

The Keeping of Animals, Poultry and Bees Bylaw



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Whangarei District Council makes this bylaw pursuant to the powers contained in the Local Government Act 2002.

This bylaw controls the keeping of pigs, horses, goats, cattle, birds, bees, poultry and other animals in localities where the keeping of them is, or is likely to become, a nuisance or dangerous or injurious to the health of any person.

1 Short title and commencement

This bylaw may be cited as the Whangarei District Keeping of Animals, Bees and Poultry Bylaw.

This bylaw comes into force on the 1st day of November 2007.

2 Interpretation

In this bylaw, unless the context otherwise requires:

Definition of terms

Animal	has the meaning given to it by Section 2 of the Animal Welfare Act 1999
Approved	means approved by the Chief Executive Officer or such officer of Council who is delegated by him/her to act on his/her behalf for the purpose of this bylaw
Council and the Council	mean Whangarei District Council
Enforcement Officer	means an enforcement officer appointed to such office by Council pursuant to S.177 of the Local Government Act 2002
Chief Executive Officer	means the person appointed as the Chief Executive Officer of Council or such officer of Council as he/she delegates to act on his/her behalf

3 Keeping of animals likely to cause nuisance or danger prohibited

Keeping animals not to cause nuisance

- 3.1 No person shall within the Living or Business Environments as defined in Whangarei District Council's District Plan keep any animal, or permit or suffer any animal to remain on any property owned or occupied by that person, if, in the opinion of the Chief Executive Officer or an Enforcement Officer, there is a likelihood that that animal will cause or is causing a nuisance or danger to any person, or injury to the health of any person.

4 Keeping of pigs prohibited

Pig keeping prohibited

- 4.1 No person shall within the Living or Business Environments as defined in Whangarei District Council's District Plan keep any pig, or permit or suffer any pig to remain on any property, except with the written consent of the Chief Executive Officer.

5 Keeping poultry or other birds

- 5.1 No person shall within the Living or Business Environments as defined in Whangarei District Council's District Plan:

Numbers of poultry permitted

- a Keep any more than twelve head of poultry on any property of less than 1000 square metres in size except with the written consent of the Chief Executive Officer
- b Keep poultry except in a properly constructed and maintained rain proof fowl house
- c Keep poultry unless such poultry are provided with a properly enclosed adequate fowl run which is kept clean

Construction and maintenance of poultry house

- d Keep any poultry except in a fowl house which has been thoroughly and effectively treated with insecticide as required and shall be kept clean and dry and in good repair

- e Construct or maintain any fowl house or aviary or pigeon house within 9 metres of any building or within 2 metres of any boundary of any other property without the written consent of the Chief Executive Officer

Provided that nothing in this bylaw shall prevent any person from keeping poultry:

- f In an auction room for not more than 48 hours for the purpose of sale
- g On his or her property in a coop of an approved type for the purpose of immediate consumption; and
- h In a bird fancier's shop for the purpose of sale.

5.2 Roosters

Roosters

No person shall within the Living or Business Environments as defined in the Whangarei District Council District Plan, keep any rooster on any property except with the written consent of the Chief Executive Officer.

6 Bees

Bee keeping

- 6.1 No person shall within the Living or Business Environments as defined in Whangarei District Council's District Plan keep bees on any property except with the written consent of the Chief Executive Officer provided that written consent will not be required where hive owners can show that bees are being kept in accordance with National Beekeeper Association guidelines and principles and not creating a nuisance.

7 Horses, goats and cattle

Horses, goats and cattle restricted

- 7.1 No person shall within the Living or Business Environments as defined in Whangarei District Council's District Plan keep any horse, goat or cattle on any property except with the written consent of the Chief Executive Officer.

8 Conditional consent, refusal and right of appeal

Consents

- 8.1 The Chief Executive Officer may refuse to give consent under any of Clauses 3, 4, 5, 6 or 7 of this bylaw.
- 8.2 Any consent given under any of Clauses 3, 4, 5, 6 or 7 of this bylaw may be given subject to such conditions as the Chief Executive Officer considers necessary to avoid nuisance or danger to any person, or injury to the health of any person.
- 8.3 Any consent given under Clauses 3, 4, 5, 6 or 7 of this bylaw may be withdrawn at any time by written notice given by the Chief Executive Officer.

9 Unfenced land

Unfenced land not permitted

- 9.1 No person shall de-pasture livestock on any property adjoining a public place other than on land that is fenced sufficiently to keep such livestock from that public place.

10 Wandering animals

Stock wandering on public land

- 10.1 Except as may be permitted in any other bylaw, no person being the owner of, or having the care or custody of, any animal shall permit such animal to wander or be at large without proper control on any public place.

11 Removal of unauthorised works

11.1 Council may remove or alter any:

Breach of this bylaw

- a Fowl house, fowl run, aviary or pigeon coop or any other structure used to house or contain birds of any nature if such is, or has been, constructed or is maintained in a condition which is contrary to the terms of this bylaw
- b Pen, shed, cage or other structure used to house or contain any animal(s) or bee(s) which is, or has been, constructed or is maintained in a condition which is in breach of this bylaw
- c Structure where such is being used to house or contain any animal(s) or bee(s) on any property contrary to the terms of this bylaw.

12 Fees

Council may prescribe fees or charges payable for any authority, approval, permit or consent or inspection required of, applied for from or made by it or by the Chief Executive Officer or an Enforcement Officer under this bylaw.

13 Offences

Offences

Every person who breaches this bylaw commits an offence.