

WANGANUI DISTRICT COUNCIL

WANGANUI DISTRICT BYLAW

2010

ANIMAL CONTROL

EXPLANATORY NOTE

The objectives of this Bylaw are to:

- Regulate the keeping of animals to protect the public from nuisance, maintain and promote public health and safety, and protect the welfare of animals.
- Control the slaughter of animals in urban areas.
- Minimise adverse effects on roads and to road users caused by the movement of stock.
- Control roadside grazing.

Note:

The Animal Control Bylaw 2010 makes specific reference to the keeping of dogs, cats, pigs, poultry, bees, goats, sheep, horses, cattle, deer, or any other animal; however, the Bylaw does not contain specific controls relating to dogs as these aspects are covered by the Wanganui Council's Dog Control Bylaw.

CONTENTS

1. INTERPRETATION 3

2. KEEPING OF ANIMALS 3

3. ANIMAL SLAUGHTER 5

4. MOVEMENT OF STOCK 6

5. GRAZING OF ROAD RESERVE 8

6. GATES AND CATTLE STOPS ACROSS ROADS 9

7. OFFENCES 10

1. INTERPRETATION

In this Bylaw unless the context otherwise requires or where otherwise expressly provided -

ANIMAL means any living stage of any member of the animal kingdom or the carcass thereof, but does not include human beings.

APPROVED means approved by the Council or by any authorised Committee or Officer of the Council.

CARRIAGEWAY means that part of a road laid out for vehicular traffic as determined by the Council pursuant to Section 319 of the Local Government Act 1974.

COUNCIL means the Wanganui District Council or any Committee, Community Board or elected member of the Council or officer authorised to exercise the authority of the Council.

DAYLIGHT means 30 minutes before sunrise to 30 minutes after sunset.

LICENCE means a licence issued under this Bylaw.

LICENSEE means the holder or holders of a licence issued under this Bylaw.

MOTOR VEHICLE means a vehicle drawn or propelled by mechanical power; and includes a trailer, but does not include:

- a) a vehicle running on rails; or
- b) an invalid carriage; or
- c) a trailer (not being a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of any of Her Majesty's Forces; or
- d) a trailer running on one wheel and designed exclusively as a speed-measuring device or for testing the air of vehicle tyres; or
- e) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
- f) a pedestrian-controlled machine

OFFICER means any person authorised by the Council to carry out or exercise any powers or duties under this Bylaw or any part thereof and includes any police constable.

PERMIT means a written authority from the Wanganui District Council with or without prescribed conditions and charges.

ROAD for the purposes of bylaws enacted pursuant to the Transport Act 1962

includes a street; and also includes any place to which the public have access, whether as of right or not; and also includes all bridges, culverts, ferries, and fords forming part of any road, street, or place as aforesaid.

STOCK includes:

- a) cattle, sheep, goats, horses, pigs, camelids, ostriches and emus, and deer which are being herded, mustered or handled in the manner of farm animals or are kept within an effective fence or enclosure for farming purposes.
- b) any other creature, which the Governor-General, by Order in Council, may declare to be stock for the purposes of the Meat Act 1981.

STOCK UNDERPASS means a structure allowing the passage of stock beneath a road.

URBAN AREA, for the purposes of this bylaw, means any area of the District not zoned Rural in the operative Wanganui District Plan.

VEHICLE means a contrivance equipped with wheels, tracks or revolving runners upon which it moves or is moved; but does not include:

- c) a perambulator or pushchair;
- d) a shopping or sporting trundler not propelled by mechanical power;
- e) a wheelbarrow or hand-trolley;
- f) a child's toy, including a tricycle and a bicycle, provided in either case, no road wheel (including any tyre) has a diameter exceeding 355mm;
- g) a pedestrian-controlled lawnmower;
- h) any pedestrian-controlled agricultural machinery not propelled by mechanical power;
- i) any article of furniture;
- j) any invalid wheel-chairs not propelled by mechanical power;
- k) any other contrivance specified by the Minister of Transport by notice in the Gazette.

