

Invercargill City Council

# Keeping of Animals, Poultry and Bees Bylaw

2013

[THIS PAGE IS INTENTIONALLY LEFT BLANK]

## **INVERCARGILL CITY COUNCIL BYLAW 2013/2 – KEEPING OF ANIMALS, POULTRY AND BEES**

Pursuant to the powers vested in it under Section 145 and Section 146 of the Local Government Act 2002 and the powers under Section 64 of the Health Act 1956, the Invercargill City Council makes this bylaw.

### **1. SHORT TITLE AND COMMENCEMENT**

This bylaw is Invercargill City Council Bylaw 2013/2 – Keeping of Animals, Poultry and Bees. This bylaw comes into force on 2 September 2013 and includes amendments as at 6 March 2019.

### **2. OBJECT OF BYLAW**

The Invercargill City Council acknowledges that keeping animals, poultry or bees has benefits for the wellbeing of the owner and members of the household. This bylaw regulates the keeping of animals (including pigs, poultry, bees, livestock and cats) within the district to ensure they do not create a nuisance or endanger health; and regulates the slaughtering of animals within view of people nearby.

### **3. EXCLUSIONS**

This Bylaw does not apply to dogs.

This Bylaw does not include Animal Welfare matters. Animal welfare is dealt with by the Ministry of Primary Industries and the SPCA.

This Bylaw does not apply to areas that are subject to an Invercargill City Council Reserves Management Plan, administered under the Reserves Act 1977.

### **4. INTERPRETATION**

In this Bylaw, unless the context requires otherwise –

Authorised Officer means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of the bylaws of Council.

Council means the Invercargill City Council.

District means the area controlled by the Invercargill City Council.

Hive means a box or container for the keeping or housing of bees.

Kitten means any cat less than six months of age.

Livestock means farm and herd animals, including but not limited to, cattle, horses, goats, deer, donkey, alpaca, llama and sheep.

Nuisance	shall have the meaning assigned to it by the Health Act 1956 and any amendments to it.
Offence	means a breach of this bylaw.
Person	includes a natural person, incorporated company and a body of persons whether incorporated or not.
Pigsty	means a partly covered enclosure for the keeping of pigs in.
Poultry	includes but is not limited to geese, ducks, pigeons, turkeys and domestic fowls of all descriptions.
Slaughter	means the killing of animals for food and does not include euthanising animals for welfare purposes.
Urban Area	means the area identified as within the Residential 1, Residential 1A, Residential 2 or Residential 3 zones of the Invercargill City District Plan.

## **5. APPLICATION OF THIS BYLAW**

This Bylaw should be read in conjunction with the operative Invercargill City District Plan, any proposed Invercargill City District Plan, and any other relevant legislation or Invercargill City Bylaws.

*Note: The Invercargill City Council recommends attention to both the Health Act 1956 and the Animal Welfare Act 1999 prior to keeping animals.*

## **6. DISPENSING POWER**

It shall be lawful for the Director of Environmental and Planning Services to dispense with any of the following requirements of this bylaw where, in the opinion of the Director of Environmental and Planning Services, full compliance would needlessly cause harm, loss or inconvenience to any person or business without corresponding benefit to the community.

## **7. GENERAL PROVISIONS**

- 7.1 No person shall knowingly or recklessly allow the keeping of any animal, poultry or bees, which causes, or is likely to cause, a nuisance by, including but not limited to, noise, odour, dust or through the attraction of flies or vermin.
- 7.2 No person shall knowingly or recklessly allow the keeping of any animal, poultry 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.

## **8. KEEPING OF CATS AND KITTENS**

- 8.1 The Director of Environmental and Planning Services may impose a limit on the number of cats and kittens which may be kept on private land, such limit being no more than three, where:
- (a) the Council has received a complaint about the number of cats kept on the private land; and / or
  - (b) the number of cats is creating a nuisance or is likely to create a nuisance; and
  - (c) the person keeping those cats fails to comply with any reasonable request of an Authorised Officer to abate or prevent the nuisance.
- 8.2 The Invercargill City Council recommends the keeping of no more than three cats on any private property.

## **9. KEEPING OF PIGS**

- 9.1 No person shall keep any pigs in such a manner, where it will or is likely to create a nuisance, or which is likely to be injurious to health or offensive.
- 9.2 No person shall erect, or cause to be erected any pigsty within the Urban Area.
- 9.3 No person shall construct or allow any pigsty to remain, or any pigs to be at large or range, at a distance less than 50 metres from any dwelling, or any wholly or partly occupied 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.
- 9.4 All pigs must be controlled by way of fencing so as to contain the animal(s) from any roadway or other property. The fencing of animals must, in the opinion of an Authorised Officer, be adequate to prevent all pigs from wandering.
- 9.5 The Director of Environmental and Planning Services may order the relocation or removal of pigs or a pigsty, where:
- (a) the Council has received a complaint about the location of the pigs or pigsty; and
  - (b) the Council's Director of Environmental and Planning Services is satisfied that the location or number of the pigs or location of the pigsty has resulted in a nuisance being caused on any neighbouring property.

