

OTOROHANGA DISTRICT COUNCIL

**THE KEEPING OF STOCK, POULTRY AND BEES
BYLAW 2009**

In pursuance and exercise of the powers and authorities vested in it by Sections 145 and 146 of the Local Government Act 2002 and Section 64 of the Health Act 1956 and of each and every other power and authority thereto enabling it, Otorohanga District Council makes and ordains this Bylaw.

1. TITLE

This Bylaw shall be cited and referred to as the “Otorohanga District Council Keeping of Stock, Poultry and Bees Bylaw 2009”.

2. PURPOSE OF THE BYLAW

2.1 The purpose of this Bylaw is to:

- (a) Protect the public from nuisance; and
- (b) Regulate the keeping of stock, poultry and bees; and
- (c) Protect, promote and maintain public health and safety.

2.1 This Bylaw applies only in the Kawhia Community Boundary and the Otorohanga Community Boundary.

3. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

“Authorised Officer” means any person appointed by the Council as an Enforcement Officer under the Local Government Act 2002 or a Dog Control Officer under the Dog Control Act 1996 and includes any other person authorised by Council to administer or enforce this Bylaw.

“Council” means the Otorohanga District Council.

“Poultry” includes turkeys, geese, ducks, pigeons, ostrich, emu, rhea, and domestic fowl and pets of all descriptions.

“Stock” includes horses, cattle, deer, asses, mules, sheep, pigs, goats, llamas, alpacas, or farmed animals of any description.

“Kawhia Community” means the area within the Kawhia Community Boundary (including Aotea Village) as shown on the map in the First Schedule to this Bylaw.

“Nuisance” means the keeping of any stock, poultry, or bees in such numbers, or in such a manner or condition, so as to be dangerous or offensive or injurious to the health of any person.

“Occupier” includes an owner, tenant, licensee, invitee or any agent, manager or other person apparently acting in the general management of any premises.

“Otorohanga Community” means the area within the Otorohanga Community Boundary, as shown on the map in the Second Schedule to this Bylaw.

4. KEEPING OF STOCK

- 4.1 No person shall keep any stallion (including any proud-cut stallion) within the Kawhia Community or Otorohanga Community.
- 4.2 No person shall keep any stock within the Kawhia Community or Otorohanga Community which, in the opinion of the Authorised Officer, is or is likely to, cause a nuisance.
- 4.3 Any person who is keeping stock in contravention of clause 4.2 may be required by the Authorised Officer to remove the stock, reduce the number of stock, or to improve or modify the conditions within which those stock are being kept, so as to prevent any nuisance which is being created.

5. KEEPING OF POULTRY

- 5.1 No person shall keep any rooster within the Kawhia Community or Otorohanga Community.
- 5.2 No person shall keep any poultry in such numbers or conditions within the Kawhia Community or Otorohanga Community which, in the opinion of the Authorised Officer, is, or is likely to, cause a nuisance.
- 5.3 Any person who is keeping poultry in contravention of clause 5.2 may be required by the Authorised Officer to remove the poultry, reduce the number of poultry, or to improve or modify the conditions within which those poultry are being kept, so as to prevent any nuisance which is being created.

6. KEEPING OF BEES

- 6.1 No person shall keep any bees within the Kawhia Community or Otorohanga Community which, in the opinion of the Authorised Officer, is, or is likely to, cause a nuisance.
- 6.2 Any person who is keeping bees in contravention of clause 6.1 may be required by the Authorised Officer to remove the bees, reduce the number of bees, or to improve or modify the conditions within which those bees are being kept, so as to prevent any nuisance which is being created.

7. WANDERING AND UNLAWFULLY TETHERED STOCK

- 7.1 Any wandering or unlawfully tethered stock within the Kawhia Community or Otorohanga Community shall be subject to the provisions of the Impounding Act 1955 or any replacement legislation.

8. DISPOSAL OF DEAD STOCK AND POULTRY

- 8.1 The owner of any dead stock or poultry shall dispose of the carcasses of such stock or poultry promptly, and in an appropriate manner having regard to the nature of the particular stock or poultry being disposed of.

9. OFFENCES AND PENALTIES

- 9.1 Any person who does, or causes or allows to be done, anything in contravention of this Bylaw, or who omits to neglects to do, or knowingly permits to remain undone, any matter or thing required under this Bylaw, commits an offence, and shall be liable to a fine not exceeding \$20,000.00.

SCHEDULES

- 1. Kawhia Community Map**
- 2. Otorohanga Community Map**

THE RESOLUTION BY WAY OF SPECIAL CONSULTATIVE PROCEDURE TO MAKE THIS BYLAW was passed by **THE OTOROHANGA DISTRICT COUNCIL** at a meeting of the Otorohanga District Council held on the 17th day of February 2009 and confirmed at a subsequent meeting of the Council held on the 31st day of March 2009, by a resolution passed by the Council on the 31st day of March 2009 the said Bylaw was ordered to come into effect on the 31st day of March 2009.

This Bylaw confirmed by Council on 31st March 2009

Mayor

Date

Chief Executive

Date