

# Manawatu District Council Animal Bylaw 2014

## Contents

1	Preliminary Provisions .....	2
2	Purpose.....	2
3	Exclusions .....	2
4	Commencement .....	2
5	Interpretations and Definitions .....	2
6	General Requirements .....	3
	Part One – Poultry Keeping.....	4
7	Poultry .....	4
8	Noise from Poultry .....	5
9	Slaughter of Poultry.....	5
	Part Two – Bee Keeping.....	7
10	Bees .....	7
	Part Three – Cats.....	8
11	Number of Cats on Premises .....	8
12	Cats becoming a Nuisance or Injurious to Health .....	8
	Part Four – Pigs .....	89
13	Keeping of Pigs .....	9
	Part Five – Stock.....	9
14	Keeping of Stock .....	9
	Part Six – Enforcement.....	10
15	Non-Compliance with Bylaw .....	10
16	Offences and Breaches .....	10

# Manawatu District Council Animal Bylaw 2014

## 1 Preliminary Provisions

- 1.1 This Bylaw is the Manawatu District Council **Animal Bylaw 2014**.
- 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 to ensure that the Keeping of Animals within the Manawatu District does not create a Nuisance or endanger the health of the public, and if a Nuisance does arise then the Council has appropriate regulatory powers to take relevant action.
- 2.2 Additionally, this Bylaw regulates the slaughtering of Animals in the Urban Area.

## 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 2014.*

- 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 Act passed in amendment or substitution thereof; and
  - (b) Any other applicable Acts.

## 4 Commencement

- 4.1 This Bylaw comes into force on 1 November 2014.

## 5 Interpretations and Definitions

- 5.1 The provisions of the Manawatu District Explanatory Bylaw 2014 and its amendments are implied into and form part of this Bylaw.
- 5.2 In this Bylaw, unless the context requires otherwise:

**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.

**Bee Keeper** means a person who is keeping bees.

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

Without limiting the meaning of the term “**Nuisance**” as defined clause 2.1 of the Manawatu District Explanatory Bylaw 2014, a Nuisance 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;
- (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; and
- (c) Where any noise emitted by an Animal that is under human control unreasonably interferes with the peace, comfort, and convenience of any person.

**Neighbour(s)** means both the Owner(s) and Occupier(s).

**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 on a small scale for domestic use only but excludes the keeping of racing pigeons .

**Rural Area** means land zoned Rural 1 and 2 and Flood Channel 1 and 2 in the Manawatu District Plan.

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

**Urban Area** means land zoned residential or village in the Manawatu District Plan.

- 5.3 Reference should be made to section 2 of the Manawatu District Explanatory Bylaw 2014 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, or permitting to be kept, Animals, Poultry, bees and Stock on private land must ensure that such Animals:
  - (a) do not cause or are likely to cause a Nuisance to any person; and
  - (b) are kept in conditions which are not offensive or injurious to health.
- 6.2 The Council may by written notice require that an Owner or person Keeping the Animals, Poultry, bees and Stock take specified steps to ensure compliance with clause 6.1 or to mitigate or abate the conditions referred to in clause 6.1.
- 6.3 It is the duty of the Owner or person Keeping the Animals, Poultry, bees and Stock to comply with the steps set out in the notice provided under clause 6.2 within the specified time period.

## Part One – Poultry Keeping

### 7 Poultry

- 7.1 Any person Keeping Poultry (including free range Poultry) must ensure that the Poultry are confined within the boundaries of the Rateable Property they are kept.
- 7.2 No more than 12 head of Poultry (be they caged or otherwise) may be kept on any one Rateable Property in an Urban Area without the prior consent of Council.
- 7.3 Clause 7.2 does not apply to roosters, which are only permitted in the Rural Area.
- 7.4 Any person wishing to keep more than 12 head of Poultry on a property in an Urban Area must apply in writing in the form prescribed from Council for time to time to the Council for a permit. The application must include information relating to:
- (a) the number and type of Poultry to be kept on the property;
  - (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) whether consents have been obtained from neighbour(s).

