



New Plymouth District Council Bylaw 2008

Animals

The purpose of this part of the bylaw is to control the keeping of animals (including pigs, poultry, bees, livestock and cats) within the district to ensure they do not create a nuisance or endanger health; and regulate the slaughtering of animals within view of people nearby as many people can find this offensive.



1. Authority

1.1 This part is made under:

- a) Sections 145 and 146(a)(v) of the Local Government Act 2002; and
- b) Section 64 of the Health Act 1956.

2. Purpose

2.1 The purpose of this part is to:

- a) Control the keeping of animals (as defined in Part 1 Introductory Bylaw) within the district to ensure they do not create a nuisance or endanger health; and
- b) Regulate the slaughtering of animals within view of people nearby as many people can find this offensive.

3. Exclusions

3.1 This part does not apply to:

- a) Any zoo or zoological gardens; or
- b) Any dogs.

4. Application of this part

4.1 This part should be read in conjunction with the Operative New Plymouth District Plan.

5. Interpretation

5.1 This part shall be in addition to the provisions of Part 1 Introductory and if this part is inconsistent with Part 1 Introductory then the provisions of this part shall prevail.

5.2 In this part unless the context otherwise requires:

Definitions

Stable means, for this part, a building in which livestock are kept.

6. Keeping of animals

6.1 No person shall keep, permit or suffer to be kept any

General provisions

- a) Animal or bees which in the opinion of an authorised officer causes a nuisance through noise, smell, dust or through the attraction of flies: or
- b) Animal or bees, in a manner that in the opinion of an authorised officer:
 - i) Is or is likely to become a nuisance, or
 - ii) Is or is likely to become offensive to the occupier of an adjoining property or a threat to public health.

- 6.2 Despite the provisions of this part, no person shall keep any animal in such a manner or in such conditions, which in the opinion of an authorised officer, creates a nuisance or causes a threat to public health or safety.
- 6.3 It is the responsibility of any person keeping an animal to confine the animal within the boundaries of the premises where the animal is being kept.
- 6.4 Clause 6.3 does not apply to the driving, leading or riding of any animal.

7. Keeping of cats or kittens

- 7.1 No person shall keep five or more cats or kittens over six months of age within or by any household unit in an urban area except with the written approval of an authorised officer.
- 7.2 Before granting any approval under clause 7.1, the authorised officer must be satisfied that:
 - a) The cats or kittens will be adequately housed and that no nuisance will result; and
 - b) Any other lawful requirements of the council have been satisfied including any relevant provisions of the New Plymouth District Plan.
- 7.3 The approval of the authorised officer under clause 7.1 may include such terms and conditions as the authorised officer considers appropriate in the circumstances.
- 7.4 Despite clause 7.1, a breeder of cats may keep more than five cats in the breeder's cattery if the breeder and the cattery meet the following criteria:
 - a) The breeder is a full voting member of the Taranaki Cat Club Incorporated; and
 - b) The breeder holds a registered prefix granted to them by the New Zealand Cat Fancy; and
 - c) The breeder's cats are held in a cattery accredited under the Cattery Accreditation Scheme operated by the New Zealand Cat Fancy; and
 - d) The number of cats held in the cattery must be no more than that for which the cattery is accredited; and
 - e) The cattery is operated to a high standard of hygiene at all times; and
 - f) The cattery does not create a nuisance.
- 7.5 Despite clause 7.1 a breeder may keep up to five free living cats in the breeder's household in addition to the number in their cattery.
- 7.6 If, in the opinion of an authorised officer, any cattery creates a nuisance, or a health nuisance is caused by the keeping of cats or kittens (due to odour or accumulated faecal matter), the council may by written notice to the breeder, owner or occupier, as the case may be, require the breeder, owner or occupier to abate the nuisance.

Number of cats in a household unit

Cat breeders

- 7.7 It is the duty of the breeder, owner or occupier to abate the nuisance as required by the notice under clause 1.1.

8. Pig keeping

- 8.1 No person shall:
- a) Keep any pigs in such a manner as to create a nuisance, or which is likely to be injurious to health or offensive; or
 - b) Keep pigs unless in compliance with the relevant provisions of the New Plymouth District Plan; or
 - c) Erect, or cause to be erected any pigsty unless in compliance with the Building Act 2004 and any other lawful requirements; or
 - d) Discharge effluent from a piggery in such a manner as to cause a nuisance.
- 8.2 Any discharge from a piggery must comply with the Resource Management Act 1991, and relevant requirements of the Taranaki Regional Council.

Pigs to be kept in clean conditions

Note: The District Plan contains provisions on the keeping of pigs. All pig farmers must comply with the provisions of the Biosecurity Act 1993 and any relevant regulations.

