



PALMERSTON NORTH CITY

**PALMERSTON NORTH
ANIMALS AND BEES BYLAW 2018**

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PALMERSTON NORTH ANIMALS AND BEES BYLAW 2018

PART 1

INTRODUCTION

1. TITLE

- 1.1 The title of this bylaw is the Palmerston North Animals and Bees Bylaw 2018.

2. PURPOSE

- 2.1 This Palmerston North Animals and Bees Bylaw 2018 (the Bylaw) is made pursuant to the Local Government Act 2002 and the Health Act 1956.
- 2.2 The purpose of this Bylaw is to specify requirements for the keeping of animals, including stock, pigs, cats, poultry and bees, in the Palmerston North district, to protect the general public, neighbours and property owners from general nuisances and to protect, promote and maintain public health and safety related to keeping animals.

3. COMMENCEMENT

- 3.1 This Bylaw comes into force on 1 July 2018

4. REPEAL

- 4.1 The Palmerston North Animals and Bees Bylaw 2011 is repealed with effect from midnight 1 July 2018.

5. INTERPRETATION

Animal

Means any poultry (as defined), stock (as defined), cat, or pig; but does not include dogs or any such animal that is living in a wild state, or any other animal not referred to in this definition notwithstanding that it may be living in a domestic state.

Authorised Officer

Means a person appointed by the Council and given powers to perform duties and functions under this Bylaw.

Bee Keeper	Means a person who is keeping bees or owns hives.
Council	Means the Palmerston North City Council and includes any person authorised to act on its behalf.
District	Means the area within the territorial boundary of the Palmerston North City Council.
District Plan	Means the operative Palmerston North City District Plan.
Dwelling House	Means a house that a person lives in.
Keep or Keeping	Means owning, looking after, being in charge of, a custodian, or in possession of any animal.
Keeper	Means a person who is keeping an animal.
Nuisance	Means, without limiting the meaning of the term “nuisance”, any unreasonable interference with the peace, comfort or convenience of another person, whether by way of excessive noise or offensive odours, and includes a nuisance as defined in section 29 of the Health Act 1956.
Palmerston North Villages	Means the urban areas of Ashhurst, Longburn, Linton and Bunnythorpe.
Poultry	Means peacocks, doves, pheasants, swans, hens, roosters, geese, ducks, pigeons, turkeys, quails and any other bird that the Council by resolution from time to time declares to be poultry for the purposes of this Bylaw.
Stock	Means alpacas, cattle, deer, donkeys, horses, sheep, goats and any other animal that the Council by resolution from time to time determines to be stock

for the purposes of this Bylaw, but does not include pigs.

Urban Area

Means any land zoned residential in the District Plan.

PART 2

GENERAL

6. GENERAL

- 6.1 No person may keep animals in a way that, in the opinion of an authorised officer, causes or is likely to cause a nuisance or injury to the health or safety of any person.
- 6.2 If, in the opinion of an authorised officer, an animal kept on private land is causing or is likely to cause a nuisance the authorised officer may issue a notice requiring the person keeping the animal to take such action as the officer considers necessary within any time specified to abate or prevent the nuisance.
- 6.3 A person issued with such a notice under this Bylaw must comply with the notice.

PART 3

STOCK

7. KEEPING STOCK IN URBAN AREAS

- 7.1 A person may keep stock in the urban area provided they comply with the following conditions:
- a) The stock are prevented from causing any nuisance or damage to the property of adjoining premises.
 - b) Manure and effluent is removed from the premises, or appropriately recycled or reused, before it creates a nuisance.
 - c) Stock should have an adequate and appropriate living environment for their species including companionship, space, shade and shelter.

PART 4

CATS

8. CATS ON PREMISES

- 8.1 No person may keep more than three cats per dwelling on any private land in the urban area without a permit issued under this Bylaw.
- 8.2 If the Council issues a permit to a person to keep more than three cats under clause 8.1 then the permit holder must comply with the conditions of that permit.
- 8.3 No cats kept for breeding purposes shall be housed within 1.8 metres of the boundary of any adjoining property in the urban area unless the housing is within a dwelling house.
- 8.4 The restrictions of clauses 8.1 and 8.3 shall not apply to kittens below the age of three months.
- 8.5 Nothing in clause 8.1 applies to the SPCA or other animal shelter or a lawfully established veterinary clinic or cattery.
- 8.6 Nothing in clause 8 precludes the need for a resource consent under the District Plan.
- 8.7 Every person who keeps cats must ensure:
- a. Cats over six months of age are microchipped and registered with the New Zealand Companion Animals Register, or other Council approved microchip registry.
 - b. 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.).
- 8.8 Clause 8.7 applies to all cats born after 1 July 2018.

