



# Animal Bylaw 2019

Adopted: 10 October 2019  
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## **1 Preliminary Provisions**

- 1.1 This Bylaw is the Animal Bylaw 2019.
- 1.2 This Bylaw is made under:
- (a) The Local Government Act 2002; and
  - (b) Sections 29 and 64 of the Health Act 1956.

## **2 Purpose**

- 2.1 The purpose of this Bylaw is:
- (a) To protect the public from Nuisance associated with the Keeping of Animals within the Manawatū District;
  - (b) To protect, promote and maintain public health and safety;
  - (c) To regulate the Keeping of Animals, bees and Poultry;
  - (d) To manage Animals in Public Places; and
  - (e) To regulate the slaughtering of Stock and Poultry.

## **3 Exclusions**

- 3.1 This Bylaw does not apply to:
- (a) any zoo or zoological gardens;
  - (b) dogs
- Explanatory note: The keeping of dogs is not covered by this Bylaw as it is covered by the Dog Control Bylaw 2019.*
- 3.2 Nothing in this Bylaw derogates from any provisions of, or the necessity for, compliance with:
- (a) The Animal Welfare Act 1999 or any other Act passed in amendment or substitution thereof; and
  - (b) Any other applicable Acts.

## **4 Commencement**

- 4.1 This Bylaw comes into force on 10 October 2019.

## **5 Interpretation and Definitions**

- 5.1 The provisions of the Manawatū District Explanatory Bylaw 2022 and its amendments are implied into and form part of this Bylaw.
- 5.2 In this Bylaw, unless the context requires otherwise:
- Affected Party*** means a person or persons, including, but not limited to, Neighbours who own or occupy a Premises that are potentially affected by the activities that are the subject of that permit application.

***Animal*** means the same as in the Explanatory Bylaw 2022.

**Bee Keeping** means the keeping of beehives and includes the removal of honey and bee products from the hive, but not the further processing of such products.

**Keep, Keeping or Kept** includes owning, looking after, caring for, being in charge of, a custodian of or in possession of any Animal.

**Neighbour(s)** means both the Owner(s) and/or Occupier(s) of a property that is adjoining a Premises that is the subject of a permit application.

**Nuisance**, (Without limiting the meaning of the term “Nuisance” as defined clause 2.1 of the Manawātū District Explanatory Bylaw 2022) shall be deemed to be created in any of the following cases, that is to say:

- (a) Where any accumulation or deposit is in such a state or so situated as to be offensive or likely to be injurious to health;
- (b) Where any buildings or Premises used for the keeping of Animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive or likely to be injurious to health;
- (c) Where any Animal, or carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health; and
- (d) Where any noise emitted by an Animal that is under human control unreasonably interferes with the peace, comfort, and convenience of any person.

**Poultry** includes geese, ducks, swans, hens and rooster, quails, guinea fowl, doves, peacocks, pukeko, pheasants, pigeons, turkeys, domestic birds (including budgies and canaries etc) and domestic fowls of all descriptions and game birds kept in aviaries.

**Poultry Keeping** means the keeping of Poultry for domestic use only but excludes the keeping of racing pigeons .

**Rural Area** means land zoned Rural 1, Rural 2, Flood Channel 1 or Flood Channel 2 in the Manawātū District Plan.

**Slaughter or Slaughtering** means the process of killing, skinning, and dismemberment of any Poultry or Stock, the retention of parts for use, and disposal of the balance. Slaughtered and slaughtering shall have a corresponding meaning.

**Stray** means a companion cat which is lost or abandoned and which is living as an individual or in a group (colony).

**Urban Area** means any land not within the Rural Area.

5.3 Reference should be made to section 2 of the Manawātū District Explanatory Bylaw 2022 for any definitions not included in clause 5.2.

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

## **6 General Requirements**

6.1 Every person Keeping Animals, must ensure that such Animals and their management:

- (a) do not cause or are likely to cause a Nuisance to any person;
- (b) do not cause a risk to public health and safety;
- (c) does not damage any property belonging to any other person;

- (d) do not roam from the Premises or Rateable Property on which they are Kept; and
- (e) are Kept in conditions which are not offensive or injurious to health.