9. Poultry keeping

- 9.1 No person shall:
- a) Keep more than 12 head of poultry on any site in an urban area.
 - b) Keep poultry on any site in an urban area except in a properly constructed poultry house or a secure enclosure.
 - c) Keep any rooster in an urban area where in the opinion of an authorised officer a nuisance is created by noise from the rooster or any actions of the rooster.
 - d) Allow any poultry to create a noise nuisance.
- 9.2 If, in the opinion of an authorised officer, any poultry creates a nuisance, the council may by written notice to the owner or occupier require the owner or occupier to abate the nuisance.
- 9.3 It is the duty of that owner or occupier to abate the nuisance required by the notice under clause 9.2.
- 9.4 This clause does not prevent any person keeping poultry in an auction room or in any premises used for the killing and dressing of poultry for sale.

Poultry keepers to avoid nuisance

Note: Free-range poultry are required to be confined to the property.

10. Poultry houses

10.1 Every poultry house must be:

- a) Constructed in accordance with the Building Act 2004 as the case may require; and
- b) Rainproof and provided with a floor of concrete or other approved material to which a poultry run may be attached.

Poultry houses

10.2 No poultry house or poultry run may be located:

- a) Within 10m of any dwelling, factory, or any other building whether wholly or partially occupied; or
- b) Within 2m of the boundary of adjoining premises.

10.3 Every outside poultry house and poultry run must be adequately graded and drained, and must be kept clean and in good repair.

10.4 Effluent or discharge from a poultry run must:

- a) Not be discharged in such a manner as to cause a nuisance; and
- b) Comply with the Resource Management Act 1991; and
- c) Comply with the relevant requirements of the Taranaki Regional Council.

10.5 If, in the opinion of an authorised officer, a poultry house or poultry run causes a nuisance, the council may by written notice to the owner or occupier require the owner or occupier to abate the nuisance.

10.6 It is the duty of the owner or occupier to abate the nuisance as required by the notice under clause 10.5.

11. Beekeeping

11.1 No person shall keep or continue to keep bees if, in the opinion of an authorised officer, the keeping of such bees is, or is likely to become dangerous, injurious to health or a nuisance to any person.

Bee keeping not to create a nuisance

11.2 The council may by resolution prescribe conditions relating to the location and number of hives able to be kept on any premises or place in an urban area.

11.3 In prescribing any conditions under clause 11.2 the council must consider:

- a) The nature and extent of the perceived problem to be addressed;
- b) Whether the problem can be addressed by other means;
- c) Any advice received from the National Bee Keepers Association;
- d) Any advice received from the Taranaki Regional Council; and

- e) Any advice received from the Ministry of Agriculture and Forestry.

12. Keeping of livestock

- 12.1 No person shall keep or allow to be kept within an urban area any livestock at a distance less than 2m from a boundary of any adjoining premises where, in the opinion of an authorised officer, an annoyance or nuisance may be created by the presence of the livestock.
- 12.2 Clause 12.1 does not apply to driving, leading, or riding of any livestock.
- 12.3 No livestock may be stabled or housed other than in a stable or other approved building that complies with all relevant legislation.

**Livestock
near
boundary**

13. Slaughter of livestock

- 13.1 No person shall:
 - a) Subject to clause 13.2 to 13.4 slaughter or permit to be slaughtered any livestock in such a manner as to be in view of any person nearby other than the contractor or owner or occupier on whose land the activity is carried out; or
 - b) Dispose of, in such a manner as to be in view of any person nearby, any waste associated with the slaughter of livestock.
- 13.2 The slaughter of any animal and disposal of waste shall be carried out in such a manner so that no nuisance is created, and the procedure is not offensive to persons nearby.
- 13.3 No person shall:
 - a) Fail to immediately remove any waste associated with the slaughter of livestock: or
 - b) Dispose of the body or part of the body of any animal belonging to that person, or in that person's charge or keeping in a manner that will produce odour, cause a nuisance or a threat to public health.

**Slaughter of
livestock to
avoid creating
nuisance or
offence**

Offal burial

Note: It is an offence under the Health Act 1956 to leave animals or animal carcasses in a state where they are offensive or injurious to health. It is an offence under the Resource Management Act 1991 to contaminate waterways with animal remains. It is an offence under the Biosecurity (Meat and Food Waste for Pigs) Regulations 2005 to feed pigs untreated meat or untreated food waste.

- 13.4 If the slaughtering or processing of cattle (including skinning, gutting and cutting of a carcass) is likely to be in view of any person nearby, including from a residence:
 - a) Adequate screening must be provided around the slaughtering or processing site; and

**Screening for
slaughter**

- b) The screening must be sufficient in height and size to cut out the line of sight by any such persons so as to prevent the slaughtering or processing operation from being seen.

Note: This part recognises that in many cases, the slaughtering of animals in view of the public or residents nearby is offensive.