

SOUTHLAND DISTRICT COUNCIL

THE KEEPING OF ANIMALS, POULTRY AND BEES BYLAW 2010

Pursuant to the provisions of the Local Government Act 2002 and the Bylaws Act 1910, the Southland District Council resolves to make the following Bylaw:

SHORT TITLE AND COMMENCEMENT

This Bylaw shall be known as the “Keeping of Animals, Poultry and Bees Bylaw 2010” and shall come into force on 5 July 2010.

REPEALS

The Southland District Council Keeping of Animals, Poultry and Bees Bylaw 2005 is hereby repealed.

DEFINITION

NUISANCE shall have the meaning assigned to it by the Health Act 1956.

1.0 PIG KEEPING

- 1.1 No person shall keep or allow to be kept any pigs in a Southland District Urban Resource Area or Industrial Resource Area as identified in the Operative Southland District Plan.
- 1.2 No person shall keep any pigs so as to be or be likely to become or create a nuisance or any conditions injurious to health or offensive or in such a manner as to pollute or be likely to pollute any fresh or coastal water as defined in the Resource Management Act 1991.
- 1.3 No person shall construct or allow any pigsty to remain, or any pigs to be at large or to range, at a less distance than 50 m 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.

2.0 ANIMAL KEEPING

- 2.1 No horse or other beast of burden, cattle, goats, deer or ostriches shall be kept or permitted to remain in a Southland District Urban Resource Area as identified in the Operative Southland District Plan unless the owner has first sought and obtained a resource consent from Council under the Resource Management Act 1991.
- 2.2 Where any such horse or other beast of burden, cattle, goats, deer or ostriches are kept in a building, the building shall be properly constructed in accordance with the New Zealand Building Code, and appropriate consent obtained where the proposed building is not exempt from the need of a building consent under Schedule 1 of the Building Act 2004

- 2.3 An Environmental Health Officer may impose a limit on the number of cats which may be kept on a private land (such limit being not more than five) where:
- (a) the Council has received a complaint about the number of cats kept on the private land; and
 - (b) the officer considers that the number of cats is creating a nuisance or is likely to create nuisance; and
 - (c) the person keeping those cats fails to comply with any reasonable request of the officer to abate or prevent the nuisance.

3.0 POULTRY KEEPING

- 3.1 No poultry, caged or otherwise, (which shall include geese, ducks, pigeons, turkeys and domestic fowls of all descriptions) shall be kept or permitted to remain in a Southland District Urban Resource Area or Industrial Resource Area as identified in the Operative Southland District Plan, except in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete or other approved material with a surrounding nibwall, to which a confined poultry run shall be attached. Every poultry house and poultry run shall be maintained in good repair, in a clean condition free from any offensive smell, vermin, or overflow. The maximum number of birds is limited to 10 on any individual property unless the owner has first sought the resource consent of Council under the Resource Management Act 1991.
- 3.2 No poultry house or poultry run shall be erected or maintained any part of which is within 10 m from any dwelling, factory, or any other building, whether wholly or partially occupied, or within its own height of the boundary of adjoining premises.

4.0 NOISE FROM ANIMAL, BIRD OR FOWL

- 4.1 No person shall keep within any premises, any noisy animal, bird, or poultry which shall be, or cause, a nuisance to residents in the neighbourhood.

5.0 BEE KEEPING

- 5.1 No person shall keep bees in a manner that:
- (a) is, or is likely to become, a nuisance, or
 - (b) is, or is likely to become, offensive, injurious to health, or dangerous.
- 5.2 The Council may prescribe conditions limiting the number of hives kept and the fixing of the location of such hives on the premises or place.
- 5.3 Where complaints are received in respect of the location of hives in any part of Southland District and the Chief Executive or Group Manager Environment and Community of the Southland District Council is satisfied, following consultation with the complainant(s) and owners of the hives, and with any other experts in the keeping of bees, that the location of the hives has resulted in bees causing a nuisance on any property located in the vicinity of

the hives, then the owner of the hives may be directed to relocate or remove the hives completely.

6.0 DISPENSING POWER

6.1 It shall be lawful for the Council in any particular case or cases, by resolution, to dispense with any of the foregoing requirements of this Part of this bylaw.

7.0 PENALTIES

7.1 Every person who commits a breach of this Bylaw is liable to a fine not exceeding \$20,000 in any case.

This Bylaw has been made and confirmed by resolution passed at a meeting of the Southland District Council held 30 June 2010.

THE COMMON SEAL of the }
SOUTHLAND DISTRICT COUNCIL }
was hereunto affixed in the presence of: }

_____ **MAYOR**

_____ **CHIEF EXECUTIVE**