## **10. KEEPING OF POULTRY**

- 10.1 The Director of Environmental and Planning Services may order the removal of a rooster where:
- (a) the Council has received a complaint about the rooster; and

- (b) the Director of Environmental and Planning Services is satisfied that the keeping of the rooster on that property has resulted in a nuisance being caused on any neighbouring property.
- 10.2 No person shall keep any poultry on any private land in the Urban Area except in a properly constructed poultry house or secure enclosure. Further, no person shall keep any poultry on any land unless they have the means to contain them within that property.
- 10.3 The Director of Environmental and Planning Services may impose a limit on the number of poultry which may be kept on private land, such limit being no more than twelve head of poultry, where:
  - (a) the Council has received a complaint about the number of poultry kept on the private land and;
  - (b) the number of poultry is creating a nuisance or is likely to create a nuisance; and
  - (c) the person keeping the poultry fails to comply with any reasonable request of an Authorised Officer to abate or prevent the nuisance.
- 10.4 The Director of Environmental and Planning Services may order the relocation or removal of poultry or a poultry house, where:
  - (a) the Council has received a complaint about the location of the poultry or poultry house and;
  - (b) the Council's Director of Environmental and Planning Services is satisfied that the location or number of the poultry or location of the poultry house has resulted in a nuisance being caused on any neighbouring property.
- 10.6 The Invercargill City Council recommends the keeping of no more than twelve head of poultry on any private property.

## **11. BEEKEEPING**

- 11.1 Council recognises the benefit of bees to the community as a whole.
- 11.2 No person shall continue to keep bees if the keeping of such bees is, or is likely to become dangerous, injurious to health or a nuisance to any person.
- 11.3 The Director of Environmental and Planning Services may prescribe conditions limiting the number of hives kept and prescribing the location of such hives on the private land.
- 11.4 The Director of Environmental and Planning Services may order the relocation or removal of a hive or hives, where:
  - (a) the Council has received a complaint about the location of a hive or hives and;
  - (b) the Council's Director of Environmental and Planning Services is satisfied that the location of the hive or hives has resulted in bees causing a nuisance on any property in the vicinity of the hives.

*Please note – If you keep bees in New Zealand it is a legal requirement that you register your hive(s).*

## **12. KEEPING OF LIVESTOCK**

- 12.1 The Director of Environmental and Planning Services may impose a limit on the number of livestock which may be kept on private land, where:
- (a) the Council has received a complaint about the livestock being kept on the private land and;
  - (b) the keeping of livestock is creating a nuisance or is likely to create a nuisance; and
  - (c) the person keeping the livestock fails to comply with any reasonable request of an Authorised Officer to abate or prevent the nuisance.
- 12.2 All livestock must be controlled by way of fencing or tethering so as to contain the animal(s) from any roadway or other property.
- 12.3 The fencing or tethering of animals must be adequate to prevent all livestock from wandering and all road gates to paddocks must be able to be securely closed.
- 12.4 Clauses 12.2 and 12.3 do not apply to driving, leading or riding of any livestock.

## **13. SLAUGHTER OF LIVESTOCK AND POULTRY**

- 13.1 No person shall slaughter or permit to be slaughtered any livestock within the Urban Area.
- 13.2 Subject to clauses 13.4 to 13.7 no person shall slaughter or permit to be slaughtered any livestock, poultry or other animal, in such a manner as to be in view of any person nearby other than the contractor or owner or occupier on whose land the activity is carried out.
- 13.3 Subject to clauses 13.4 to 13.7 no person shall dispose of any waste associated with the slaughter of livestock, poultry or other animal in such a manner as to be in view of any person nearby.
- 13.4 The slaughter of any livestock, poultry or other animal and disposal of waste shall be carried out in such a manner so that no nuisance is created, and the procedure is not offensive to persons nearby.
- 13.5 No person shall fail to immediately remove any waste associated with the slaughter of livestock, poultry or other animal.
- 13.6 No person shall dispose of the body, any part of the body, bodily fluids or effluent of any animal belonging to the person, or in that person's charge or keeping in a manner that will produce odour, cause a nuisance or a threat to public health.

- 13.7 If the slaughtering or processing of livestock (including skinning, gutting and cutting of a carcass) is likely to be in view of any person nearby, including from a residence:
- (a) Adequate screening must be provided around the slaughtering or processing site; and
  - (b) The screening must be of sufficient height and size to cut out the line of sight by any such persons so as to prevent the slaughtering or processing operation from being seen.

#### **14. OFFENCES AND PENALTIES**

Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$500.00 and in the case of a continuing offence, to a further fine not exceeding \$50.00 for every day on which the offence has continued, pursuant to Section 66 of the Health Act 1956.