



PALMERSTON NORTH CITY

**PALMERSTON NORTH
ANIMALS AND BEES BYLAW 2024**

Not commenced

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PALMERSTON NORTH ANIMALS AND BEES BYLAW 2024

PART 1

INTRODUCTION

1. TITLE

1.1 The title of this bylaw is the Palmerston North Animals and Bees Bylaw 2024.

2. PURPOSE

2.1 The Palmerston North Animals and Bees Bylaw 2024 (the Bylaw) is made pursuant to the Local Government Act 2002 (LGA) and the Health Act 1956 (HA).

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 nuisances that may be caused by the keeping of animals or bees; and
- to protect, promote and maintain public health and safety related to keeping animals.¹

This Bylaw applies to the keeping of privately owned animals and bees on premises in Palmerston North, and should be read alongside the Palmerston North Animals and Bees Bylaw Administration Manual.

¹ Explanatory Note: This Bylaw does not apply to dogs. The regulation of dogs in Palmerston North is provided for in the Palmerston North Dog Control Policy and the Palmerston North Dog Control Bylaw.

There are a number of additional legislative requirements that persons who are keeping animals must adhere to. These include requirements in the Impounding Act 1955, the Biosecurity Act 1993, the Animal Welfare Act 1999, as well as various Codes of Practice issued by Manatū Ahu Matua – the Ministry of Primary Industries (MPI), and land-use or management plans which are administered in Palmerston North by Horizons Regional Council.

3. COMMENCEMENT

3.1 This Bylaw comes into force on 1 September 2024.

4. REPEAL

4.1 The Palmerston North Animals and Bees Bylaw 2018 is repealed with effect from midnight 1 September 2024.

5. INTERPRETATION

Where not otherwise defined in this Bylaw, all words and phrases are as defined in the Local Government Act 2002 or the Health Act 1956.

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.
Apiary	Means the land where one or more beehives are kept.
Authorised Officer	Means a person appointed by the Council and given powers to perform duties and functions under this Bylaw.
Bee	means the insect <i>apis mellifera</i> , commonly referred to as the Western Honey Bee or the European Honey Bee.
Beehive or Hive	means a structure used to keep bees.
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.
Flight path	Means the distinct route taken by the majority of bees in a colony as they leave, or return to, their hive.
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.
Offensive	Means any activity or thing that, by reason of the manufacturing method or the nature of materials used or produced, adversely affects the amenities of the surrounding environment.
Pigsty	A pen or enclosure used to for the shelter and housing of pigs.
Premises	Means all the land and buildings contained within the legal boundaries of a property.
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.

Rural Zone

Means any land zoned rural in the District Plan.

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.

Not commenced

PART 2

GENERAL

6. GENERAL PROVISIONS

- 6.1 A person may not 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.
- 6.4 In any instance where there is a discrepancy between this Bylaw and the District Plan, the District Plan shall prevail.

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 General Provisions set out in Part 2 as well as 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 are provided an adequate and appropriate living environment for their species including companionship, space, shade and shelter.

PART 4

CATS

8. CATS ON PREMISES

- 8.1 A person may not keep more than three cats per premises on any private land in the Urban Area without a permit issued under this Bylaw. Where a unit title exists (such as for an apartment or townhouse) then the limit of cats that can be kept without a permit applies per unit title.
- 8.2 If the Council issues a permit to a person to keep more than three cats under clause 8.1 the permit holder must comply with the conditions of that permit.
- 8.3 Cats kept for breeding purposes shall not be housed within 1.8 metres of the boundary of any adjoining property in the Urban Area, unless the housing for the cat or cats 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 that:
- 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 four 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.).²
- 8.8 Clause 8.7 applies to all cats born after 1 July 2018.

²Explanatory Note: Cats may reach puberty at any time after 4 months of age. As stated in the Companion Cats Code of Welfare 2018, issued under the Animal Welfare Act 1999 by MPI, desexing cats by 4 months reduces the likelihood of some nuisance cat behaviours occurring which may be objectionable to people (ie: spraying, straying and vocalising). Desexing cats also supports ongoing cat population management in Palmerston North by preventing unwanted breeding.

