

Bylaw

KEEPING OF ANIMALS, BEES AND POULTRY

TITLE:	Ashburton District Council Keeping of Animals, Bees and Poultry
TEAM:	Environmental Services
RESPONSIBILITY:	Environmental Monitoring Manager
DATE ADOPTED:	22 September 2016
COMMENCEMENT:	22 September 2016
NEXT REVIEW DUE:	22 September 2026

1. Title

The title of this bylaw is Ashburton District Council Keeping of Animals, Bees and Poultry Bylaw 2016.

2. Purpose

The purpose of this bylaw is to outline requirements for the keeping of animals, bees and poultry. The requirements are deemed necessary for the protection of neighbouring property owners.

3. Related documents

- Animal Welfare Act 1999
- Ashburton District Council Explanatory Bylaw 2016
- Building Act 2004
- Dog Control Act 1996
- Health Act 1956
- Resource Management Act 1991.

4. Application

This bylaw applies to Ashburton District.

5. Definitions

In this bylaw, unless the context otherwise requires:

Animal means stock, poultry and any other animal that is kept in a state of captivity or is dependent upon human beings for its care or sustenance.

Nuisance shall include but not be limited to the meaning assigned to it by the Health Act 1956 Section 29 its amendments and/or re-enactments.

Pet means a domestic or tamed animal or bird kept for companionship or pleasure.

Urban area means any area not within rural A, B and C zones of the Ashburton District Plan.

Poultry means any live domesticated bird including but not limited to, domestic fowls, ducks, geese, turkeys, guinea-fowl, pheasants and pigeons.

Stock has the same meaning as the Dog Control Act 1996 and includes but is not limited to:

- (a) Any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule, or water buffalo that is not in a wild state:
- (b) Any deer, goat, thar, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes.

6. Pig keeping

- 6.1. No person shall keep or allow, permit or suffer pigs to be kept upon any property in an urban area. Elsewhere in the District no pigs shall be kept upon any property except in accordance with the provision of the District Plan and provisions of the Resource Management Act 1991 its amendments and re-enactments and all other relevant enactments.

7. Stock in urban areas

- 7.1. No person shall keep or allow, permit or suffer any stock to be kept or to remain on any property within an urban area without the prior written consent of and licence issued by the Council subject to such conditions as the Council may impose.
- 7.2. The fee payable for any licence issued shall be as Council shall by resolution prescribe.
- 7.3. Where any stock is kept in a building, the building shall be constructed or made to comply with all relevant provisions of the Building Act 2004.

8. Poultry keeping

- 8.1. No poultry house or poultry run shall be created or maintained in an urban area any part of which is within 10 metres from any dwelling, factory, or any other building, whether wholly or partially occupied, or within 2 metres of the internal boundary with adjoining premises

(or such greater distances as may be required by the provisions of the District Plan and the Resource Management Act 1991).

- 8.2. Every poultry house shall be properly constructed covered in with a rainproof roof and provided with a floor of concrete or other material approved by Council. It shall be maintained in good repair in a clean condition and free from any offensive smell or overflow and free from vermin.
- 8.3. Every poultry run of whatever size shall be so enclosed as to confine the poultry within such poultry run.

9. Noise from animals, birds, or poultry

- 9.1. No person shall keep within or upon any premises any noisy animal, bird, or poultry which shall be or cause a nuisance to occupiers of other properties in the neighbourhood.

10. Beekeeping

- 10.1. Persons keeping bees or suffering or permitting bees to be kept on their property shall ensure that no nuisance is caused to other persons by those bees.
- 10.2. Where Council considers a hive to be dangerous, offensive or likely to be injurious to people it shall require removal of such hive.

11. Encouraging nuisances by feral animals

- 11.1. No person shall provide sustenance, harbourage or comfort to feral animals so as to cause them to become a nuisance to other persons.
- 11.2. Where feral animals cause a nuisance the owner of the property from which they emanate shall be required to abate the nuisance caused by the animal(s), actions may include but are not limited to:
 - 11.1.1 claiming the animal(s) as a pet and keep it in such a fashion as to abate any nuisance, or
 - 11.1.2 permanently removing it so it no longer causes a nuisance to others.

12. Numbers of animals

- 12.1. No person shall keep or harbour animals in such numbers so as to cause a nuisance to other persons.

First Schedule – Stock Licence Conditions

BYLAW ADVISORY NOTE

These conditions apply to Urban Areas

1. No licence permitting the keeping of any number of pigs shall be issued.
2. In considering an application for a stock licence the Council shall give due consideration to the opinions and submissions of the occupiers of neighbouring properties.
3. All fences must be adequate to prevent escape of stock and damage to neighbouring property.
4. Any electric fencing must be
 - 4.1 at least 1 metre from any boundary line and 1 metre from any neighbouring residential property;
 - 4.2 suitably labelled to indicate that the fence is electrified;
 - 4.3 checked daily to ensure it is operating correctly.
5. An adequate water supply must be provided in any area used to keep animals.
6. Where natural feed on the section becomes insufficient, the animals (except horses) are to be removed. Feeding in for horses is permitted, provided no nuisance arises.
7. The riding or leading of a horse on any footpath or berm is not permitted and may, at the discretion of the Council, result in any stock licence issued in respect of the keeping of that horse in the urban area being revoked.
8. In the case of horses, manure is to be removed daily and not stockpiled.
9. The Council may specify the number of stock permitted to be kept on or upon any property pursuant to a stock licence. It shall be an offence against this bylaw to exceed any restrictions as to numbers or other conditions imposed with such a licence.
10. The minimum area for the keeping of horses shall be not less than 2023m² for each horse (½ acre).
11. A stock licence may be forthwith revoked by the Council should any stock to which that licence applies wander off the property on which they are kept, create a nuisance, cause any damage to property, exceed the maximum number of stock permitted upon the property pursuant to the licence or if any of the conditions of the licence are not met in full or the holder of the licence has been convicted of an offence under the Animal Welfare Act 1999 its amendments or re-enactments.