

SELWYN DISTRICT COUNCIL BYLAW FOR KEEPING ANIMALS, POULTRY AND BEES 2021

The Selwyn District Council makes the following bylaw pursuant to Sections 145 and 146(a) (v) of the Local Government Act 2002 and Section 64 of the Health Act 1956

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1. SHORT TITLE AND COMMENCEMENT

- 1.1. This Bylaw is the Selwyn District Council bylaw for Keeping Animals, Poultry and Bees 2021. This Bylaw comes in to force on 1 July 2021

2. OBJECT OF BYLAW

- 2.1. The objectives of this Bylaw are:
- a) To enable the Council to control and set standards for the keeping of animals, poultry and bees; and
 - b) To protect the public from nuisance; and
 - c) To protect, promote, and maintain public health and safety.

3. INTERPRETATION

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

Term	Means
Animal	any live member of the animal kingdom (excluding dogs), for the purposes of the Animal Welfare Act 1999.
Council	Selwyn District Council.
Keep or Keeping	the owning, looking after, caring for, being in charge of, a custodian or in possession of any animal.
Nuisance	shall include, but not be limited to, the meaning assigned to it by the Health Act 1956 Section 29, its amendments and/or re-enactments and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person.
Poultry	any live domesticated bird including but not limited to, domestic fowls, ducks, geese,

turkeys, guinea fowl, pheasants, emu, pigeons and ostriches.

Stock includes any cattle, horse, donkey, ox, pig, sheep, goat, deer, alpaca and llama.

Urban Area all of the Selwyn District, excluding those areas that are within a Rural Zone in the operative or proposed Selwyn District Plan.

- 3.2. Any explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be made, amended, revoked or replaced by the Council at anytime.

4. DELEGATION

- 4.1. In this Bylaw, where the written permission of the Council is required, such permission may be given by the Chief Executive who may delegate all or part of that function to any other officer of Council.

5. KEEPING OF ANIMALS

- 5.1. Every person keeping an animal in an urban area shall ensure that the animal is kept in a manner that:
- a) Does not or is not likely to cause a nuisance (including but not restricted to noise and odour) to any person;
 - b) Ensures that the animal is kept in conditions which are not offensive or injurious to human health.
- 5.2. No person keeping animals shall allow animal excrement to collect to the extent that it causes a nuisance, and shall dispose of it in a manner that does not cause a nuisance.
- 5.3. All animals other than cats or bees, found at large and not within their owners property may be seized and impounded by an authorised officer.

6. KEEPING OF STOCK

- 6.1. Except with the written approval of the Council no stock other than poultry, lambs less than 6 months of age or bees shall be kept in an urban area on properties that are less than 2,000 square metres in area.
- 6.2. Any application for approval be submitted to the Council and must:

- a) Specify the type and number of stock to be kept.
- b) Include a site plan of the property showing all buildings and how the stock will be confined.
- c) State the separation distance from any dwellings on adjoining properties.

7. KEEPING OF POULTRY

7.1. No person shall:

- a) Keep poultry that causes or is likely to cause a nuisance or create a danger to public health by unreasonable noise, odour, flies, insects or vermin.
- b) Keep more than 12 poultry within an urban area.
- c) Keep a rooster or peacock in an urban area.

7.2. Every poultry house, aviary or poultry run shall be maintained in good repair, in a clean condition free from any offensive smell or overflow and free from vermin.

7.3. All poultry in urban areas shall be contained within the owner's property.

8. KEEPING OF BEES

8.1. In all areas within the District, any person keeping bees or permitting bees to be kept on their property shall ensure that nuisance is not caused to any other person by those bees.

8.2. In urban areas where the Council considers a hive to be dangerous, offensive or likely to be injurious to people the Council may require the relocation or removal of such a hive.

8.3. No more than two (2) hives shall be placed on a property in an urban area. The Council will consider an application for an exemption to these requirements where the urban property on which the hives are located is in excess of 1,500 square metres or located next to reserves or rural land. Exemptions may provide for up to four (4) hives and will only be granted on the basis that the hives are not likely to cause a nuisance or be potentially dangerous or injurious to human health.

8.4. In urban areas the Council may prescribe the location of the hives on the property. In prescribing the location of any hive, the Council will consider any advice received from New Zealand Beekeeping Incorporated.

8.5. In urban areas a water source must be provided and maintained on the property.

Explanatory Note:

All apiaries must be registered under the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998 and clearly display the beekeeper's unique registration code.

9. KEEPING OF CATS

Every person who keeps cats must ensure that cats over 4 months of age are microchipped and registered with the New Zealand Companion Animals Register or other approved microchip registry. This part of the Bylaw will come in to force on 1 July 2022.

10. OPERATIONAL POLICIES

- 10.1. The Council may, from time to time, (by resolution) adopt operational policies related to matters regulated by this Bylaw, provided that any such policies are not inconsistent with this Bylaw.
- 10.2. Operational Policies may set out, without limitation, such matters as:
 - a) Guidance information
 - b) Application procedures
 - c) Administration arrangements
 - d) Terms and conditions
 - e) Definitions

11. WRITTEN NOTICE FOR NON-COMPLIANCE

- 11.1. If the Council considers that any part of this Bylaw is not being complied with, it may issue a written notice requiring the person keeping the animal or the owner or occupier of the land to take such action as it considered necessary to achieve compliance with this Bylaw and specifying the time in which such actions must be taken. Failure to comply with such a notice constitutes an offence under this Bylaw.

12. OFFENCE AND PENALTY

- 12.1. Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

13. SELWYN DISTRICT COUNCIL GENERAL BYLAW 2009

- 13.1. The provisions of the Selwyn District Council General Bylaw 2009 and any Bylaw passed in amendment or substitution are implied in to and form part of this Bylaw.
- 13.2. In the event of inconsistency or conflict between the provisions of this Bylaw and any other Bylaw of Selwyn District Council, the provisions of this Bylaw shall prevail.

The COMMON SEAL of the)
SELWYN DISTRICT COUNCIL)
Was hereunto affixed, in accordance)
With the Resolution made by the)
Council on xxxxxxxxxxxx 2020)
in the presence of:)

Mayor

Chief Executive