

**GORE DISTRICT COUNCIL
KEEPING OF ANIMALS, POULTRY AND BEES BYLAW 2009**

The Local Government Act 2002 allows the Council to control the keeping of animals, poultry and bees within the District. This bylaw is made pursuant to Sections 145 and 146 of the Local Government Act 2002 and Section 64 of the Health Act 1956.

1. Title, Purpose and Commencement

This bylaw shall be known as Keeping of Animals, Poultry and Bees Bylaw 2009.

This bylaw shall come into force on 1 September 2009.

2. Objective

- (1) This bylaw controls the keeping of pigs, livestock, poultry, bees and other birds and animals in localities where the keeping of them is, or is likely to become, a nuisance or a threat to public health or safety.
- (2) This bylaw is made under Sections 145 and 146 of the Local Government Act 2002 and Section 64 of the Health Act 1956.
- (3) Nothing in the 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, poultry or bees.

3. Definitions and Interpretation

For the purpose of this bylaw the following definitions shall apply:

Animal means livestock, poultry and any other vertebrate animals of any age or sex that is kept in a state of captivity or is dependent upon human beings for its care and sustenance.

Authorised Officer means any person warranted by Council in accordance with Section 177 of the Local Government Act 2002 to enforce this bylaw.

Chief Executive means the Chief Executive of the Gore District Council.

District Plan means the operative Gore District Plan.

Permitted Livestock includes any age or sex of any sheep, deer, horse, goat, donkey, hinny, mule, alpaca, llama, chicken, rooster or any other herd animal or bees.

Prohibited Livestock includes pigs, cows, bulls, steers, calves, deer and thar.

Nuisance shall have the meaning assigned to it by Section 29 of the Health Act 1956 and its amendments.

Person includes a corporate sole and also a body of persons, whether corporate or unincorporated.

Poultry means any chickens, geese, ducks, pigeons, turkeys, guinea-fowl, peafowl, game birds and domestic fowls of all descriptions including roosters.

Premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, building, and places adjoining each other and occupied together shall be deemed to be the same premises.

Public place means any place that, at any material time, is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road whether or not it is under the control of the Council. It also includes every reserve, park, domain and recreational grounds under the control of the Council.

Rural area means rural living zones as defined in the District Plan.

Urban area means any urban areas of Gore and Mataura but does not include the land occupied by the Gore A & P Association and Bannerman Park as shown on the attached plans.

4. Keeping of Animals Generally

No person shall:

- (a) keep any animal that is or is likely to be a nuisance or a threat to public health or safety;
- (b) keep any animal in conditions that are or are likely to be a nuisance or threat to public health or safety;
- (c) keep, or allow any animal in a public place in a manner that is or is likely to be a nuisance or a threat to public health or safety;
- (d) slaughter an animal or dismember, handle, process or dispose of the carcass or remains of an animal on any property or premises so as to cause or be likely to cause a nuisance or threat to public health or safety;
- (e) use for the purposes of human habitation any portion of any building used as a stable or for the housing or sheltering of animals, unless that habitable area is separated from that part of the stable or building used for the housing or sheltering of animals by a passageway or breezeway at least two metres wide

and open to the exterior of the building at each end or a firewall with no interconnecting doorways;

- (f) The following stock are not permitted to be kept in any urban area:
 - Pigs
 - Cattle and/or calves
 - Deer
 - Thar
- (g) All gates shall be padlocked;
- (h) A maximum of 2 horses may be kept on any one property in an urban area;
- (i) The minimum area for keeping of horses shall be not less than 1012m² for each horse (1/4 acre);
- (j) Leading or riding any horse on any footpath, berm or reserve is not permitted;
- (k) Horses must not be left tethered in any unfenced areas;
- (l) Fresh water (preferably a running water supply) must be available at all times;
- (m) All land where stock are kept shall be 'mucked out' on a regular basis so as not to cause a nuisance to neighbouring properties, and all manure removed from the site;
- (n) Stock must not be able to reach over any fence. This may require land to be double fenced;
- (o) The fencing must be adequate to ensure that the animal cannot escape. All fencing will be checked by an authorised officer before any approval to keep animals on that land is granted.
- (p) Electric fences, hot wires and barbed wire fencing are not permitted in any urban area; and
- (q) Dead animals must be removed immediately. Failure to do so will result in the Council arranging removal with costs being charged to the landowner

5. Special Requirements for Keeping of Permitted Livestock

- (1) Unless in receipt of a permit from the Council, no person shall keep any livestock in any urban area.
- (2) Any person permitted to keep livestock in an urban area shall ensure that the premises where the livestock are kept meet such conditions as may be prescribed by the Chief Executive or authorised officer.