PART 5

PIGS

9. PIG KEEPING

- 9.1 No person may keep a pig or pigs in the urban area.
- 9.2 No person may keep a pig or pigs on land zoned rural in the District Plan except in accordance with the District Plan.
- 9.3 Where there is a discrepancy between this Bylaw and the District Plan regarding the keeping of pigs, the District Plan prevails.

10. MAINTENANCE OF PIGSTIES

- 10.1 The keeper of pigs must keep the pigsty and all drains, tanks, troughs and other areas associated with the pigsty in a clean condition.
- 10.2 All troughs from which pigs are fed must be watertight and properly constructed using concrete, sheet iron, hardwood or other material approved in writing by an authorised Officer.
- 10.3 Troughs, whether in feeding pens or elsewhere, must be placed on a smooth concrete slab with a raised nib wall around its edge and must be of sufficient size to prevent pollution of the area or ground surrounding the trough.
- 10.4 All manure and effluent must be removed from the premises, or appropriately recycled or reused, before it creates a nuisance.
- 10.5 All food intended for pigs shall be contained in an impervious container with a close fitting cover sufficient to prevent access by flies or the escape of offensive odours.

PART 6

POULTRY

11. KEEPING OF POULTRY

- 11.1 Subject to clause 11.4 relating to roosters, no person may keep poultry in the urban area except in accordance with clause 12 of this Bylaw.
- 11.2 No person may keep poultry in the rural zone except in accordance with the District Plan.
- 11.3 Where there is a discrepancy between this Bylaw and the District Plan regarding the keeping of poultry, the District Plan shall prevail.
- 11.4 No person may keep roosters in the urban area unless:
- (a) The rooster is kept in the Palmerston North villages of Ashhurst, Bunnythorpe, Longburn and Linton; or
 - (b) The owner of the rooster holds a valid permit issued under this Bylaw.

12. POULTRY HOUSE AND RUN

- 12.1 Poultry must be provided with a poultry house with the following features:
- a) A rainproof roof;
 - b) A floor made of solid wood, concrete or other approved material surrounded by a raised nib to which a poultry run may be attached.
- 12.2 No poultry house or poultry run shall be placed so that any part of it is within 2 metres of any dwelling house, whether wholly or partially occupied, or the boundary of any adjoining premises, unless the properties are separated by a solid fence.
- 12.3 Every poultry house and poultry run shall be maintained in good repair, in a clean condition free from any offensive smell or overflow, and free from vermin.
- 12.4 Any property where poultry are not confined in a poultry house and run must have secure boundary fences to confine poultry to that property.

PART 7

BEES

13. BEE KEEPING

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

- a) Hives are placed no closer than 1 metre to any boundary unless there is a solid fence 1.6 metres or taller on that boundary; and
- b) The property area is 500m² or greater; and
- c) The number of hives does not exceed that which is allowed for the area of the property as indicated in the following table:

Property area	Maximum number of hives
500m ² to 700m ²	2
701m ² to 1000m ²	4
1001m ² to 2000m ²	6
2001m ² or greater	8

- d) The apiary or the beekeeper must be registered under the Biosecurity Act 1993 and the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998.

13.2 Notwithstanding clause 13.1, a person may apply for a permit under this Bylaw to keep bees if they are otherwise unable to comply with the conditions of clause 13.1.

PART 8

ADMINISTRATION

14. PERMITS

- 14.1 A permit to keep animals may be issued under this Bylaw if the Authorised Officer is satisfied that the granting of the permit would not create a nuisance or injury to the health or safety of any person.
- 14.2 For the avoidance of doubt, the Council may grant a permit for an activity that would otherwise contravene this Bylaw.
- 14.3 A permit may include conditions that the Council considers are reasonably necessary to manage the effects of the activity, achieve the objectives of this Bylaw, and minimise the risk of nuisance.
- 14.4 Any person seeking a permit must:
- a) Complete the required application form; and
 - b) Pay the applicable fee, if any; and
 - c) Comply with any requirements set as conditions of that permit.
- 14.5 A permit may be cancelled by the Council if:
- a) The Council receives separate complaints from three or more different properties and the Authorised Officer is satisfied that the complaints are reasonable and justified; or
 - b) The holder of the permit breaches the conditions of the permit.
- 14.6 The holder of the permit may apply to the General Manager of the Customer Services Unit for a review of any decision made under clause 14.5 within five working days of receiving notification of the decision.
- 14.7 A permit is personal to the applicant and is not transferable.

15. FEES FOR PERMITS

- 15.1 The Council may charge a fee for receiving and processing an application and issuing a permit.
- 15.2 The Council must prescribe a fee for any permit issued under this Bylaw using the Special Consultative Procedure in accordance with the Local Government Act 2002.

16. OFFENCES AND PENALTIES

- 16.1 Every person who commits a breach of any of the provisions of this Bylaw commits an offence and may be liable on summary conviction to a fine of up to \$20,000 as prescribed by section 242 of the Local Government Act 2002.