of the requirements of this clause. The owner or occupier must comply with the steps set out in the notice in the specified time period.
- 9.7 Clause 9.2 does not prevent any person keeping poultry in an auction room, in any premises used for the killing and dressing of poultry for sale, or in a hall being used temporarily for a poultry show.

10 Keeping Animals in Urban Areas

- 10.1 No person may keep, in an Urban area, any rooster, gander, peacock, stallion, bull, ram, or un-neutered male goat.
- 10.2 No person may keep or graze stock (excluding sheep) in an Urban area except with the approval of Council.
- 10.3 If, in the opinion of Council, the keeping of sheep in an Urban area is, or is likely to become a Nuisance, Council may, by written notice, require the owner or occupier to obtain approval of Council, which may be subject to such conditions as may be considered necessary by Council to reduce the Nuisance effects.

11 Slaughter of Animals

- 11.1 No Animal is to be slaughtered in any unless it is permitted by the Tararua District Plan and the activity complies with the said Plan and cannot be seen from beyond that rateable property.
- 11.2 Dead Animals or any part thereof must be removed immediately from any Premises where it is likely to cause a nuisance.
- 11.3 The slaughter of any Animal and disposal of waste must be carried out in such a manner that the procedure:
- a. Does not create a nuisance or threat to human health;
 - b. Is not offensive to persons nearby; and
 - c. If appropriate, complies with the relevant code of welfare.
- 11.4 Nothing in clause 11.3 applies 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.
 - d. The registered Premises of a Primary Processor under the Animal Products Act 1999 unless it is Homekill or a Recreational Catch Service Provider operating from a mobile site.
- 11.5 No person may:
- a. Fail to immediately remove any waste associated with the slaughter of Animals; and

- b. Dispose of that 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.

GUIDANCE 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.*

12 Feral Animals

- 12.1 No person may take any action towards feral animals (such as feeding or accommodating them) so as to cause them to become a nuisance or health and safety risk to other persons.
- 12.2 Where an animal that is causing a nuisance reasonably appears to be a feral animal, the owner or occupier of the Premises from which such animals emanate must abate the nuisance caused by the animal(s).
- 12.3 Abatement may include but is not limited to:
 - a. claiming the animal(s) as a domestic owned pet and keeping it in such a state as to abate any nuisance;
 - b. permanently removing (including disposal of) the animal so it no longer causes a nuisance to others; or
 - c. agreeing with Council that Council will remove the animal and the occupier will pay Council's reasonable costs.

GUIDANCE NOTE: *Animal rescue activities in the community are not prohibited unless they are conducted in such a way as to encourage feral animals to cause a nuisance or health and safety risk to other persons.*

13 Breeding Animals

- 13.1 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 Council's current operative District Plan.
- 13.2 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.
- 13.3 The breeder, owner or occupier must comply with the notice in the specified time period.

ADMINISTRATION & ENFORCEMENT

14 Permits

- 14.1 Every person who wishes to obtain a Permit to keep animals must make an application to the Council in writing and must provide any supporting information and application fee as Council may require.
- 14.2 Council may grant, (with or without conditions) or refuse any application for a Permit, at its discretion.
- 14.3 Council may prescribe conditions on any Permit which must be complied with at all times. The purpose of the conditions will be to ensure the Permit meets the purposes of this Bylaw.
- 14.4 In deciding to grant or decline an application for a Permit Council will consider the following general matters for all applications:
- a. compliance with the Bylaw standards;
 - b. reasonableness or practicality of compliance with the general and specific conditions;
 - c. the location of the activity and whether it is likely to cause a Nuisance, obstruction, or a hazard;
 - d. the suitability of a Person to hold a Permit taking into account any known past operational issues and the applicant's experience and track record;
 - e. whether the activity is consistent with Council policies and plans.
- 14.5 In deciding to grant or decline an application for a Permit the Council will consider the following additional matters for the following applications (evidence of which the applicant must include in their application for a Permit):

Bees

- a. Suitability of the water source;
- b. Availability of a suitable food source;
- c. Density of hives within the surrounding area;
- d. Number of proposed hives;
- e. The proposed locations of those hives.

Pigs

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- a. Written approval of the neighbouring occupiers;
 - b. Location of where the pigs are to be housed, and location of wallows;
 - c. Number and breed of pigs to be kept;
 - d. Reasons for wanting pigs in an urban area.