*Explanatory Note: Clauses 7.7, 7.8 and 7.9 of this Bylaw provide information regarding separation distances and the standard of housing required for Keeping of Poultry in the District.*

- 7.5 An application under clause 7.4 must be accompanied by any fee as may be prescribed from time to time in Council's Schedule of Fees and Charges.
- 7.6 The Council may attach to any permit issued under clause 7.4 any terms or conditions as it thinks appropriate. The permit holder must comply with any conditions of the permit.
- 7.7 In Urban Areas no Poultry house or Poultry run may be located within 3 metres of the boundary of adjoining property.
- 7.8 In Rural Areas, any Poultry house or Poultry run must be set back at least 5 metres from all property boundaries.
- 7.9 No person may keep Poultry in an Urban Area unless the Poultry are provided with housing that is:
- (a) constructed in accordance with the Building Act 2004;
  - (b) rainproof and provided with a floor of concrete or other approved material raised 150 millimetres above ground level to which a poultry run may be attached;
  - (c) adequately graded and drained;
  - (d) enclosed with wire mesh or other material to confine the poultry;
  - (e) maintained in good repair; and

- (f) kept in a clean condition free from any offensive smell, overflow and vermin.
- 7.10 Any effluent or discharge from a Poultry house or Poultry run must:
- (a) be discharged in a manner that does not cause a Nuisance;
  - (b) comply with the Resource Management Act 1991; and
  - (c) comply with any other relevant requirements of the Council.
- 7.11 The Council may by written notice require that an Owner or Occupier take specified steps to ensure compliance with the requirements of clause 7. The Owner or Occupier must comply with the steps set out in the notice in the specified time period.
- 7.12 Clause 7 does not prevent any person Keeping Poultry in an auction room or in any Premises used for the killing and dressing of Poultry for sale.

## 8 Noise from Poultry

- 8.1 No person may Keep, or continue to Keep, on any Premises any noisy Poultry which cause or is likely to cause, a Nuisance to any person residing or working in any Urban Area.

## 9 Slaughter of Poultry

- 9.1 The Slaughter of any Poultry 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; and
  - (b) is not offensive to persons nearby.
- 9.2 Nothing in clause 9.1 will apply 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.
- 9.3 No person may:
- (a) fail to immediately remove any waste associated with the Slaughter of Poultry; and
  - (b) dispose of the body or part of the body of any Poultry 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.

*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.*

## Part Two – Bee Keeping

### 10 Bees

- 10.1 No person may Keep any bees in an Urban Area
- 10.2 Any person wishing to Keep bees in an Urban Area must apply in writing to Council for a permit. The application must include information relating to:
- (a) the location of where the bees are to be kept;
  - (b) the number of hives to be kept;
  - (c) any written consent from adjoining occupiers.
- 10.3 Any application under clause 10.2 must be accompanied by any fee as may be prescribed from time to time in Council's Schedule of Fees and Charges.
- 10.4 In issuing a permit under clause 10, the Council may impose conditions relating to the location and number of hives able to be kept on any Rateable Property, having regard to:
- (a) The nature and extent of the perceived problem to be addressed;
  - (b) What means can be used to address any problem;
  - (c) Any advice received from the National Bee Keepers Association;
  - (d) Any advice received by the Council; and
  - (e) Any advice received from the Ministry of Primary Industries.
- 10.5 The permit holder must comply with any conditions of a permit imposed by the Council under clause 10.4.
- 10.6 No person may Keep bees or cause or permit bees to be kept in the Rural Area if it is or is likely to become dangerous, injurious to health or a Nuisance to any person.
- 10.7 The Council may order the relocation or removal of a hive or hives, where:
- (a) The Council has received a complaint about the location of a hive or hives; and
  - (b) An Enforcement Officer is satisfied that the location of the hive or hives has resulted in bees causing a Nuisance on any property in the vicinity of the hives.

