

# General Bylaw 2008

## Chapter 2

### Animals (Excluding Dogs)

#### Explanatory Note

- (1) The objective of this Part of the *Bylaw* is to *Control* the keeping of *Animals* (other than dogs) within the *District* so that they do not create a *Nuisance* or endanger health.
- (2) Matters relating to the *Control* of dogs are covered by *Council's* Dog Control Bylaw.



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## Animals (Excluding Dogs)

Pursuant to the powers vested in it under section 145 and section 146 of the Local Government Act 2002, and section 64 of the Health Act 1956, the Western Bay of Plenty District Council makes this Bylaw.

**1. Animals**

- 1.1 Every *Person* being the *Owner* or having the care, custody, or *Control* of any *Animal* must keep and prevent the same from wandering or being at large without proper guidance on any *Public Place*. *Control of Animals*
- 1.2 Any *Person* who wishes to graze any *Stock* in or on any *Public Place* must apply to *Council* in writing, and the *Consent*, if granted, is subject to any conditions the *Council* considers appropriate as set out in the *Consent*. Failure to comply with any conditions of the *Consent* is a breach of this *Bylaw*. *Application to Council*
- 1.3 No *Person* may – *Animals in Public Places.*
- (a) Break in, train, clean, shoe, bleed, dress, or expose for show, hire, or sale, any *Horse* or other *Animal* on any *Public Place* without the prior written permission of the *Council*.
  - (b) Allow any dangerous *Animal* to stand on any *Public Place*, unless properly and securely controlled.
  - (c) By ill-usage or negligence in driving any *Cattle* along or over any *Public Place*, permit any injury or damage to be done by such *Cattle*.
  - (d) Being the *Owner*, or *Person* having the custody of any *Cattle* or sheep, ride, lead, or drive the *Cattle* or sheep, or permit the *Cattle* or sheep to go along any footway or *Cycle Track* on any *Public Place*.
  - (e) Cause, or permit any *Animal* to be led, ridden, or driven upon, across, or along any grass plot or flower bed laid out on any *Public Place*.
- 1.4 No *Person* may tether any *Horse* or other *Animal* in any area zoned Commercial in the *District Plan*, without the prior written permission of the *Council*. *Tethering in Commercial Areas*
- 1.5 The *Person* owning or having custody of any *Animal* tethering on any *Public Place* under 1.4 above must remove all droppings and dispose of such droppings immediately. *Animal Droppings*



- 1.6 Where a public litter bin is used to dispose of the droppings they must be suitably wrapped or contained to prevent fouling of the receptacle. Use of public litter bins.
- 1.7 The *Owner* or *Occupier* of any land or *Premises* where hives are sited for the keeping of bees must, on receipt of a notice from an *Authorised Officer*, resite or remove such hives if in the opinion of an *Authorised Officer of Council*, such siting has become or is likely to become a nuisance or injurious to health. Bees

## 2. Pig Keeping

- 2.1 No *Person* may keep any pigs so as to create any conditions injurious to health, or offensive, or in such a manner as to pollute any water. *Nuisances*
- 2.2 No *Person* may construct or allow any pigsty to remain or any pigs to be at large or to range at a distance less than 50 metres (or some lesser distance as *Council* may, from time to time approve in specific cases) from any *Dwelling*, or any *Building*, or any street or *Public Place* or any place used for the preparation, storage, or sale of food for human consumption, or from any boundary of any adjoining property, except with the prior written permission of the *Council*. Distances
- 2.3 No *Person* may feed any pigs on garbage obtained elsewhere than on the *Premises* on which the pigs are kept, without obtaining the prior written permission of the *Council*. Garbage

## 3. Pig Sties

- 3.1 No *Person* may erect, or cause to be erected any pigsty unless in compliance with the following requirements – Construction
- (a) The roof of the sleeping-pen must be watertight.
  - (b) The walls of the sleeping-pen must be constructed as to prevent the accumulation of filth thereon and to afford a surface easily cleaned, and shall for 0.6 metres from the floor be constructed of concrete or other *Approved* impervious material finished to a smooth even surface with all internal angles rounded.
  - (c) The floor of the feeding-pen must be constructed of concrete graded to fall 1 in 25 to a channel drain.
  - (d) The effluent from the channel drain must be discharged by an *Approved* means.
- 3.2 The *Occupier* of any *Premises* where a pigsty is situated must keep the pigsty, and all runs, drains, and catchpits or settling tanks used in connection with it in a state of cleanliness, and must remove or cause to be removed and disposed of, all accumulated manure and offensive matter in an *Approved* manner. Cleanliness
- 3.3 All troughs, from which pigs are fed must be properly constructed of concrete, sheet iron, hardwood, or other *Approved* material so as to be watertight. All troughs must be kept thoroughly cleaned. Construction of troughs



- 3.4 All troughs, if not fixed or permanent, must be placed on proper feeding places constructed as a smooth concrete slab with a raised nibwall all round, and of sufficient size to prevent pollution of the ground surrounding. Siting of troughs

