



PALMERSTON NORTH CITY

**PALMERSTON NORTH
ANIMALS
AND BEES BYLAW 2011**
(incorporating amendments as at 9 September 2013)

Contents

PART 1 INTRODUCTION	3
1. TITLE	3
2. PURPOSE	3
3. COMMENCEMENT AND APPLICATION	3
4. REPEAL	3
5. INTERPRETATION	4
PART 2 GENERAL	6
6. GENERAL	6
PART 3 STOCK	6
7. STOCK IN URBAN AREAS	6
PART 4 CATS	6
8. CATS ON PREMISES	6
PART 5 PIGS	7
9. PIG KEEPING	7
10. MAINTENANCE OF PIGSTIES	7
PART 6 POULTRY	8
11. KEEPING OF POULTRY	8
12. POULTRY HOUSE AND RUN	8
PART 7 BEES	9
13. BEE KEEPING	9
PART 8 ADMINISTRATION	10
14. PERMITS	10
15. FEES FOR PERMITS	10
16. OFFENCES AND PENALTIES	11

PALMERSTON NORTH ANIMALS AND BEES BYLAW 2011

In exercise of the powers vested in it by the Local Government Act 2002, and the Health Act 1956, together with every power and authority conferred on it, the Palmerston North City Council makes this Bylaw:

PART 1

INTRODUCTION

1. TITLE

- 1.1 The title of this Bylaw is the Palmerston North Animals and Bees Bylaw 2011.

2. PURPOSE

- 2.1 The purpose of this Bylaw is to specify requirements for the keeping of animals, including stock, pigs, cats, poultry and bees, in the Palmerston North district, to protect the general public, neighbours and property owners from health and general nuisances related to keeping animals.

3. COMMENCEMENT AND APPLICATION

- 3.1 This Bylaw comes into force on 18 October 2011.
- 3.2 Amendments to this Bylaw come into force on the date(s) specified in Schedule One to this Bylaw.
- 3.3 This Bylaw applies to all of Palmerston North City including areas formerly within the boundaries of Manawatu District that are now under the jurisdiction of Palmerston North City pursuant to the Local Government (Manawatu District and Palmerston North City) Boundary Alteration Order 2012. The order came into force on 1 July 2012 and the areas it applies to are shown on maps deposited with the Local Government Commission.

4. REPEAL

- 4.1 This Bylaw repeals clauses 18 to 28 (inclusive) of the Palmerston North Dog Control, Other Animals and Bees Bylaw 2004 on 18 October 2011.

5. INTERPRETATION

Animal	Means any living member of the animal kingdom, except for a person.
Authorised Officer	Means a person appointed by the Council and given powers to perform duties and functions under this Bylaw.
Bee Keeper	Means a person who is keeping bees.
Council	Means the Palmerston North City Council and includes any person authorised to act on its behalf.
District	Means the area within the territorial boundary of the Palmerston North City Council.
District Plan	Means the operative Palmerston North City District Plan and includes the operative parts of the Manawatu District Plan that apply to land that is now part of Palmerston North City until such time as that land is incorporated into the Palmerston North City District Plan via a Plan Change.
Dwelling House	Means a house that a person lives in.
Keep or Keeping	Means owning, looking after, being in charge of, a custodian, or in possession of any animal.
Keeper	Means a person who is keeping an animal.
Nuisance	Means, without limiting the meaning of the term “nuisance”, any unreasonable interference with the peace, comfort or convenience of another person, whether by way of excessive noise or offensive odours, and includes a nuisance as defined in section 29 of the Health Act 1956.
Poultry	Means peacocks, doves, pheasants, swans, hens, roosters, geese, ducks, pigeons,

turkeys, quails and any other bird that the Council by resolution from time to time declares to be poultry for the purposes of this Bylaw.

Public Place

Means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether or not any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place.

Stock

Means alpacas, cattle, deer, donkeys, horses, sheep, goats and any other animal that the council by resolution from time to time determines to be stock for the purposes of this Bylaw, but shall not include pigs.

Urban Area

Means any land zoned residential or village in the District Plan.

PART 2

GENERAL

6. GENERAL

- 6.1 No person may keep animals in a way that, in the opinion of an authorised officer, causes or is likely to cause a nuisance or injury to the health or safety of any person.
- 6.2 If, in the opinion of an authorised officer, an animal kept on private land is causing or is likely to cause a nuisance the authorised officer may issue a notice requiring the person keeping the animal to take such action as the officer considers necessary within any time specified to abate or prevent the nuisance.
- 6.3 A person issued with such a notice under this Bylaw must comply with the notice.

PART 3

STOCK

7. STOCK IN URBAN AREAS

- 7.1 No person may keep stock in the urban area except in accordance with the following conditions:
- a) The stock are prevented from causing any nuisance or damage to the property of adjoining premises.
 - b) Manure and effluent is removed from the premises, or appropriately recycled or reused, before it creates a nuisance.

PART 4

CATS

8. CATS ON PREMISES

- 8.1 No person may keep more than three cats on any private land with an area less than 2,000m² in the urban area without a permit issued under this Bylaw.

- 8.2 No cats kept for breeding purposes shall be housed within 1.8 metres of the boundary of any adjoining property in the urban area unless the housing is within a dwelling house.
- 8.3 The restrictions of clauses 8.1 and 8.2 shall not apply to kittens below the age of three months.

