

Keeping of Animals, Poultry and Bees Bylaw

2021



Mackenzie
DISTRICT COUNCIL

Keeping of Animals, Poultry and Bees Bylaw 2021

REVISION HISTORY

Date Created:	16 November 2021
Review Date:	16 November 2024
Department:	Operations
Responsible Officer:	Manager Planning
Sponsor:	General Manager – Operations
Approved by:	Chief Executive Officer

1. Introduction

This Bylaw is the Mackenzie District Council Keeping of Animals, Poultry and Bees Bylaw 2021.

This Bylaw shall come into force on 16 November 2021.

This Bylaw has been made pursuant to section 146 of the Local Government Act 2002.

2. Purpose

The purpose of this Bylaw is:

- to promote the responsible management of animals, poultry, and bees in urban areas in the Mackenzie District; and
- to minimise the potential danger, distress, and nuisance to the community which can be caused by animals, poultry and bees.

3. Interpretation

For the purposes of this Bylaw the following definitions shall apply. Where a definition has the same meaning as a definition in the Animal Welfare Act 1999 (the Act), the definition for the purposes of this Bylaw includes any subsequent amendment to the definition in the Act.

For the avoidance of doubt, where a definition in the Act, differs from a definition in the Bylaw, the definition in the Act takes precedence.

Act	the Animal Welfare Act 1999
Animal	the same meaning as section 2 of the Act and generally means any live member of the animal kingdom including mammals, amphibians, birds, reptiles, and fish
Authorised Officer	a Council Officer appointed by Council to be an Enforcement/Compliance Officer or a Police Officer
Council	the Mackenzie District Council
Livestock	any farm and herd animals, including but not limited to, cattle, horses, goats, deer, donkey, alpaca, llama and sheep
Nuisance	anything which interferes with or threatens the health or enjoyment of people, and includes things such as odour, noise, dust or the attraction of flies or vermin
Owner	a person who owns an animal, poultry and/or bees, the parent or guardian of someone who is under the age of 16 who owns an animal, poultry and/or bees, or a person who is looking after any animal, poultry and/or bees and is responsible for them and includes any person who resides permanently at the animals, poultry or bees usual place of residence

Poultry	any live domesticated bird including but is not limited to hens, roosters, geese, ducks, pigeons, turkeys and domestic fowls of all descriptions
Urban Areas	land zoned Residential 1, 2, 3 and 4 and land zoned Rural Residential 1 and 2 in the Operative Mackenzie District Plan 2004

4. Exclusions

This Bylaw does not apply to the keeping of dogs. Council’s Draft Dog Control Policy and Dog Control Bylaw 2021 address dogs separately.

This Bylaw does not address animal welfare. Animal welfare matters are dealt with by the Ministry for Primary Industries and the Society for the Prevention of Cruelty of Animals (SPCA).

5. Keeping of Animals, Poultry and Bees

5.1 General Conditions

No person shall keep any animal, poultry and/or bees, which cause, or are likely to cause, a nuisance such as noise, odour, dust or the attraction of flies or vermin.

No person shall keep any animal, poultry and/or bees, in a manner that is or is likely to become offensive to the occupier of an adjoining property, a threat to public health or an endangerment to neighbouring animals.

Any animal or poultry kept on a property shall be effectively contained or restrained within the property by a fence, tether, pen, run or case to prevent such animal or poultry straying onto any neighbouring property, road or public places. This clause does not apply to domestic cats.

If, in the opinion of an authorised officer, any animal, poultry and/or bees kept on private property are causing, or is likely to cause, a nuisance the authorised officer may issue a notice requiring the owner keeping the animal, poultry and/or bees to take such action as the officer considers necessary within any time specified to abate or prevent the nuisance including (but not limited to):

- reducing the number of animals, poultry and/or bees on the premise;
- requiring the construction, alteration, or improvement to any place of confinement or buildings used to house and/or contain animals, poultry and/or bees;
- requiring animals, poultry and/or bees to be confined during specific periods; or
- any such action as the Council deems necessary to minimise or remove the likelihood of nuisance.

A person issued with such a notice under this Bylaw must comply with the notice.

The Council may also order the removal of animals, poultry and/or bees where:

- the Council receive a complaint about the animal, poultry and/or bees;
- the Council is satisfied that the keeping of animals, poultry and/or bees on that property has resulted in adverse nuisance effects on neighbouring property or properties; or

- the Council considers the animal, poultry and/or bees to be dangerous, offensive or likely to be injurious to other persons.

5.2 Keeping of Pigs

Except in accordance with the Operative Mackenzie District Plan 2004 (District Plan) and/or a resource consent under the Resource Management Act 1991 no person shall keep pigs in urban areas in the Mackenzie District.

5.3 Keeping of Livestock

A person may keep livestock in urban areas in the Mackenzie District provided they comply with the following conditions:

- no person shall keep within any premise livestock which causes a nuisance to occupiers of surrounding properties;
- all livestock shall be contained within the premise to prevent stock escaping and damage to neighbouring property;
- manure and effluent from all livestock shall be removed from the property, or appropriately recycled or reused before it becomes a nuisance; and
- all livestock shall have an adequate and appropriate living environment for their species including but not limited to companionship, space, shade and shelter.