- (3) Any person keeping stock adjacent to an urban area may be required to double fence to ensure the stock do not cause a nuisance to neighbouring properties.

6. Special Requirements for Keeping of Poultry and Other Birds

- (1) In A person may keep a rooster or cockerel in an urban areas provided that a sound proof enclosure is present on the property and can be utilised to eliminate or reduce noise of the birds that may be causing a nuisance to neighbouring residents.
- (2) No person shall keep any more than 12 head of poultry unless in receipt of a permit from the Council;
- (3) No person shall keep any poultry except in a properly constructed rain-proof poultry house to which a poultry run may be attached;
- (4) Every poultry run shall be enclosed to confine the poultry;
- (5) Every poultry house or poultry run shall be maintained in good repair in a clean condition free from any offensive smell or overflow and free from vermin.

7. Special Requirements for Keeping of Bees

- (1) Unless in receipt of a permit from the Council, no person shall keep bees in any urban area.
- (2) Any licence granted under Clause 7(1) may prescribe conditions relating to the location and number of hives able to be kept on any premises or place within an urban area.
- (3) Bees may be kept in a rural area provided the hives are not located within 50 metres of any adjoining property boundary.

9. Application for Permit

- (1) Applications for permits required under clauses 5, 6 and 7 of this Bylaw shall be made on the form supplied by the Council and shall provide such information in respect of the application as the Council may reasonably require.
- (2) A permit issued under Clause 5, 6 or 7 is subject to conditions set by the Council. Any breach of such conditions or other terms or restrictions shall be in breach of this bylaw. Any permit may be revoked by the Council for breach of conditions or, in the event of change of circumstances relating to the premises, the owner or occupier thereof or the animals kept or remaining on such premises.
- (3) No permit shall be granted to the owner or occupier of any premises if such premises by reason of inadequate fencing,

size, location or detrimental effect on any other premises would be inappropriate for the keeping of animals concerned.

- (4) All applications for permits must be accompanied by written consent of adjoining property occupiers and owners in respect of the land on which the animals are proposed to be kept.
- (5) If the property or land upon which the animals are proposed to be kept is leased or rented, the written consent of the property owner is required before any consideration for a permit will be given. A copy of such consent must be forwarded to the Council.

10. Alteration or Removal of Unauthorised Works

- (1) Council may remove or alter any poultry house or poultry run that has been constructed or is maintained in a condition which is contrary to the terms of this bylaw or the Building Act 2004.
- (2) Council may remove or alter any pen, shed, cage or other structure used to house or contain any animal(s) or bees that has been constructed or is maintained in a condition which is contrary to the terms of this bylaw or the Building Act 2004.
- (3) The cost incurred in removing or altering the structure concerned shall be recoverable as a debt against the owner of that structure or the owner of the land on which the structure was placed or located.

11. Keeping of Rodents as Pets

- (1) The keeping of rodents (rats, mice, ferrets and the like) is not strictly prohibited, but these types of pets shall be contained at all times within the property on which they are kept. They shall be kept in cages (or contained within the dwelling) at all times and are not permitted to roam free.

12. Impounding of Animals

- (1) Council have the ability to impound any animal which is wandering or in breach of this bylaw without warning.
- (2) Any animal impounded will be kept for 7 days.
- (3) Every effort will be made to contact the owner to advise that their animal has been impounded.
- (4) Council will recover all costs associated with the impounding of the animal. These costs are defined in Council's Fees and Charges.
- (5) After 7 days the animal will either be sold to defray costs or destroyed.

13. Temporary Pound

- (1) Council have the ability to acquire any land in an emergency situation to house any impounded animal. The landowner will be reimbursed for the cost of keeping/feeding the animal.

11. Offences and Penalties

- (1) Every person who breaches the bylaw commits an offence and is liable on summary conviction to the penalty set out in Section 242(2) of the Local Government Act 2002

The foregoing Bylaw was duly adopted at a meeting of the Gore District Council on the 25th Day of August 2009 and ordered to come into force on the 1st day of September 2009.

The common seal of the
Gore District Council was
hereunto affixed this 25th
day of August 2009 in
the presence of

Tracy Hicks, Mayor

Stephen Parry, Chief Executive