Poultry

- a. The number and type of poultry to be kept on the premises;
- b. Where the poultry are to be kept including plans showing, among other things, relevant separation distances from boundaries, fencing and effluent disposal;
- c. Housing and run details.

Cats

- a. The number of cats to be kept on the Premises;
 - b. Housing details (including how the cats will be retained on the Premises).
- 14.6 Council may seek the written consent of the occupiers of adjoining properties in deciding whether to grant any Permit.
- 14.7 Any person who has an application declined or revoked by Council or disagrees with the conditions set out in their Permit, may apply in writing for a review of the decision and Council may review it accordingly.

Application Fees

- 14.8 Council may by resolution:
- a. Charge a fee for receiving and processing an application and issuing an approval;
 - b. Prescribe any charges to be paid for the use of an approval;
 - c. Determine situations when approval fees may be remitted, refunded or waived.

15 Council Review of Permits

- 15.1 The Council may cancel, amend or initiate a review of a Permit issued under this Bylaw if:
- a. There is a change of circumstances relating to the Premises; or owner or occupier of the Premises; or Animals kept or remaining on the Premises; or Neighbouring approval; or

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- b. Complaints are received; or
 - c. Action is required to protect the public from unsafe or hazardous conditions;
 - d. the activity authorised in the Permit is likely to:
 - i. Impact on public health and safety; or
 - ii. Cause a Nuisance; or
 - iii. Cause an unreasonable obstruction; or
 - iv. Cause the potential for offensive behaviour in a public place; or
 - e. a person has failed to meet the conditions of their Permit or any other requirements of any relevant Bylaw, criteria, policy or guidelines approved by Council;
 - f. a person that holds a Permit fails to meet any written instructions from Council within the specified timeframes.
- 15.2 A review of a Permit may result in amendment, suspension or withdrawal of the Permit; or no further action.

16 Non-Compliance

- 16.1 If Council considers that any part of this Bylaw is not being complied with (including any part of any Permit given), it may issue a written notice requiring the person keeping the animals (or the owner or occupier of the land) to take such action that Council considers is necessary to achieve compliance with this Bylaw, specifying the time in which the actions must be taken.
- 16.2 Such actions may include, but are not limited to, limiting numbers, removing certain animals, and prohibiting persons from keeping certain animals.
- 16.3 The recipient of any notice issued by Council under clause 16.1 must comply by the time specified in the notice.

17 Offences

- 17.1 A person breaches this Bylaw when they breach a provision in this bylaw; or fail to carry out any action required by an Authorised Officer; or fail to comply with any Approval (including any conditions of a Permit); or fail to comply with a notice to comply issued under clause 16.1 of this Bylaw.
- 17.2 Every person who breaches this Bylaw commits an offence and is liable to pay:

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- a. the maximum fine set out in the Local Government Act 2002 or the Health Act 1956; and
 - b. any other penalty specified in another Act for the breach of the Bylaw.
- 17.3 Council may also apply to the District Court for an injunction to restrain a person from committing a breach, or continuing to breach, this Bylaw.
- 17.4 Council may also exercise its powers under the Health Act 1956 or Resource Management Act 1991 to abate nuisance without notice, notwithstanding any other actions it may take under this Bylaw.

18 Enforcement Powers

- 18.1 Council may remove or alter a work or thing that is, or has been, constructed in breach of this Bylaw.
- 18.2 Council may recover the costs of removal or alteration from the person who committed the breach.
- 18.3 If an enforcement officer is issued with a warrant under the Search and Surveillance Act 2012 the enforcement officer may enter private property in an urban area pursuant to section 165 of the Local Government Act 2002 and:
- a. seize stock, poultry, bees and cats that are on the premises in breach of this Bylaw;
 - b. seize any other property that is materially involved in the commission of an offence under this Bylaw.

19 Repeals, Savings and Transitional Provisions

- 19.1 The Tararua Keeping of Animals, Cats, Poultry and Bees Bylaw 2018 is repealed on commencement of this Bylaw.
- 19.2 Every consent, exemption or approval granted under the Tararua Keeping of Animals, Cats, Poultry and Bees Bylaw 2018. that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent, exemption or approval issued under this Bylaw, but:
- a. expires on the date specified in that consent, exemption, or approval; or
 - b. where no expiry date is specified, expires 12 months after the commencement of this Bylaw; and
 - c. may be renewed only by application made and considered in accordance with this Bylaw.

This Bylaw was made by the Tararua District Council on XXXX 2024.

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

_____ **Mayor**

_____ **Chief Executive**