

PART 4 KEEPING OF ANIMALS (EXCLUDING DOGS)

38. Purpose

- 38.1. The purpose of this part of the bylaw is to outline requirements for the keeping of animals in the district, excluding dogs, to ensure they do not create a nuisance or a risk to health and safety and if a nuisance or risk does occur, the Council has appropriate regulatory power to take relevant action.
- 38.2. It shall be for an authorised officer of Council to determine upon reasonable grounds that a nuisance or health and safety concern is being created.
- 38.3. This bylaw is made pursuant to sections 145 and 146(a)(v) of the Local Government Act 2002 and section 64 of the Health Act 1956.
- 38.4. Nothing in this bylaw shall derogate from any provision of, or the necessity for compliance with, any statute, regulation, rule of law or permission relating to the welfare or keeping of any animals.

39. Definitions

- 39.1. For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply.

Kitten	means any cat less than six months of age.
Poultry	includes but is not limited to geese, ducks, turkeys, and domestic fowls of all descriptions.
Public Place	includes, without being limited to, every road, reserve, park, domain, beach, foreshore and recreational grounds under the control of the Council.

40. Application

- 40.1. This bylaw does not apply to dogs, veterinary clinics or pet shops.
- 40.2. A person keeping an animal shall comply, in addition to this bylaw, with any other relevant statutory requirements including the Animal Welfare Act 1999, the Impounding Act 1955, the Health Act 1956 and the Resource Management Act 1991.

41. Keeping of Animals General Provisions

- 41.1. No person shall keep an animal which is or is likely to be a nuisance or a threat to public health or safety.
- 41.2. Any person keeping an animal shall confine the animal within the boundaries of the premises where the animal is being kept.

41.3. No person shall keep an animal in conditions which are or are likely to be a nuisance or a threat to public health or safety, including but not limited to:

- (a) Ensuring the provision of fresh water at all times.
- (b) Ensuring any enclosure for animals governed by this bylaw shall be constructed in good workman like manner and maintained the same, so that the enclosure itself does not create a nuisance whether in use or not.
- (c) Ensuring pens, runs or cages or other similar forms of containment are maintained in good repair and in a clean condition free from any offensive smell, overflow or vermin.

41.4. No person shall allow any animal in a public place in a manner which is or is likely to be a nuisance or a threat to public health or safety.

42. Special Requirements for Keeping of Pigs

42.1. In the urban area no more than two pigs may be kept on any property.

42.2. No pig, or any piggery building, or any area designated for the occupation of pigs, is to be located less than 50 metres from any of the following:

- (a) Any residential building.
- (b) A milking shed.
- (c) Any place used for preparation, storage or sale of food.
- (d) A public road.
- (e) Adjoining property boundaries.

43. Special Requirements for Keeping of Stock

43.1. Any person keeping stock in an urban area shall conduct the activity to ensure that:

- (a) It does not create a nuisance to occupants of an adjoining or nearby property.
- (b) The margins of any river, lake or area of coast adjoining the property are protected from the adverse effects of such stock.
- (c) The health and safety of the stock is adequately provided for.

43.2. All stock must be controlled by way of fencing or tethering to contain the animal(s) from any roadway or other property. The fencing or tethering of animals must be adequate to prevent all stock from wandering and all road gates to paddocks must be able to be securely closed. This requirement does not apply to driving, leading or riding of any stock.

43.3. Council can require the owner or person keeping stock to install or upgrade fencing, as per the requirements of the Fencing Act 1978, should a complaint be received and at

the discretion of Council's authorised officer, it is considered that the fencing is not adequately containing the stock it is intended for.

44. Special Requirements for Keeping of Poultry

- 44.1. No poultry, caged or otherwise, numbering in excess of 10 birds shall be kept in an urban area.
- 44.2. Housing shall be provided in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete, or other approved material, with a surrounding nib wall to which a poultry run may be attached.
- 44.3. No poultry house or poultry run shall be erected or maintained, so that any part of it is within 10 metres of any dwelling, factory, or any other building, whether wholly or partially occupied, or within 2 meters of the boundary of adjoining premises.
- 44.4. Every poultry run shall be enclosed to confine the poultry.
- 44.5. Every poultry house and poultry run shall be maintained in good repair, in a clean condition free from any offensive smell or overflow and free from vermin.

45. Special Requirements for Noise from Animals (including Roosters)

- 45.1. No person shall keep on any premises any noisy animal, bird, or poultry which causes a nuisance to residents in the neighbourhood.
- 45.2. The Group Manager Planning and Regulatory may order the removal of a rooster and/or cockerel from a premise where:
 - (a) Council has received a complaint about the rooster and/or cockerel; and
 - (b) The Group Manager Planning and Regulatory is satisfied that the keeping of the rooster and/or cockerel on that property has resulted in a nuisance being caused to a neighbouring property(s).

46. Special Requirements for Beekeeping

- 46.1. No person shall keep bees or store hives or beekeeping equipment if an authorised officer assesses the activity is or is likely to become a nuisance or annoyance to any person or potentially dangerous or injurious to health.
- 46.2. An authorised officer may prescribe conditions relating to the location and number of hives able to be kept on any premises or place within an urban area of the district.
- 46.3. The removal, relocation or redesign of a hive(s) may be required if complaints are received and if an authorised officer is satisfied that the location of the hive(s) has resulted in the bees causing a nuisance or a threat to public health and safety. The

onus is on the hive(s) owner to seek professional advice on how to best address complaints if requested by an authorised officer.