6.2 Clause 6.1(d) does not apply to domestic cats or bees.

6.3 If, in the opinion of an Enforcement Officer, a person fails to comply with any of the obligations in Clause 6.1, the Enforcement Officer may issue a written notice to the Owner of the Premises, and/or person Keeping the Animal(s), requiring them to take specified steps to:

- (a) Ensure compliance with clause 6.1; and/or
- (b) Mitigate or abate the conditions referred to in clause 6.1.

6.4 Compliance with a notice under clause 6.2 must take place within the time specified in such notice, not being less than 14 days.

## Part One – Poultry Keeping

### 7 Number of Poultry on Premises

- 7.1 Any person Keeping Poultry (including free range Poultry) must ensure that the Poultry are confined within the boundaries of the Premises in which they are Kept.
- 7.2 No more than 12 head of Poultry (be they caged or otherwise) may be kept on any one Premises in an Urban Area without first obtaining a permit from Council.
- 7.3 No person may keep any rooster in the Urban Area.
- 7.4 Any application for a permit under clause 7.2 must be in the form prescribed by Council. The application must include information relating to:
  - (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;
  - (c) housing and run details; and
  - (d) completed Affected Party forms.

*Explanatory Note: Clauses 8.1 and 8.2 of this Bylaw provide information regarding separation distances and the standard of housing required for Keeping of Poultry in the District.*

- 7.5 Any application under clause 7.2 must be accompanied by the fee prescribed in Council's current Schedule of Fees and Charges.
- 7.6 Any application under clause 7.2 must include all information required by the Council and if necessary, the Council Officer processing the application may request further information to assist in their decision-making.
- 7.7 On receipt of all necessary information, as outlined in clause 7.4 and 7.6, the Council Officer will either:
  - (a) Approve the permit application and impose any terms and conditions deemed necessary by Council when having regard to the purpose and terms of this Bylaw; or
  - (b) Refuse the permit application and give reasons to the applicant for the refusal.
- 7.8 The permit holder must comply with any conditions of any permit issued under clause 7.7.
- 7.9 A permit is personal to the applicant and is not transferable.
- 7.10 If, in the opinion of an Enforcement Officer, the permit holder is Keeping Poultry in breach of one or more conditions of the permit, they may at any time, by notice in writing delivered to the permit holder, revoke or amend the permit.

### 8 General Requirements for the Keeping of Poultry

- 8.1 Any Poultry house or Poultry run must be set back at least 3 metres from all property boundaries.
- 8.2 No person may keep Poultry in an Urban Area unless the Poultry are provided with housing that is:

- (a) rainproof and provided with a raised floor to which a poultry run may be attached;
- (b) adequately graded and drained; and
- (c) kept in a clean condition free from any offensive smell, overflow and vermin.

- 8.3 Any effluent or discharge from a Poultry house or Poultry run must be discharged in a manner that does not cause a Nuisance or a risk to public health and safety.

*Explanatory Notes:*

*Any effluent or discharge from a Poultry house or Poultry run into the Public Stormwater or Wastewater System must comply with the requirements of the Drainage Bylaw 2015.*

*The Manawatū-Whanganui Regional Council's (trading as "Horizons") One Plan contains rules relating to the discharge of Animal effluent to land and water. Those keeping Poultry should consult with Horizons regarding any consents that may be required under the One Plan.*

- 8.4 Any person who Keeps Poultry in a way that causes a Nuisance or a risk to public health and safety will be issued with a written notice by Council requiring them to take specified steps to mitigate or abate that Nuisance or risk, including the removal of Poultry from the Premises.
- 8.5 Compliance with a notice issued under clause 8.4 must take place within the time specified in such notice, not being less than 14 days.
- 8.6 Sections 7 and 8 do not prevent any person Keeping Poultry in an auction room or in any Premises used for the killing and dressing of Poultry for sale.

## Part Two – Bee Keeping

### 9 Bees

9.1 A person may Keep bees in the Urban Area provided they comply with the following conditions:

- (a) Hives are placed no closer than 1 metre to any boundary unless there is an impermeable barrier 1.6 metres or taller on that boundary; and
- (b) The property area is 500m<sup>2</sup> or greater; and
- (c) The number of hives does not exceed that which is allowed for the area of the property as indicated in the following table:

Property area	Maximum number of hives
500m <sup>2</sup> to 700m <sup>2</sup>	2
701m <sup>2</sup> to 1000m <sup>2</sup>	4
1001m <sup>2</sup> to 2000m <sup>2</sup>	6
2001m <sup>2</sup> or greater	8

- (d) That the Council is immediately notified of the location and number of the hives.

