

**Franklin District Council Livestock on Roads Bylaw 2010**

**1. Title**

This Bylaw may be cited as the Franklin District Council Livestock on Roads Bylaw and shall come into force on 1 March 2010.

**2. Livestock on Roads Bylaw Validation**

The Franklin District Council Livestock on Roads Bylaw repeals all existing Franklin District Council Stock on Roads Bylaws.


The Franklin District Council Livestock on Roads Bylaw was duly made at a meeting of the Franklin District Council held on 18 February 2010 after completion of the Special Consultative Procedure under section 83 of the Local Government Act 2002 and will come into force on 1 March 2010.

The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 23 February 2010 in the presence of:

  
.....  
Sally Davis  
**Chief Executive Officer**

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



  
.....  
**Date**

### 3. Interpretation

This Bylaw is promulgated pursuant to section 145 of the Local Government Act 2002 and section 72 of the Transport Act 1962.

In this Bylaw, if not inconsistent with the context, -

**Berm** means that part of the road reserve not used or reasonably usable by motor vehicles.

**Chief Executive** means the Chief Executive of the Franklin District Council or a person acting under a delegated authority on behalf of the Chief Executive.

**Council** means the Franklin District Council.

**Drover** means a competent stockperson of at least 16 years of age.

**Hours of Darkness** means any period of time between half an hour after sunset and half an hour before sunrise the next day.

**Intermittent Basis** means at a frequency of not more than an average of twice per week per annum.

**Livestock** includes either gender, de-sexed and the young of any cattle, sheep, deer, donkey, mule, goat, alpaca, llama or pig and any horse which is not ridden, led by its reins or harnessed to a vehicle.

**Race** means a fenced track by which Livestock are moved from one part of a farm to another.

**Regular Basis** means at a frequency of more than an average of twice per week per annum.

**Road** means any land in the Franklin District under the control of Council used for vehicular traffic and includes all land lying within the defined road reserve.

**Warning** can be a person, sign, or flashing light used to warn of the presence of Livestock, at all times the warning must be at least 170 metres from the Livestock.

### 4. Objectives of Bylaw

Within rural areas of the Franklin District, Livestock are moved using Roads as part of the everyday operations on some farms. This activity has the potential to affect the safety of Road users and the efficiency of the Road network. The objectives of this Bylaw are to:

- (a) ensure the safety of Road users, Drivers or persons moving Livestock, and Livestock;
- (b) protect the structure and surface of Roads; and
- (c) prevent Roads being used as Races.

### 5. Applicability of Bylaw

The provisions of this Bylaw shall apply where Livestock movement occurs on a Road.

### 6. Complete Prohibition on Movement of Livestock Using Roads

Except when returning Livestock to a farm in the case of an escape or an emergency, the movement of Livestock on Roads is prohibited: -

- (a) during the Hours of Darkness;
- (b) on Roads in areas of Pukekohe, Waiuku and Tuakau with a signposted speed limit up to and including 70 kilometres/hour;

- (c) on Glenbrook Road, Glenbrook-Waiuku Road, Pukekohe East Road, Mill Road, Linwood Road, Kingseat Road north of McKenzie Road, Buckland Road, River Road and that part of Awhitu Road south of Pollok Wharf Road;
- (d) where the Livestock may be reasonably moved across private land instead of across or along a Road;
- (e) unless in accordance with either clause 7 or clause 8 of this Bylaw.

## **7. Movement of Livestock Using Roads Allowed in Certain Circumstances**

### **(1) Movement of Livestock Directly Across a Road on a Regular Basis**

Unless prohibited by clause 6 of this Bylaw, the movement of Livestock directly across a Road on a Regular Basis is allowed subject to the following safety performance standards:

- (a) (i) there should be at all times clear Warning of the presence of Livestock; or
  - (ii) fixed warning signs, that meet the requirements of the New Zealand Transport Agency Traffic Control Devices Manual where relevant sections have been released to the public, otherwise the Transit New Zealand/Land Transport New Zealand Manual of Traffic Signs and Markings 1992 (as amended), must be erected at the Livestock owner's expense either side of the point used to cross the Road as directed by the Chief Executive;
- (b) Livestock are to be moved in such a manner and use only such points of access and exit to and from the Road as will ensure that danger to other Road users is minimised;
- (c) Livestock are to be driven across the Road to ensure their time on the Road is minimised;
- (d) persons moving the Livestock across the Road must take all reasonable steps to avoid damage to the Road and any public amenities or private property, and shall be responsible for repairing any damage caused;
- (e) persons moving the Livestock across the Road shall take all reasonable and practical steps to make way for or allow vehicles to pass through the Livestock;
- (f) the Livestock owner shall be covered by a current third party public liability insurance cover;
- (g) entranceways, including additional adjacent shoulders, at points where Livestock cross the Berm must be constructed to accommodate the regular movement of Livestock, to a standard that is to the satisfaction of the Chief Executive;
- (h) persons moving Livestock across the Road shall remove excessive Livestock excrement from the Road after each occasion;
- (i) the Chief Executive has discretion to impose any additional safety performance standards that may be considered necessary.