5.4 Keeping of Cats

A person may keep cats in urban areas in the Mackenzie District provided they comply with the following conditions:

- owners of more than two cats over the age of three months must obtain a license.

A license to own more than two cats may be granted, have conditions imposed or be refused at the discretion of an authorised officer.

Terms and conditions on the granting of permission, may include (but are not limited) to:

- specifying the number of cats that may be kept at any one time;
- specifying the duration of the permission;
- restrictions as to the purpose for which such cats may be kept;
- provision for hygiene, control and regular inspection; or
- provision for the protection of other persons or property.

Unlike dogs there is no legislation requiring cats to be microchipped and registered. There are therefore limited mechanisms for Council to regulate/control the keeping of cats. The Council however strongly encourage that:

- cats over six months of age are microchipped and registered with the New Zealand Companion Animals Register, or other Council approved microchip registry; and
- cats over six months are desexed (unless kept for breeding purposes and are registered with a nationally recognised cat breeders' body including New Zealand Cat Fancy Ltd. and Catz Inc.

The above recommendations will be taken into account when an authorised officer is assessing an application for a license to obtain more than two cats.

5.5 Keeping of Roosters and Poultry

No person shall keep roosters and/or peacocks within urban areas.

A person may keep other forms of poultry in urban areas provided they comply with the following conditions:

- all poultry shall be kept in a properly constructed poultry house. A poultry house shall have a rainproof roof and a floor made of solid wood, concrete or other approved material with a surrounding nib wall to which a poultry run may be attached;
- no poultry house or run shall be placed within 10 metres of any occupied dwelling (not owned or occupied by the applicant) or any other sensitive use, or within 2 metres of any adjoining property, or such greater distance as may be required under the provisions of the District Plan;
- every poultry house and poultry enclosure shall be maintained in good repair, in a clean condition free from any offensive smell or overflow, and free from vermin; and
- no more than six head of poultry shall be kept at any one time.

Where the above conditions cannot be met a person may apply for a license to breach the conditions. To apply for a license an applicant must:

- apply to the Council for the relevant license on the appropriate form;
- allow an inspection of their property (if applicable); and
- pay the relevant license application/inspection fee.

A license may be granted have conditions imposed or be refused at the discretion of an authorised officer. In considering whether consent should be granted, an authorised officer shall have regard to:

- whether the property is a suitable size and location;
- the extent of the breach to the conditions;
- the previous history of the owner in relation to complaints or nuisance;
- whether the owner is complying with and familiar with their other obligations under the Bylaw; and
- any other matters an authorised officer deems necessary.

If granted, any breach of conditions shall constitute a breach of this Bylaw.

5.5 Keeping of Bees

A person may keep bees in urban areas provided they comply with the following conditions:

- Except in accordance with the District Plan/and or a resource consent under the Resource Management Act 1991 no person shall keep bees for commercial purposes.
- Hobbyist beekeeping is permitted provided no more than two hives are kept on a property at any one time.
- An adequate water source must be provided and maintained on the property at all times.
- All apiary must be registered under the Biosecurity Act 1993 and the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998.

Where the above conditions cannot be met a person may apply for a license to breach the conditions. To apply for a license an applicant must:

- apply to the Council for the relevant license on the appropriate form;
- allow an inspection of their property (if applicable); and
- pay the relevant license application/inspection fee.

A license may be granted have conditions imposed or be refused at the discretion of an authorised officer. In considering whether consent should be granted, an authorised officer shall have regard to:

- whether the property is a suitable size and location;
- the extent of the breach to the conditions;
- the previous history of the owner in relation to complaints or nuisance;
- whether the owner is complying with and familiar with their other obligations under the Bylaw; and
- any other matters an authorised officer deems necessary.

6. Licenses

A license issued under this Bylaw to keep animals or poultry relates to the owner, their registered animals and poultry and their property. A license is not transferable to another property or to a new owner at the same property.

A license will not expire but will need to be reapplied for if the animals and/or poultry registered at that property change or the owner moves.

A license may be granted, have conditions imposed, or be refused, at the discretion of an authorised officer. In considering whether consent should be granted, an authorised officer shall have regard to the matters outlined above and any other matter deemed necessary to minimise the potential danger, distress, and nuisance to the community caused by the animals and/or poultry.

Without limitation, the Council may impose conditions relating to:

- the number of animals and/or poultry to be kept at any one time;
- the duration of the permission;
- the purpose for which the animals and/or poultry may be kept;
- provision for hygiene control, confinement, and regular inspection; and
- provision for the protection of other persons or property.

If granted, any breach of conditions shall constitute a breach of this Bylaw.

Any license issued under this Bylaw may be revoked by the Mackenzie District Council if:

- the Council receives three separate complaints, and the authorised officer is satisfied that the complaints are reasonable and justified; and
- the license holder breaches the conditions of the license.

7. Impounding of Animals and Poultry

An authorised officer may impound any animal and/or poultry found at large or in breach of any provision of this Bylaw.

The owner of any animal and/or poultry impounded shall pay the necessary Council fines and fees before the animal and/or poultry is released back to its owner.

8. Offences and Penalties

Every person found to be in breach of this Bylaw commits an offence and is liable upon conviction to a penalty set out in section 242(4) of the Local Government Act 2002 which provides for a fine not exceeding \$20,000.



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