PART 5

PIGS

9. PIG KEEPING

- 9.1 No person may keep a pig or pigs in the urban area.
- 9.2 No person may keep a pig or pigs on land zoned rural in the District Plan except in accordance with the District Plan.
- 9.3 Where there is a discrepancy between this Bylaw and the District Plan regarding the keeping of pigs, the District Plan prevails.

10. MAINTENANCE OF PIGSTIES

- 10.1 The keeper of pigs must keep the pigsty and all drains, tanks, troughs and other areas associated with the pigsty in a clean condition.
- 10.2 All troughs from which pigs are fed must be watertight and properly constructed using concrete, sheet iron, hardwood or other material approved in writing by an authorised Officer.
- 10.3 Troughs, whether in feeding pens or elsewhere, must be placed on a smooth concrete slab with a raised nib wall around its edge and must be of sufficient size to prevent pollution of the area or ground surrounding the trough.
- 10.4 All manure and effluent must be removed from the premises, or appropriately recycled or reused, before it creates a nuisance.
- 10.5 All food intended for pigs shall be contained in an impervious container with a close fitting cover sufficient to prevent access by flies or the escape of offensive odours.

PART 6

POULTRY

11. KEEPING OF POULTRY

11.1 No person may keep poultry in the urban area except in accordance with clause 12 of this Bylaw.

11.2 No person may keep poultry in the rural zone except in accordance with the District Plan.

11.3 Where there is a discrepancy between this Bylaw and the District Plan regarding the keeping of poultry, the District Plan shall prevail.

12. POULTRY HOUSE AND RUN

12.1 Poultry must be provided with a poultry house with the following features:

- a) A rainproof roof;
- b) A floor made of solid wood, concrete or other approved material surrounded by a raised nib to which a poultry run may be attached.

12.2 No poultry house or poultry run shall be placed so that any part of it is within 2 metres of any dwelling house, whether wholly or partially occupied, or the boundary of any adjoining premises, unless the properties are separated by a solid fence.

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

12.4 Any property where poultry are not confined in a poultry house and run must have secure boundary fences to confine poultry to that property.

PART 7

BEES

13. BEE KEEPING

13.1 No person may keep bees in the urban area except in accordance with the following conditions:

- a) Hives are placed no closer than 1 metre to any boundary unless there is a solid fence 1.6 metres or taller on that boundary; and
- b) The property area is 500m² or greater; and
- c) The number of hives does not exceed that which is allowed for the area of the property as indicated in the following table:

Property area	Maximum number of hives
500m ² to 700m ²	2
701m ² to 1000m ²	4
1001m ² to 2000m ²	6
2001m ² or greater	8

13.2 Notwithstanding clause 13.1, a person may apply for a permit under clause 14 to keep bees if they are otherwise unable to comply with the conditions of clause 13.1.

PART 8

ADMINISTRATION

14. PERMITS

14.1 A permit to keep animals may be issued under this Bylaw if the Authorised Officer is satisfied that the granting of the permit would not create a nuisance or injury to the health or safety of any person.

14.2 For the avoidance of doubt, the Council may grant a permit for an activity that would otherwise contravene this Bylaw.

14.3 A permit may include conditions that the Council considers are reasonably necessary to manage the effects of the activity, achieve the objectives of this Bylaw, and minimise the risk of nuisance.

14.4 Any person seeking a permit must:

- a) Complete the required application form; and
- b) Pay the applicable fee, if any; and
- c) Comply with any requirements set as conditions of that permit.

14.5 A permit may be cancelled by the Council if:

- a) The Council receives separate complaints from three or more different properties and the Authorised Officer is satisfied that the complaints are reasonable and justified; or
- b) The holder of the permit breaches the conditions of the permit.

14.6 The holder of the permit may apply to the General Manager of the Customer Services Unit for a review of any decision made under clause 14.5 within five working days of receiving notification of the decision.

14.7 A permit is personal to the applicant and is not transferable.

15. FEES FOR PERMITS

15.1 The Council may charge a fee for receiving and processing an application and issuing a permit.

15.2 The Council must prescribe a fee for any permit issued under this Bylaw using the Special Consultative Procedure in accordance with section 150 (3) of the Local Government Act 2002.

16. OFFENCES AND PENALTIES

- 16.1 Every person who commits a breach of any of the provisions of this Bylaw commits an offence and may be liable on summary conviction to a fine of up to \$20,000 as prescribed by section 242 of the Local Government Act 2002.

Schedule One – Commencement of amendments

The following amendments to the Animals and Bees Bylaw 2011 were adopted by the Palmerston North City Council, and come into force, on the dates shown below:

Amendments	Date amendment adopted	Date amendment comes into force
Clause 3 – amend title to “Commencement and Application”	28 August 2013	9 September 2013
Clause 3.2 – insert reference to new Schedule One for adoption and commencement of amendments	28 August 2013	9 September 2013
Clause 3.3 – insert new clause that explicitly extends the application of the Bylaw to the entire Palmerston North district	28 August 2013	9 September 2013
Clause 5 – amend the definition of “District Plan” to include reference to the Manawatu District Plan, and the definition of “District” to refer to “boundary” rather than “boundaries.”	28 August 2013	9 September 2013
Clause 5 – amend the definition of “Urban Area” to include a reference to land zoned ‘village.’	28 August 2013	9 September 2013
Schedule One – new schedule is added to identify the amendments, the date of adoption, and the date those amendments come into force.	28 August 2013	9 September 2013