*Explanatory Note: To ensure ongoing compliance with the conditions of clause 9.1, beekeepers will need to notify Council if they change the number and/or location of their hives.*

9.2 Notwithstanding clause 9.1, a person may apply for a permit under this Bylaw to Keep bees if they are otherwise unable to comply with the conditions of clause 9.1.

9.3 Any application under clause 9.2 must be accompanied by the fee prescribed in Council's current Schedule of Fees and Charges.

9.4 The permit holder must comply with any conditions of a permit imposed by the Council under clause 9.2.

9.5 A permit is personal to the applicant and is not transferable.

9.6 The Council may at any time, by notice in writing delivered to the permit holder, revoke or amend a permit, and/or order the permit holder to take specified steps including, but not limited to, the relocation or removal of a hive or hives, where:

- (a) The Council has received a complaint about the hive or hives; and
- (b) An Enforcement Officer is satisfied that the hive or hives has resulted in bees causing a Nuisance in the vicinity of the hives.

*Explanatory Note: If you keep bees in New Zealand it is a legal requirement that you register your apiaries through the American foulbrood in New Zealand website (<https://afb.org.nz/afb-in-new-zealand/>).*



## **Part Three – Cats**

### **10 Number of Cats on Premises**

- 10.1 Any person Keeping cats must not Keep, on any one Rateable Property in the District, more than four cats over the age of three months.
- 10.2 On a Rateable Property that contains more than one dwelling, no more than one cat over the age of three months per dwelling is allowed to be Kept.
- 10.3 Clauses 10.1 and 10.2 do not apply to:
  - (a) Any cats over the age of three months being kept for no longer than 14 days; and
  - (b) Lawfully established Vets, SPCA or similar registered charities, and boarding premises.
- 10.4 Every person who Keeps cats must ensure:
  - (a) Cats over six (6) months are de-sexed (unless Kept for breeding purposes and are registered with a nationally recognised cat breeders' body).

### **11 Cats becoming a Nuisance or Injurious to Health**

- 11.1 If, in the opinion of any Enforcement Officer, the Keeping of any cats on a Premises is, or is likely to become a Nuisance 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 Council Officer to reduce the Nuisance effects.
- 11.2 Compliance with a notice under clause 11.1 must take place within the time specified in such notice, not being less than 14 days.

## Part Four – Pigs

### 12 Keeping of Pigs

- 12.1 No Person may Keep pigs in any Urban Area without first obtaining a permit from Council.
- 12.2 Any application for a permit under clause 12.1 must be in the form prescribed by Council. The application must include:
- (a) The location of where the pigs are to be housed;
  - (b) The number and breed of pigs to be kept; and
  - (c) Completed Affected Party forms.
- 12.3 Any application under clause 12.1 must be accompanied by the fee prescribed in Council's current Schedule of Fees and Charges.
- 12.4 Any application under clause 12.1 must include all information required by the Council and if necessary, the Council Officer processing the application may request further information to assist in their decision-making.
- 12.5 On receipt of all necessary information under clause 12.4, the Council will either:
- (a) Approve the permit application and impose any terms and conditions deemed necessary by Council when having regard to the purpose and terms of this Bylaw, including, but not limited to:
    - (i) Any advice received from the Pork Industry Board;
    - (ii) Any advice received by the Council; and
    - (iii) Any advice received from the Ministry of Primary Industries.
  - Or
  - (b) Refuse the permit application and give reasons to the applicant for the refusal.

*Explanatory Note: In addition to any permit issued under clause 12.5, a resource consent may be required under the Manawātū District Council's District Plan and from Horizons under their One Plan.*

- 12.6 The permit holder must comply with any conditions of a permit imposed by Council under clause 12.5.
- 12.7 A permit is personal to the applicant and is not transferable.
- 12.8 The Council may at any time, by notice in writing delivered to the permit holder, revoke or amend a permit issued under clause 12.5, if an Enforcement Officer considers the pigs are being kept in a way that breaches one or more conditions of the permit, or any other terms and conditions of the Bylaw, or any other Act or regulation.

