

# Upper Hutt City Council Keeping of Stock, Poultry and Bees Bylaw 2005

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## Explanatory Note

This Bylaw is called the Keeping of Stock, Poultry and Bees Bylaw 2005 and was made under sections 145 and 146 of the Local Government Act 2002 and section 64 of the Health Act 1956.

## Reviewed

This Bylaw was reviewed, amended and renamed in 2017.

## 1. Application of Bylaw

- 1.1. This Bylaw applies within the Urban Area of the Upper Hutt City Council district.

## 2. Commencement

- 2.1. This Bylaw came into force on 1 June 2005.
- 2.2. Clause 7.6 comes into force on 1 January 2018, the rest of the clauses come into force on 1 July 2017.

## 3. Purpose

- 3.1. To regulate and control the Keeping of Stock, Poultry and Bees in only the Urban Areas of Upper Hutt City in order to:
  1. Protect the public from nuisance and to protect, promote and maintain public health; and
  2. Maintain the Urban environment.

## 4. Interpretation

- 4.1. In this Bylaw, unless the context otherwise requires:

“**Authorised Officer**” means any person appointed or authorised by the Council to act on its behalf and exercise its authority pursuant to the Local Government Act 2002.

“**Bee**” means Honey Bee (*Apis Mellifera*) and Bumblebee (*Bombus* species).

“**Council**” means the Upper Hutt City Council or any person who is authorised to exercise the authority of the Council.

“**Enforcement Officer**” has the meaning defined in the Local Government Act 2002.

“**Nuisance**” has the meaning given under the Health Act 1956.

“**Person Keeping Stock, Poultry, Bees or Pigs**” means the person who owns the Rating Unit where the Stock, Poultry, Bees or Pigs are kept when the person keeping the Stock, Poultry, Bees or Pigs cannot be found or identified.

“**Poultry**” includes, but is not limited to, hens, chickens, geese, ducks, pigeons, turkeys and domestic fowls.

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

“**Public Health**” has the meaning in section 6 of the New Zealand Public Health and Disability Act 2010 that means the health of all of:

- a. The people of New Zealand; or
- b. A community or section of such people.

“**Rating Unit**” means rating unit as defined by the Local Government Rating Act 2002.

**“Stock”** means:

- a. Any live horse, cattle, sheep, alpaca, llama, bison, donkey, hinny, mule or water Buffalo that is not in a wild state;
- b. Any deer, goat, tahr, rabbit, possum or other animal that is kept within a fence or enclosure for domestic or farming purposes.

**“Upper Hutt City Council District Plan”** means the most recent District Plan prepared and adopted by the Upper Hutt City Council pursuant to the Resource Management Act 1991.

**“Urban Area”** means any land that is zoned in the Upper Hutt City Council District Plan:

- a. As Residential, Business, Special Activities or Open Space, or
- b. Land where the majority of the Rating Unit is zoned Residential, Business or Special Activities.

## **5. Pig Keeping**

- 5.1. No Person shall keep Pigs in any Urban Area.

## **6. Stock in Urban Areas**

- 6.1. Any person keeping Stock in an Urban Area shall ensure that the premises where the stock is kept meets such conditions as may be prescribed by the Council.

## **7. Poultry Keeping**

- 7.1. The number of Hens or Chickens or any other Poultry permitted to be kept in an Urban Area is limited to the number that can reasonably be kept in the specific Premises without causing a nuisance, a risk to public safety or a risk to the promotion or maintenance of Public Health.
- 7.2. Subject to clause 7.1, all Poultry must be kept in a properly constructed poultry house, covered with a rain-proof roof and with a floor constructed of an appropriate material that means the Poultry house will comply with the purposes of this Bylaw, such floor is to have a surrounding nib wall to which a poultry run may be attached.
- 7.3. No poultry house or poultry run shall be erected or maintained so that any part of it is within ten [10] metres from any dwelling, factory or any other habitable building not owned or occupied by the keeper of the Poultry, or within two metres of the boundary of adjoining premises.
- 7.4. Every poultry run shall be enclosed to confine the poultry.
- 7.5. Every poultry house and poultry run shall be maintained in what is (in the opinion of a Council Authorised Officer):
  1. good repair,
  2. in a clean condition,
  3. free from any offensive smell
  4. free from overflow, and
  5. Free from vermin.

- 7.6. Notwithstanding the definition of Poultry, a person may not keep roosters or peacocks in an Urban Area.

## **8. Noise from Stock or Poultry**

- 8.1. No person shall keep on any premises in any Urban Area any Stock or Poultry that a Council Authorised Officer considers creates a nuisance or makes noise above the level that a Council Authorised Officer considers acceptable.

## **9. Bee Keeping**

- 9.1. No person shall keep bees in an Urban Area when in the opinion of a Council Authorised Officer the keeping of bees is or is likely to become a nuisance or annoyance to any person or potentially dangerous or injurious to health.
- 9.2. A person keeping Bees in an Urban Area must comply with any directions the Council may prescribe for the Keeping of Bees on the specific premises.

## **10. Offences and Penalties**

- 10.1. Failing to comply with the provisions of clauses 4 – 9 of this Bylaw, the conditions of any consent or any directions given under this Bylaw, is a breach of this Bylaw and is an offence.
- 10.2. Any person who commits an offence under this Bylaw will be liable for the penalties prescribed by the Local Government Act 2002.
- 10.3. This Bylaw authorises the Council to alter or demolish any structure built for the purposes of Keeping Stock, Poultry or Bees in an Urban Area if it does not comply with the requirements for Keeping Stock, Poultry or Bees under this Bylaw.
- 10.4. An Authorised Officer may remove or alter a work or thing that is, or has been, constructed in breach of this Bylaw, and the Council may recover costs from the person who committed the breach.
- 10.5. If an Enforcement Officer is issued with a warrant under the Search and Surveillance Act 2012 the Enforcement Officer may enter private property in an Urban Area pursuant to section 165 of the Local Government Act 2002 and:
- a. Seize Stock, Poultry, Bees and Pigs that are on the Property in breach of this Bylaw,
  - b. Seize Property other than Stock, Poultry, Bees and Pigs that is materially involved in the commission of an offence under this Bylaw.