## 4. Pigswill

- 4.1 No *Person* may cause or permit any manure or offensive matter from pigsties, or any swill or feed to be accumulated, or stored in any place within 50 metres from any *Dwelling*, or any *Building*, or street or *Public Place*, or the boundary of any occupied adjoining property or in such a way as to give rise or be likely to give rise to be injurious to health, or offensive. Storage of Pigswill
- 4.2 No *Person* may convey pigswill, or any food intended for pigs and emitting an offensive smell, along any street or *Public Place*, or store pigswill or food intended for pigs on any *Premises* or land unless in either case the pigswill is contained in impervious receptacles provided with *Approved* closefitting covers sufficient to prevent the escape of material or odour, and access of flies. Conveyance of Pigswill
- 4.3 Every *Person* engaged in conveyance and use of pigswill or pigfeed of a perishable nature must thoroughly clean daily every vehicle, receptacle, cover, or utensil used in the collection, conveyance, or use of such pigswill and pigfeed. Cleaning of Containers

## 5. Poultry Keeping

- 5.1 In areas other than those zoned rural no *Poultry* caged or otherwise, may be kept in any part of the *District* except 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 nibwall, to which may be attached a *Poultry* run. Construction of *Poultry* House
- 5.2 Every *Poultry* house must be constructed in the manner required by this Part of this *Bylaw* and as required by the Building Code as the case may require.
- 5.3 No *Poultry* house or *Poultry* run may be erected or maintained so that any part of it is within 10 metres from any *Dwelling*, factory, or any other *Building* whether wholly or partially occupied, or within 2 metres of the boundary of adjoining *Premises*.
- 5.4 Except with the written *Consent* of the *Council*, not more than 12 head of *Poultry* maybe kept in any *Poultry* house or *Poultry* run on any land in areas other than those zoned Rural. An *Authorised Officer* of *Council* may refuse any *Consent* or revoke and cancel any *Consent* or apply conditions if it decides that the *Poultry* house or *Poultry* run in question is likely to be offensive or dangerous to health. Limitation of Numbers
- 5.5 Where *Consent* has been revoked or refused by an *Authorised Officer* of *Council* the applicant may apply in writing to the *Council* for reconsideration of the decision. On hearing the objection, the *Council* committee may confirm, reverse or modify the decision. *Appeal* rights.
- 5.6 Every *Poultry* run of whatever size must be enclosed as to confine the *Poultry* within the *Poultry* run.
- 5.7 Every outside *Poultry* run must be adequately graded and drained, and must be kept at all times clean and dry and in good repair by the *Owner* of the *Poultry*.



- 5.8 If any *Poultry* house or *Poultry* run becomes a *Nuisance* owing to its construction or state of disrepair, lack of cleanliness, or by reason of any matter referred to in the *Bylaw*, then, the *Owner* of the *Poultry* house or *Poultry* run or of such *Poultry*, upon notice being served upon him or her by the *Council*, must execute and do any work required to abate the *Nuisance*, and as specified in the notice. *Nuisances*
- 5.9 Nothing in this *Bylaw* prevents any *Person* keeping *Poultry* in an auction room, or in any *Premises* used for the killing and dressing of *Poultry* for sale, for not more than 48 hours for the purpose of sale, or keeping *Poultry* on his or her *Premises* in an *Approved* type of coop for the purpose of immediate consumption, or from keeping *Poultry* in a shop for the purpose of sale. *Poultry for Sale*
- 5.10 All pens in which *Poultry* are placed to be offered for sale must be constructed to the satisfaction of *Council* and kept clean and dry and in good repair.
- ## 6. Horses, Cattle and Stock
- 6.1 No *Person* may keep or suffer to be kept within the *District* (excluding land zoned Rural) any *Horse*, *Cattle* or other *Stock* at less distance than 2 metres from any boundary of adjoining *Premises* used for the purpose of a *Dwelling*, shop, warehouse, factory, work shop, church or school unless the *Animal* is at the time being used, ridden or driven. *Separation Distances*
- 6.2 No *Horse*, *Cattle* or *Stock* may be stabled or housed other than in a stable or other *Approved Building* constructed or made to comply with all relevant regulations. *Stables*
- ## 7. Nuisances
- 7.1 No *Person* may keep within any *Premises* any noisy *Animal*, bird, or *Poultry* which is offensive to *Residents* in the neighbourhood. No proceedings may be taken against any *Person* for an *Offence* under this clause of this Part of this *Bylaw* until after the expiration of 14 days from the date of service on such *Person* of a notice alleging such an *Offence*, given by the *Council* after receipt by it of a complaint, signed by not less than 3 householders residing within hearing of the *Animal*, bird or *Poultry* causing the alleged *Offence*. *Noisy Animals or Birds*
- 7.2 No *Person* may cause or allow any *Animal* kept within any *Premises* to escape or wander so as to be offensive or be likely to endanger any *Person*. *Escape of Animals*
- 7.3 Notwithstanding any of the provisions of this *Bylaw*, no *Person* may keep any *Animals* in such a manner or conditions so as to be offensive to *Residents* in the neighbourhood by way of odour from the keeping of such *Animals*. *Odour*