47. Special Requirements for Keeping Cats and/or Kittens

47.1. The Group Manager Planning and Regulatory may impose a limit on the number of cats and/or kittens which may be kept on private land, such limit being no more than three, where:

- (a) the Council has received a complaint about the number of cats and/or kittens kept on the private land.
- (b) the number of cats and/or kittens is creating a nuisance or is likely to create a nuisance, is offensive or injurious to health.
- (c) the person keeping the cats and/or kittens fails to comply with any reasonable request of an authorised officer to abate or prevent the nuisance.

47.2. The special requirements for keeping of cats and/or kittens do not apply to legally established commercial activities involving cats and kittens including but not limited to veterinary clinics, cat breeders, pet shops, cat rescue or welfare establishments such as the SPCA and cat shows.

47.3. The special requirements for keeping of cats and/or kittens do not apply to kittens 2 months of age or less who are dependent on their mothers for sustenance.

48. Enforcement Action

48.1. Where an authorised officer has reasonable grounds for suspecting that a nuisance exists or a breach of this bylaw is occurring, an authorised officer may, by written notice, require the owner or person keeping the animal(s) to take such action as the authorised officer considers necessary to mitigate or eliminate the nuisance within a timeframe specified to abate or prevent the nuisance in the notice.

48.2. Under sections 164 and 165 of the Local Government Act 2002 an authorised officer may seize or impound “property” including animals materially involved in the commission of an offence if the owner or person keeping the animal(s) has not adequately mitigated or eliminated the nuisance within the timeframe specified in the written notice issued by the authorised officer under clause 48.1.

48.3. Under section 163 of the Local Government Act 2002, the Council may remove or alter any pen, run, cage or other structure used to house or contain animals that has been constructed or is maintained in a condition which is contrary to the terms of this bylaw or the Building Act 2004. The cost incurred in removing or altering the structure concerned shall be recoverable as a debt against the owner of the animal in question.

PART 5 PROPERTY MAINTENANCE

49. Purpose

49.1. The purpose of this section of the bylaw is to protect the public from nuisance and to protect the public’s health and safety that may be impacted by abandoned buildings, storage of waste and excessive vegetation growth on private property or public land, which includes the road reserve.

50. Definitions

50.1. For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply.

Amenity Values	Has the same meaning as the Resource Management Act 1991.
Enforcement Officer	Means an officer appointed by Council for the purposes of this bylaw.
Vermin	Includes but is not limited to: a) ants, cockroaches, flies, mosquitoes, mites and other insects. b) mice. c) rats. d) pigeons.
Waste	Has the same meaning given under the Waste Minimisation Act 2008.

51. Excess Waste Accumulation

51.1. No person may deposit, store, accumulate or bury any waste on private or public land whether it is outside or inside buildings or structures that:

- (a) Causes a nuisance.
- (b) Is or may become a fire danger to a residential dwelling(s) for private use (other buildings refer to Fire and Emergency Act 2017).
- (c) Is or may cause danger to public health.
- (d) Provides harbourage for vermin.

- 51.2. In this case, waste items may include, but are not limited to disused vehicle bodies, automotive parts, shipping containers, building waste, refuse and abandoned household items.

Notes not forming part of the bylaw: Under section 10 of the Litter Act 1979 Council can require a person to clean up litter on private property if it 'grossly defaces or defiles' the area.

The Fire and Emergency Act 2017 contains offences and penalties (among other tools) that can be imposed in situations which may increase the risk of fire. These provisions do not apply to residential dwellings for private use.

Abandoned vehicles on Council land, which includes local roads, are dealt with by the Council, see our website for the process. Abandoned vehicles on state highways should be referred to Waka Kotahi NZ Transport Agency. An abandoned vehicle on private property without the property owner's permission should be referred to the New Zealand Police.

52. Vegetation

- 52.1. Long grass and/or vegetation on private land must be trimmed back, cut down or removed irrespective of whether the land is disused, used, vacant, developed or otherwise when it:

- (a) Is or may become a fire danger to a residential dwelling(s) for private use (other buildings refer to Fire and Emergency Act 2017).
- (b) Provides harbourage for vermin.
- (c) Obstructs public right of ways.

53. Abandoned or Vacant Buildings

- 53.1. The owner of any building that is vacant or abandoned, in the opinion of an authorised officer, must ensure the building is secured so as not to allow access by the public.

Note not forming part of the bylaw: Council has a Policy on Dangerous and Insanitary Buildings that outlines Council's approach and process for dealing with buildings that are considered dangerous or insanitary under the Building Act 2004.

- 53.2. The owner of any building located on the 'service retail frontage' or in a 'town centre' (or equivalent update) as identified in the District Plan must ensure the building is maintained to a standard that upholds the amenity values of the town and protects the public from nuisance.
- 53.3. Buildings will be considered not to comply with clause 53.2 if they show significant signs of disrepair for example fading paintwork, plaster chipping, tagging, boarded up or broken windows and/or mould or algae growth.