2. KEEPING OF ANIMALS

- | | | |
|-----|---|---|
| 2.1 | No person shall keep pigs or roosters in an urban area. | Prohibition of keeping Pigs or Roosters in an urban area. |
| 2.2 | No person shall keep bees, poultry, cats, dogs, stock, or any other animal in a manner that: | Keeping animals causing a nuisance |
| | <ul style="list-style-type: none"> a) Is, or is likely to, become a nuisance, whether by reason of noise, odour or otherwise; b) Is, or is likely to become, offensive or injurious to health, or is dangerous. | |

- | | | |
|----------------------------|---|---|
| 2.3 | If, in the opinion of an authorised officer, a person is in breach of clause 2.1 or 2.2, the Council may issue that person with an abatement notice. The abatement notice may: <ul style="list-style-type: none"> a) Prohibit the keeping of any animal; b) Limit the number of animals to be kept; c) State the minimum distance the animals are to be kept from any occupied building, public place or adjoining boundary; d) Impose such other conditions as the Council thinks fit. | Abatement of nuisance |
| 2.4 | Failure to comply with an abatement notice issued under clause 2.3 is a breach of this Bylaw. | Failure to comply with an abatement notice. |
| 2.5 | No person shall keep horses in an urban area unless – <ul style="list-style-type: none"> a) Each horse is identifiable in a way that enables an authorised Officer to easily determine the name, address and phone number of the person responsible for the horse; and b) The fencing is adequate to contain the horse or horses from escaping into neighbouring property or public places. | Keeping horses in an urban area – identification and fencing. |
| 2.6 | The rider or the person responsible for any horse that defecates in an urban public place or on urban land or urban premises, other than that occupied by that person shall be responsible for removal and disposal of the excrement. | Picking up of horse excrement. |
| 2.7 | No person shall keep stallions, bulls, or uncastrated male goats, within the urban area. | Prohibition against keeping entire animals in the urban area. |
| 2.8 | No person shall allow any dead animal, or part thereof, to remain on any land, where it is likely to cause a nuisance, or be offensive, or injurious to health. | Leaving dead animals |
| 3. ANIMAL SLAUGHTER | | |
| 3.1 | No person shall slaughter any stock in an urban area in a manner that: <ul style="list-style-type: none"> a) Causes or is likely to cause a nuisance; or b) Is, or is likely, to be injurious to public health; or c) Is, or is likely, to be offensive. | Stock slaughtering in an urban area |

4. MOVEMENT OF STOCK

- | | | |
|-----|--|-------------------------------------|
| 4.1 | The Council may, by publicly notified resolution, designate specific urban roads as stock routes, or designate specific roads where the movement of stock is prohibited or restricted. | Council may designate stock routes. |
| 4.2 | Subject to clause 4.1, no person shall move any stock across or along any road in an urban area, except in an emergency. | Movement of stock in urban areas. |
| 4.3 | No movement of stock shall commence or continue outside the hours of daylight. | Stock movement hours. |
| 4.4 | Road Crossings for stock shall be classified as either permitted, conditional or restricted, according to the following factors: | Road Crossings |
| | a) Permitted | Permitted movement |
| | <ul style="list-style-type: none"> • The number of stock being moved is not to exceed the permitted maximum appropriate to the average daily traffic volumes at the site of the movement as indicated on Chart 1 – Requirements for Dairy Stock Movement Permits; | Animal/Traffic volumes |
| | <ul style="list-style-type: none"> • The number of stock movements shall not exceed 15 in any one calendar month; | Livestock numbers |
| | <ul style="list-style-type: none"> • A minimum of 250 metres of unimpeded visibility is required between any approaching motor vehicle or vehicle on the open road and any potential hazard or obstruction posed by the movement of stock. | Visibility |
| | b) Conditional | Conditional movement |
| | Where at least one permitted factor is exceeded, or where the specific characteristics of the location require conditional classification; but where no restricted classification factor is exceeded. | |
| | Conditions include the following: | Conditions |
| | <ul style="list-style-type: none"> • Washing or sweeping the road after each | Clean road |