*Explanatory Note: If you keep bees in New Zealand it is a legal requirement that you register your hive(s).*

## Part Three – Cats

### 11 Number of Cats on Premises

- 11.1 No person may Keep, on any one Rateable Property in the District, more than four cats over the age of six months.
- 11.2 In the event of more than one Dwelling house on one Rateable Property, no more than one domestic cat per dwelling is allowed.
- 11.3 Clause 11 does not apply to:
- (a) Any cats under the age of six months being kept for no longer than 14 days; and
  - (b) Vets, SPCA or similar registered charities, and boarding premises which have all necessary permits and resource consents as may be required.

### 12 Cats becoming a Nuisance or Injurious to Health

- 12.1 If, in the opinion of any Council Officer, 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 Council Officer may by notice in writing require the Owner or Occupier of 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 Council Officer to reduce the effects listed in sub-clauses (a) to (c) above.
- 12.2 Compliance with a notice under clause 13.1 must take place within the time specified in such notice, not being less than 14 days.

## Part Four – Pigs

### 13 Keeping of Pigs

13.1 No Person may Keep pigs in any Urban Area:

- (a) in such a manner where it will or is likely to create a Nuisance, or which is likely to be injurious to health or offensive; and
- (b) in a manner contrary to any relevant provision of the Manawatu District Plan.

13.2 Any discharge from a pigsty must comply with the Resource Management Act 1991, and any relevant requirements of the Council.

13.3 Any person wishing to Keep pigs in an Urban Area must apply in writing in the form prescribed from time to time to the Council for a permit. The application must be accompanied by: -

- (a) The location of where the pigs are to be housed, and locations of wallows;
- (b) The number and breed of pigs to be kept;
- (c) The reasons for wanting a pig in the Urban Area;
- (d) Any written consent from adjoining Occupiers.

13.4 In issuing a permit under clause 13, the Council may prescribe conditions relating to the location and number of pigs able to be kept on any Premises, having regard to:

- (a) The nature and extent of the perceived problem to be addressed;
- (b) What means can be used to address any problem;
- (c) Any advice received from the Pork Industry Board;
- (d) Any advice received by the Council; and
- (e) Any advice received from the Ministry of Primary Industries.

13.5 The permit holder must comply with any conditions of a permit imposed by Council under clause 13.4.

*Explanatory Note: It is an offence under the Biosecurity (Meat and Food Waste for Pigs) Regulations 2005 to feed pigs untreated meat or untreated food waste.*



## Part Five – Stock

### 14 Keeping of Stock

- 14.1 Any person keeping Stock in an Urban Area must ensure that the Stock are contained to a Rateable Property and do not cause a Nuisance.
- 14.2 Any person moving Stock across public roads must comply with the Stock on Roads Bylaw 2008.
- 14.3 No Stock are to be Slaughtered in any Urban Areas unless it is permitted by the Manawatu District Plan and public views are restricted to that Rateable Property.
- 14.4 The Slaughter of any Stock 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; and
  - (b) Is not offensive to persons nearby.
- 14.5 Nothing in clauses 15.3 and 15.4 shall apply 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.
- 14.6 No person may:
- (a) Fail to immediately remove any waste associated with the Slaughter of stock; and
  - (b) Dispose of that body or part of the body of any Stock 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.

*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.*

## Part Six – Enforcement

### 15 Non-Compliance with Bylaw

15.1 The Council may use its powers under the Health Act 1956 and the Local Government Act 2002 to enforce this Bylaw.

### 16 Offences and Breaches

16.1 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; and
- (b) any other penalty specified in another Act for the breach of that Bylaw.

*Explanatory note: This section should be read in conjunction with clauses 13, 14 and 15 of the Manawatu District Explanatory Bylaw 2014.*

16.2 An Enforcement Officer may seize or impound any animal other than domesticated cats found at large which are causing a Nuisance.

16.3 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).

This Bylaw was made by the Manawatu District Council by resolution at a Council meeting on 16 October 2014 and must be reviewed within five years.

**Sealed** with the Common Seal  
of the **MANAWATU DISTRICT COUNCIL**  
in the presence of:



*Margaret Koumelis*

\_\_\_\_\_  
Mayor

*[Signature]*

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