PART 5

PIGS

9. KEEPING PIGS

- 9.1 Pigs are only permitted to be kept in areas zoned rural in the District Plan.
- 9.2 Pigs kept in rural zones must be kept 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 A person keeping pigs must at all times ensure that the pig has access to, but is not kept permanently in, a shelter or a pigsty that:
- a) is sufficient in size to allow the pig to stand, turn, and lie down in a natural position; and
 - b) is adequately ventilated; and
 - c) provides protection from extremes of heat and cold; and
 - d) has a dry lying area and suitable nesting material; and
 - e) includes separate areas for toileting, eating, and separation from offspring.
- 10.2 The keeper of pigs must keep the pigsty and all drains, tanks, troughs and other areas associated with the pigsty in a clean condition.
- 10.3 All troughs from which pigs are fed must be watertight and properly constructed using concrete, sheet iron, hardwood or other material.
- 10.4 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.
- 10.5 All manure and effluent must be removed from the premises, or appropriately recycled or reused, before it creates a nuisance.
- 10.6 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 POULTRY

- 11.1 Subject to clause 11.4 relating to roosters, a person may not keep poultry in the Urban Area except in accordance with clause 12 of this Bylaw.
- 11.2 Poultry kept in rural zones must be kept 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 A person may not 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. MAINTENANCE OF POULTRY HOUSES AND RUNS

- 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 suitable 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, and the poultry must still be provided with shelter that gives shade, and otherwise protects the animal from excessive rain, cold, or heat.

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 for the flight path management of bees; and
- b) The property area is 500m² or greater; and
- c) Hives are positioned on the property so that the flight path of bees is directed away from neighbouring properties or public footpaths or walkways;
- d) 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

- e) The apiary, or hive, or the beekeeper must be registered under the Biosecurity Act 1993 and the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998.³

13.2 The requirements of clause 13.1 (a) do not apply where a hive is located on or above the second storey of a building.

³ Explanatory Note: Beekeepers have a legal obligation to register themselves as a beekeeper under the Biosecurity Act 1993. Beekeepers also have an obligation under the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998 to register their apiary or hive.

The purpose of registration is to protect bees and hives from American Foulbrood Disease, and allows Manatū Ahu Matua - Ministry of Primary Industries (MPI) to respond appropriately to hives experiencing an incursion of exotic pests and diseases. Beekeepers are also required to comply with the ongoing management requirements in the American Foulbrood National Pest Management Plan.

- 13.3 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.
- 13.4 A person may keep bees in the rural zone in accordance with the District Plan.

PART 8

SLAUGHTERING

14. SLAUGHTER OF STOCK OR POULTRY

- 14.1 Any person who slaughters stock or poultry must do so in a way that does not cause the animal to suffer any unreasonable or unnecessary pain or distress, and which does not cause distress or is offensive to any person.
- 14.2 Any person who slaughters stock or poultry must dispose of the waste or remains from the animal in such a manner that it does not create a nuisance or threat to public health and safety, and does not cause distress or offence to any person.
- 14.3 The slaughter of stock or poultry must be carried out so as not to be in view of a nearby person, including from inside of a residence.
- 14.4 Stock or poultry must not be slaughtered, or the waste or remains of the animal disposed of, in a public place.

PART 9

ADMINISTRATION

15. PERMITS

- 15.1 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.
- 15.2 For the avoidance of doubt, the Council may grant a permit for an activity that would otherwise contravene this Bylaw.
- 15.3 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.
- 15.4 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.

15.5 A permit may be cancelled by the Council if:

- a) The Council receives separate complaints 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.

15.6 The holder of the permit may apply to the delegated officer for a review of any decision made under clause 15.5 within five working days of receiving notification of the decision.

15.7 A permit is personal to the applicant and is not transferable.

16. FEES FOR PERMITS

16.1 The Council may charge a fee for receiving and processing an application and issuing a permit.

16.2 The Council must prescribe a fee for any permit issued under this Bylaw using the Special Consultative Procedure in accordance with the LGA.

17. OFFENCES AND PENALTIES

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 LGA.

Decision making

Bylaw reviewed (s.155) on	22 March 2023 (Strategy & Finance Committee 9-23)
Bylaw adopted on	5 June 2024 (Council 25-24)
Bylaw commenced on	1 September 2024
Next review (s.155) by	22 March 2033
Bylaw expires on	22 March 2035