

## **Franklin District Council Keeping of Animals, Poultry and Bees Bylaw 2007**

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### **1. Title and Commencement**

- (1) This Bylaw may be cited as the Franklin District Council Keeping of Animals, Poultry and Bees Bylaw 2007 and shall come into force on 1 March 2007.
- (2) This Bylaw applies to the Franklin District.
- (3) This Bylaw repeals that part of the Franklin District Council General Bylaw 1997 comprising the New Zealand Standard Model General Bylaw NZS 9201:13:1972 The Keeping of Animals, Poultry and Bees (as amended).

### **2. Keeping of Animals, Poultry and Bees Bylaw Validation**

- (1) The Franklin District Council Keeping of Animals, Poultry and Bees Bylaw 2007 was duly made at a meeting of the Franklin District Council held on 22 February 2007 after completion of the Special Consultative Procedure under section 86 of the Local Government Act 2002.
- (3) The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 22 February 2007 in the presence of:

.....  
Mark Ball  
**Mayor**

.....  
Phillippa Wilson  
**Chief Executive**

.....  
**Date**

### 3. Objective

- (1) This Bylaw controls the keeping of pigs, livestock, poultry, bees and other birds and animals in localities where the keeping of them is, or is likely to become, a nuisance or a threat to public health or safety.
- (2) This Bylaw shall be read in conjunction with the operative Franklin District Council District Plan.
- (3) This Bylaw is made under sections 145 and 146 of the Local Government Act 2002 and its amendments.
- (4) Nothing in this Bylaw shall derogate from any provision of, or the necessity for compliance with, any statute, regulation, rule of law or permission relating to the welfare or keeping of any animals, poultry or bees.

### 4. Definitions and Interpretation

For the purposes of this Bylaw the following definitions shall apply:

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

**Authorised officer** means any person warranted by Council in accordance with section 177 of the Local Government Act 2002 to enforce this Bylaw.

**Chief Executive** means the Chief Executive of the Franklin District Council.

**Council** means the Franklin District Council.

**District Plan** means the operative Franklin District Council District Plan.

**Livestock** includes any age or sex of any cattle, sheep, deer, horse, donkey, hinny, mule, goat, thar, alpaca, llama, bison or any other herd animal.

**Nuisance** shall have the meaning assigned to it by section 29 of the Health Act 1956 and its amendments.

**Person** includes a corporation sole and also a body of persons, whether corporate or unincorporate.

**Poultry** means any chickens, geese, ducks, pigeons, turkeys, guinea-fowl, peafowl, game birds and domestic fowls of all descriptions.

**Premises** means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, building, and places adjoining each other and occupied together shall be deemed to be the same premises.

**Public place** means any place that, at any material time, is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road whether or not it is under the control of the Council. It also includes every reserve, park, domain, beach, foreshore and recreational grounds under the control of the Council.

**Rural area** means rural, coastal, rural-residential and village countryside living zones as defined in the District Plan.

**Urban area** means residential, business, rural village and coastal village zones as defined in the District Plan.

## **5. Keeping of Animals Generally**

No person shall:

- (a) keep an animal that is or is likely to be a nuisance or a threat to public health or safety;
- (b) keep an animal in conditions that are or are likely to be a nuisance or a threat to public health or safety;
- (c) feed any animal so as to breach any restrictions on types of food that may be fed or the manner in which such food must be prepared;
- (d) keep, or allow any animal in a public place in a manner that is or is likely to be a nuisance or a threat to public health or safety;
- (e) slaughter an animal or dismember, handle, process or dispose of the carcass or remains of an animal on any property or premises so as to cause or be likely to cause a nuisance or threat to public health or safety; or
- (f) use for the purposes of human habitation any portion of any building used as a stable or for the housing or sheltering of animals, unless that habitable area is separated from that part of the stable or building used for the housing or sheltering of animals by a passageway or breezeway at least two metres wide and open to the exterior of the building at each end or a firewall with no interconnecting doorways.

## **6. Special Requirements for Keeping of Pigs**

- (1) No person shall keep any pig in any conditions or in any manner that is or is likely to be a nuisance or a threat to public health or safety.
- (2) No person shall keep any pig in any urban area.
- (3) No person shall keep more than 15 pigs except in accordance with the requirements of the District Plan.
- (4) Except with the written permission of the Chief Executive or an authorised officer, no person shall:
  - (a) keep any pig on any landholding less than 4000 square metres;
  - (b) keep pigs where there is less than 500 square metres of land available for each pig;
  - (c) site a building housing pigs, pig swill or manure within 50 metres of any dwelling or building used for the storage or sale of food for human consumption; and
  - (d) site a building housing pigs, pig swill or manure within 20 metres of any adjoining property boundary.
- (5) Except with the written permission of the Chief Executive or an authorised officer, every building housing pigs shall comply with the following requirements:
  - (a) the roof of the sleeping-pen shall be watertight;