*Explanatory Notes: It is an offence under the Biosecurity (Meat and Food Waste for Pigs) Regulations 2005 to feed pigs untreated meat or untreated food waste. All pig farmers must comply with the provisions of the Biosecurity Act 1993.*

## Part Five – Stock

### 13 Keeping of Stock

- 13.1 Any person keeping Stock in an Urban Area must ensure that the Stock are Kept and managed in accordance with clause 6.1.

*Explanatory Note: Any person moving Stock along or across public Roads must comply with the Traffic Safety and Road Use Bylaw 2015. Animal fencing is controlled under the Fencing Act 1978. Council may issue a notice pursuant to Section 353 of the Local Government Act 1974 requiring upgrades or repairs to fences on land adjacent to a Road where the fence is not considered adequate to contain animals.*

## Part Six – Slaughtering of Poultry and Stock

### 14 Slaughter of Poultry and Stock

- 14.1 The Slaughter of any Poultry or Stock and disposal of waste must be carried out in such a manner that the procedure, in the opinion of an Enforcement Officer:
- (a) does not create a Nuisance or threat to public health and safety; and
  - (b) is not offensive to any person.
- 14.2 Nothing in clause 14.1 will apply to:
- (a) a veterinary surgeon registered with the Veterinary Council of New.
  - (b) an inspector appointed for the purposes of the Animal Welfare Act 1999.
- 14.3 Any person slaughtering Poultry or Stock must:
- (a) immediately remove any waste associated with the Slaughter of Poultry or Stock; and
  - (b) dispose of the carcass or part of the carcass of any Poultry or Stock belonging to the person, or in that person's charge or Keeping, in a manner that avoids causing a Nuisance or a threat to public health and safety.
- Explanatory 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.*
- 14.4 If the Slaughtering or processing of Poultry or Stock (including skinning, gutting and cutting a carcass) in any Urban Area is likely to be in view of any person nearby, including from a residence:
- (a) Adequate screening must be provided around the Slaughtering and processing site; and
  - (b) The screening must be sufficient in height and size to cut out the line of sight by any such persons so as to prevent the Slaughtering or processing operation to be seen.

## Part Seven - Encouraging Nuisances

### 15 Encouraging Nuisances by Stray Animals

- 15.1 A person must not provide sustenance, harbourage or comfort to Stray Animals, including cats.
- 15.2 Any person who breaches clause 15.1 is deemed to be Keeping that Animal for the purposes of this bylaw.
- 15.3 Any person Keeping a Stray Animal must comply with all other aspects of this bylaw, including:
  - (a) limits on the number of such Animals that can be Kept on a Rateable Property or Premises; and
  - (b) ensuring that the Stray Animal is Kept and managed in accordance with Clause 6.1.
- 15.4 Where a person Keeping a Stray Animal fails to comply with Clause 15.3, the Enforcement Officer may issue a written notice, requiring that person to take specified steps, which may include removing the Stray Animal from the Premises, to:
  - (a) ensure compliance with the bylaw; or
  - (b) mitigate or abate the conditions referred to in clause 6.1.
- 15.5 Compliance with a notice under clause 15.4 must take place within the time specified in such notice, not being less than 14 days.

## Part Eight – Enforcement

### 16 Non-Compliance with the Bylaw

- 16.1 The Council may use its powers under the Health Act 1956 and the Local Government Act 2002, and the Impounding Act 1955 to enforce this Bylaw.

### 17 Offences and Breaches

- 17.1 Every person who commits a breach of this Bylaw commits an offence and is liable to pay:
- (a) the maximum fine set out in the Local Government Act 2002;
  - (b) The maximum fine set out in the Health Act 1956; and
  - (c) any other penalty specified in another Act for the breach of that Bylaw.

*Explanatory note: This clause should be read in conjunction with clauses 9 and 10 of the Manawatū District Explanatory Bylaw 2022.*

- 17.2 Every person commits a breach of this bylaw who:
- (a) Permits or allows any condition to exist or continue to exist contrary to this bylaw;
  - (b) Fails to comply with any lawful notice of 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).
- 17.3 An Enforcement Officer may seize or impound any Animal other than domesticated cats, bees or Poultry found at large which are causing a Nuisance.

This Bylaw was made by the Manawātū District Council by resolution at a Council meeting on 10 October 2019 and must be reviewed within ten years.

**Sealed** with the Common Seal  
of the **MANAWATU DISTRICT COUNCIL**

in the presence of:



  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Chief Executive