	stock movement;	
	<ul style="list-style-type: none"> • The placement of an approved stock/road protective mat across the road surface before the stock cross; 	Protective mat
	<ul style="list-style-type: none"> • A reduction of the minimum length of unimpeded visibility, subject to specific road safety precautions being implemented. 	Reduction of unimpeded visibility
c)	Restricted Stock movement shall be via an approved stock underpass, if:	Restricted movement
	<ul style="list-style-type: none"> • The number of animals being moved exceeds the maximum allowed in relation to average daily traffic volumes at the site of the crossing, as indicated by Chart 1 - Requirements for Dairy Stock Movement Permits; or 	Stock numbers
	<ul style="list-style-type: none"> • The number of stock movements exceeds 60 in any calendar month. 	Number of stock movements
4.5	All crossing or moving stock must be under the proper guidance and control of an experienced stock person at all times.	Stock to be under proper guidance and control
4.6	Where there is impeded vision for road traffic, two people are required to safely control the site. One person must be in front of the stock and one person must be at the rear of the stock.	Guidance and control in limited visibility areas
4.7	The drover must keep the stock moving towards the destination at all times.	Stock moving at all times
4.8	Notwithstanding anything in this part of this Bylaw, where, in the opinion of the Council, the movement of stock by any person along a road is likely to cause damage to the road or to an adjoining property, or is likely to be a danger to road users, the Council may:	Stock droving which causes damage
	a) Prohibit the movement of stock by that person along the road or part thereof; or	Council may prohibit movement of stock
	b) Allow the movement of stock by that person	Council may impose

along the road or part thereof, subject to conditions; and

conditions on movement of stock

- c) Without limiting the conditions which the Council may impose, the conditions may include the construction and use of a stock race, stock crossing and/or stock underpass by that person, the erection of signs, and/or the payment of any appropriate costs.

Council may require construction of stock race, stock crossing or underpass

5. GRAZING OF ROAD RESERVE

- | | | |
|-----|---|---|
| 5.1 | Subject to holding valid and adequate public liability insurance, a person may apply to Council to obtain a licence for the temporary grazing of the Council's road reserve. | Licence to Occupy |
| 5.2 | Subject to clause 5.1 stock must be contained within a temporary electric fence and be electric fence trained. | Roadside grazing |
| 5.3 | The temporary electric fence shall be at least:
1.0 metre from any water table; and
2.0 metres from the edge of any road. | Distance from the road and water table |
| 5.4 | The temporary electric fence shall be erected only on the road reserve directly adjacent to the licensee's property, unless written permission is gained from the licensee's neighbour to graze that neighbour's road reserve frontage. | Permitted sites of the road for roadside grazing. |
| 5.5 | Safety reflectors visible from the left hand approach shall be fitted to both ends of the temporary electric fence, and at not more than 50 metre intervals along the length of the temporary electric fence. | Safety reflectors |
| 5.6 | Temporary electric fences are to be used during daylight time only. Stock must be removed for the duration of the hours of darkness. | Grazing to be during daylight hours |
| 5.7 | The Council may specify roads where temporary electric fences must be removed for the duration of the hours of darkness. | Removal of temporary fencing |
| 5.8 | For the purpose of this Bylaw a "temporary electric fence" means an adequate, electric, stock proof fence, erected on the road verge for grazing purposes, which | Temporary fencing |

is constructed of:

- | | | |
|----|-----------------------------------|------------------------------------|
| a) | Multi-wire tread-in standards; or | Approved type of temporary fencing |
| b) | Pigtail standards. | |
- 5.9 The stock owners are responsible for the security of all stock grazing the road reserve, at all times. Responsibility
- 5.10 The stock owners are liable for all stock grazing the road reserve, at all times. Liability

6. GATES AND CATTLE STOPS ACROSS ROADS

- 6.1 Council may, in writing, permit the erection of a swing gate or a cattle stop, or both, across any road, where:
- | | | |
|----|--|--------------|
| a) | In the Council's opinion it is not practicable or reasonable to fence the road; or | Practicality |
| b) | By agreement the road has been taken, or may be constructed, through private lands, and the landowner requests that a cattlestop be erected on the outer boundary. | Private land |
- 6.2 Where a gate or a cattle stop is erected across a road under clause 6.1, a sign with the words "Public Road" legibly painted in letters not less than 75 mm in height, must be fixed on each side of the gate or cattle stop, and maintained at all times by the person holding the permit for the gate or cattle stop. Sign board
- 6.3 Where a gate or cattle stop across any road is considered redundant or an inconvenience, either by Council or by a petition supported by 20 or more affected residents of the immediate area, the Council may serve notice upon the person authorized to erect the gate or cattle stop, of the Council's intention to revoke the permit and have the gate or cattle stop removed. Removal
- 6.4 Where a gate or cattle stop is erected across a road for the purpose of confining or grazing stock, the Council may impose conditions regarding the maintenance of that road. Maintenance

6.5 Council may require a landowner to fence the roadside frontage where it is considered public safety or convenience renders it expedient. Public safety