- (b) the walls of the sleeping-pen shall be constructed so as to prevent the accumulation of filth thereon and to afford a surface easily cleaned, and for no less than 600 millimetres from the floor shall be constructed of concrete or other approved impervious material finished to a smooth even surface with all internal angles rounded;
  - (c) the floor of the sleeping-pen shall be constructed of concrete graded to a fall of 1 in 25 to an approved outfall; and
  - (d) the floor of any feeding-pen shall be constructed of concrete graded to a fall of 1 in 25 to a channel drain, which discharges into an approved catchpit or settling tank.
- (6) The owner of any pig must keep any building housing pigs, and all drains, tanks and other areas associated with that building, in a clean condition.
  - (7) All troughs from which pigs are fed must be of properly constructed concrete, sheet iron, hardwood or other material approved by an authorised officer. All troughs must be watertight and kept in a clean condition.
  - (8) Feeding places for pigs must be of sufficient size to minimise pollution of the surrounding ground.
  - (9) All manure and effluent from any building housing pigs shall be disposed of by some approved means in such a manner so as not to be a nuisance or a threat to public health or safety.
  - (10) All food intended for pigs shall be contained in an impervious container with a close fitting cover sufficient to prevent access by flies and vermin or the escape of offensive odours.

#### **7. Special Requirements for Keeping of Livestock**

- (1) Except with the written permission of the Chief Executive or an authorised officer, no person shall keep any livestock in any urban area.
- (2) Any person permitted to keep livestock in an urban area shall ensure that the premises where the livestock are kept meet such conditions as may be prescribed by the Chief Executive or an authorised officer.

#### **8. Special Requirements for Keeping of Poultry and Other Birds**

- (1) In any urban area:
  - (a) or rural-residential zone as defined in the District Plan, no person shall keep any rooster or cockerel;
  - (b) no person shall keep any more than 12 head of poultry except with the written permission of the Chief Executive or an authorised officer;
  - (c) no person shall keep any poultry except in a properly constructed rain-proof poultry house to which a poultry run may be attached;
  - (d) every poultry run shall be enclosed to confine the poultry, provided that this shall not apply in the case of any pigeon loft or other pigeon enclosure;
  - (e) no person shall construct or maintain any poultry house, poultry run, aviary or pigeon coop within 2 metres of any adjoining property boundary and within 10 metres of any

dwelling on any adjoining property except with the written permission of any adjoining property owner or occupier and the Chief Executive or an authorised officer; and

- (f) every poultry house, poultry run, aviary or pigeon coop shall be maintained in good repair in a clean condition free from any offensive smell or overflow and free of vermin.
- (2) No person shall keep more than 40 head of poultry except in accordance with the requirements of the District Plan.

#### **9. Special Requirements for Keeping of Bees**

- (1) Bees may be kept in any urban area provided the written permission of the Chief Executive or an authorised officer is obtained in advance and without charge to the applicant. In granting any such permission, the Chief Executive or authorised officer will give consideration to those matters contained in any Council Urban Beekeeping Policy.
- (2) Bees may be kept in any rural area provided the hives are not located within 20 metres of any adjoining property boundary and within 50 metres of any dwelling on any adjoining property. These requirements need not apply where the hives are temporarily placed for the purposes of crop pollination or where prior agreement from the adjoining property owner or occupier has been obtained.

#### **10. Written Permission and Refusal**

- (1) Any written permission granted by the Chief Executive or an authorised officer under this Bylaw may be given subject to any conditions as are considered necessary to avoid any nuisance or threat to public health or safety.
- (2) Any written permission referred to in sub-clause (1) above may be withdrawn at any time by written notice given by the Chief Executive or an authorised officer.

#### **11. Alteration or Removal of Unauthorised Works**

- (1) Council may remove or alter any poultry house, poultry run, aviary, pigeon coop or any other structure used to house or contain birds of any nature that has been constructed or is maintained in a condition which is contrary to the terms of this Bylaw.
- (2) Council may remove or alter any pen, shed, cage or other structure used to house or contain any animal(s) or bees that has been constructed or is maintained in a condition which is contrary to the terms of this Bylaw.
- (3) Council may remove or alter any structure that is being used to house or contain any animal(s) or bees on any property contrary to the terms of this Bylaw.
- (4) The cost incurred in removing or altering the structure concerned shall be recoverable as a debt against the owner of that structure or the owner of the land on which that structure was placed or located.

#### **12. Offences and Penalties**

Every person who breaches this Bylaw commits an offence and is liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002.