### **(2) Movement of Livestock Directly Across a Road on an Intermittent Basis**

Unless prohibited by clause 6 of this Bylaw, the movement of Livestock directly across a Road on an Intermittent Basis is allowed subject to the safety performance standards:

- (a) there should be at all times clear Warning of the presence of Livestock;
- (b) Livestock are to be moved in such a manner and use only such points of access and exit to and from the Road as will ensure that danger to other Road users is minimised;
- (c) Livestock are to be driven across the Road to ensure their time on the Road is minimised;

- (d) persons moving the Livestock across the Road must take all reasonable steps to avoid damage to the Road and any public amenities or private property, and shall be responsible for repairing any damage caused;
- (e) persons moving the Livestock across the Road shall take all reasonable and practical steps to make way for or allow vehicles to pass through the Livestock;
- (f) the Livestock owner shall be covered by a current third party public liability insurance cover;
- (g) persons moving Livestock across the Road shall remove excessive Livestock excrement from the Road after each occasion;
- (h) the Chief Executive has discretion to impose any additional safety performance standards that may be considered necessary.

(3) **Movement of Livestock Along a Road on an Intermittent Basis**

Unless prohibited by clause 6 of this Bylaw, the movement of Livestock on an Intermittent Basis along a Road for a distance not exceeding 12 kilometres is allowed subject to:

- (a) there should be at all times clear Warning of the presence of Livestock, Warning must be located in front of and behind the Livestock;
- (b) Livestock are to be moved in such a manner and use only such points of access and exit to and from the Road as will ensure that danger to other Road users is minimised;
- (c) Livestock are to be driven along the Road to ensure their time on the Road is minimised;
- (d) persons moving the Livestock along the Road must take all reasonable steps to avoid damage to the Road and any public amenities or private property, and shall be responsible for repairing any damage caused;
- (e) persons moving the Livestock along the Road shall take all reasonable and practical steps to make way for or allow vehicles to pass through the Livestock;
- (f) the Livestock owner shall be covered by a current third party public liability insurance cover;
- (g) persons moving Livestock along the Road shall remove excessive Livestock excrement from the Road after each occasion;
- (h) Livestock shall at all times be under the control of at least two Drivers, with one maintaining a position in front of, and another maintaining a position behind, the Livestock;
- (i) the Chief Executive has discretion to impose any additional safety performance standards that may be considered necessary.

**8. Movement of Livestock Using Roads Requires Permit in Other Circumstances**

- (1) All other types of movement of Livestock using a Road not expressly prohibited by clause 6 of this Bylaw, and not complying with all the relevant conditions in clause 7 of this Bylaw, can only be carried out:
  - (a) with a Permit issued by Council, for the specified lifespan of that Permit; and
  - (b) in compliance with the relevant clauses of this Bylaw and the conditions set out in that Permit.
- (2) Applications for a Permit must be made to the Chief Executive. The Chief Executive will determine each application having regard to the provisions of this Bylaw and the following considerations:
  - (a) the alignment of the Road that is being requested to be used; and

(b) the alternatives that are available to the applicant for the movement of the Livestock other than by Road, such as:

- (i) private land available to move the Livestock;
- (ii) private or public land available for use as a Race;
- (iii) any existing underpass that can be used; and
- (iv) the construction of a new underpass;

(3) The Chief Executive will determine the safety performance standards applicable for each Permit issued. The safety performance standards may include, but are not limited to, those standards listed in clause 7(3) above.

#### **9. Permit Fees**

A fee will be applicable for the processing of applications for Permits under clause 8 of this Bylaw. The amount of the fee will be set by Franklin District Council from time to time, pursuant to Section 150 of the Local Government Act 2002.

#### **10. Suspension of or Varying Conditions for Movement of Livestock Using Roads**

- (1) If a Road is under repair or reconstruction and the movement of Livestock in accordance with this Bylaw would, in the opinion of the Chief Executive, cause damage to the Road, the Chief Executive may, in consultation with the permit holder(s) or person responsible for moving the Livestock, suspend the moving of Livestock during the period of such repair or reconstruction.
- (2) If any person moving Livestock fails to comply with any of the conditions of this Bylaw and/or their permit, such movement of Livestock will be suspended immediately and the Chief Executive will review the conditions, and issue a permit as appropriate, under which Livestock movements may resume.

#### **11. Offences**

- (1) Every person commits a breach of this Bylaw who:
  - (a) commits, or is instrumental in committing, any act contrary to this Bylaw; or
  - (b) omits, or knowingly permits to remain undone, any act required by this Bylaw; or
  - (c) refuses or neglects to comply with any notice or direction given, or any condition in any such notice or direction, given pursuant to this Bylaw; or
  - (d) obstructs or hinders any officer of the Council in the performance of any power, or duty conferred upon him or her by this Bylaw.
- (2) Every person who commits a breach of this Bylaw is liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002. The continuing existence of any work or thing in a state, or the intermittent repetition of any action, contrary to this Bylaw shall be deemed to be a continuing breach for the purposes of this clause.