7. OFFENCES

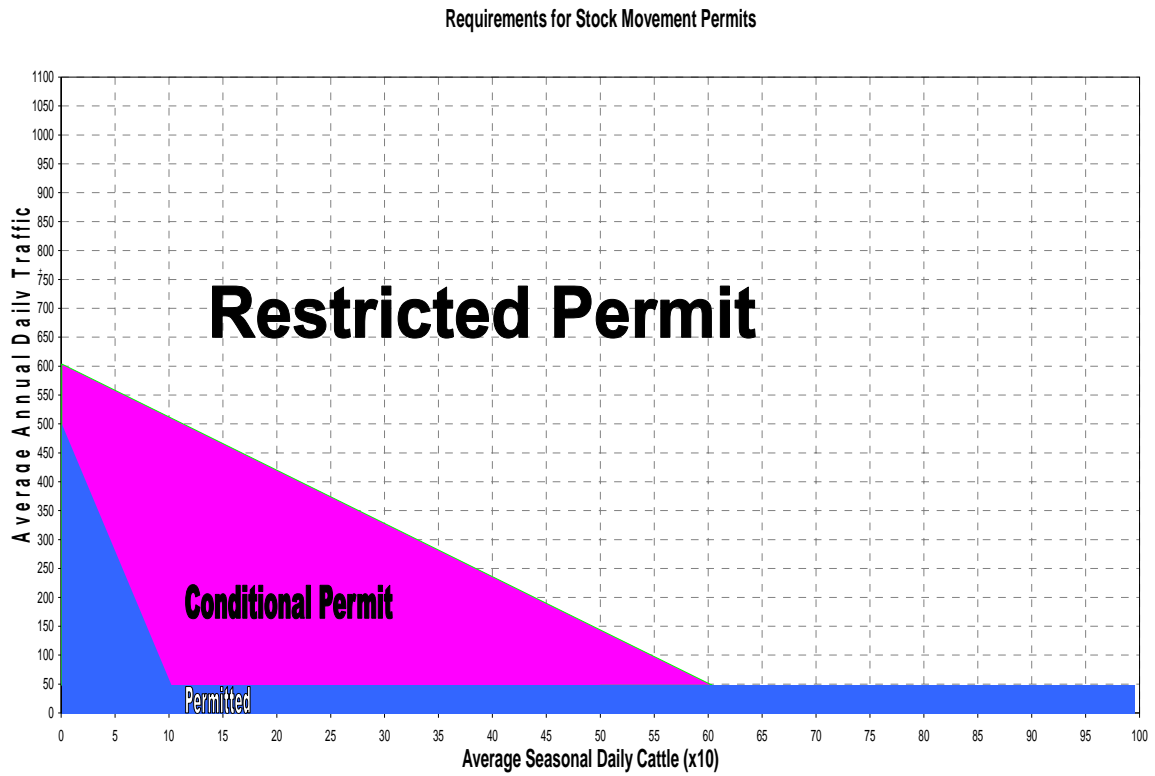
7.1 General offences Offences
Every person commits an offence against this bylaw who:

- a) Does or permits anything contrary to this Bylaw
- b) Omits or neglects to do anything which ought to be done, at the time or in the manner, provided for in this Bylaw
- c) Does not refrain from doing anything, which, under this Bylaw, he or she is required to refrain from doing
- d) Refuses or neglects to comply with any notice given under this Bylaw
- e) Obstructs or hinders any authorised Officer in the performance of any duty or power conferred by this Bylaw
- f) Damages, destroys or defaces (or has in his or her possession, without authority from the Council) any property, article or thing belonging to the Council or under the Council's control.

7.2 Continuing Offences Continuing offences
a) The continued existence of any work, building, land, premises or thing in such a state or form as to be in contravention of any provision of this Bylaw shall be deemed to be a continuing offence under this Bylaw.
b) Where any person is required by a notice to do anything, or refrain from doing anything, then they shall commit a separate or continuing offence on each day that person fails to comply with the notice.

7.3 Penalties Fine
Any person who acts in breach of this bylaw commits an offence and on summary conviction is liable to a fine not exceeding \$20,000.

Chart 1 – Requirements for Dairy Stock Movement Permits



This By-law was resolved to come into force at the Extraordinary Meeting of the Wanganui District Council on the 14th day of December 2010.

**THE COMMON SEAL OF THE
MAYOR, COUNCILLORS AND
CITIZENS OF THE DISTRICT
OF WANGANUI** was affixed
hereto in the presence of:

.....
Mayor

.....
Chief Executive