

WANGANUI DISTRICT COUNCIL

WANGANUI DISTRICT BYLAW

2009

ANIMAL CONTROL

EXPLANATORY NOTE

The objectives of this By-law are to:

- Regulate the keeping of animals and birds within the District so that they do not create a nuisance. Specific reference is made to the keeping of dogs, cats, pigs, poultry, bees, goats, horses, cattle and any other animal.
- Control the slaughter of stock in residential areas.
- Control the use of animal traps.
- Minimise adverse effects on roads and to road users caused by the movement of stock.
- Control roadside grazing.

1 KEEPING OF ANIMALS

- 1.1 No person shall keep pigs or roosters in an urban area without the appropriate licence issued by the Council. Licence required to keep Pigs or Roosters
- 1.2 No person shall keep poultry, bees, goats, horses, cattle, pigs, dogs, cats or any other animal in a manner that: Keeping animals causing a nuisance
- a. is or is likely to become a nuisance, whether by reason of noise or otherwise;
- b. is or is likely to become offensive or injurious to health or dangerous.
- 1.3 If, in the opinion of an Officer, a person is in breach of By-law 4.1.2, the Council may issue that person with an abatement notice. The abatement notice may prohibit the keeping of any animal, limit the number of animals to be kept, the distance the animals are to be kept from any occupied building, public place or adjoining boundary and impose such other conditions as the Council thinks fit. Abatement of nuisance
- 1.4 Failure to comply with an abatement notice issued pursuant to By-law 4.1.3 shall be a breach of the By-law.

2 ANIMAL SLAUGHTER

- 2.1 No person shall slaughter any stock within an urban area in a manner that is a nuisance or injurious to health or offensive. Stock slaughtering in an urban area
- 2.2 No person shall allow to remain on any land, any dead animal or part thereof. Leaving dead animals

3 ANIMAL TRAPS

- 3.1 No person shall place or set or allow to be placed or set an animal trap of the spring-jaw or leg-trap type. Prohibited animal traps
- 3.2 Only mustelid traps, of the Rotoiti model used by the Department of Conservation, will be allowed. Approved animal traps.
- 3.3 Rat and mouse traps are the only exclusions from 3.1 Exceptions

and 3.2 above.

4 MOVEMENT OF STOCK

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| 4.1 | The Council may, from time to time by resolution publicly notified, designate roads as stock routes, or designate roads on which the movement of stock is prohibited or restricted. | Council may designate stock routes. |
| 4.2 | Except for any road designated as a stock route pursuant to By-law 4.4.1 no person shall move any stock across or along any road in an urban area except in the case of an emergency or escape. | Movement of stock in urban areas. |
| 4.3 | No livestock movement is to begin or continue outside the hours of daylight. | Movement hours. |
| 4.4 | Dairy cattle crossing roads shall be classified as one of the following types: | Dairy crossings |
| | <ul style="list-style-type: none"> a) Permitted – Where the nature and characteristics of the movement shall comply with the following: <ul style="list-style-type: none"> • The number of animals 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; • The number of livestock movements is not to exceed 15 days in any month; • A minimum of 250 metres of unimpeded visibility is to be present between any approaching vehicle on the open road and any potential hazard or obstruction or livestock. | <ul style="list-style-type: none"> Permitted movement Animal/Traffic volumes Livestock numbers Visibility |
| | <ul style="list-style-type: none"> b) Conditional – Where at least one characteristic of the number of animals or traffic volume or the number of movements in any month, or a characteristic specific to the location, exceeds the limits for a permitted livestock movement but where no characteristic exceeds the limits for a | Conditional movement |

restricted livestock movement.

Treatments required for conditional livestock movement will vary according to the situation, these include the following:

- Washing or sweeping the road after each stock crossing or placing a stock/road protective mat across the road surface before the stock cross.

Conditions

Clean road

c) Restricted – Restricted movement characteristics will require the crossing of roads by livestock to be via an underpass. The characteristics of the movement are as follows:

Restricted movement

- The number of animals being moved exceed the 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;
- The number of livestock movements exceeds 60 in any month.; and
- Less than 200 metres of unimpeded visibility is to be present between any approaching vehicle on the open road and any potential hazard or obstruction or livestock.

Animal/Traffic movements

Livestock numbers

Visibility

4.5 All crossing or moving stock shall at all times be under the proper guidance and control.

Stock to be under proper guidance and control

4.6 Where there is impeded vision two people will be required to safely control the site. One person will be in front of the stock and one will be at the rear.

Guidance and control in limited visibility areas

4.7 The drover shall at all times keep the stock moving towards the destination.

Stock moving at all times

4.8 Notwithstanding anything in this part of the 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 adjoining property or is likely to

Stock droving which causes damage

be a danger to road users, the Council may:

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| a) | Prohibit the movement of stock by that person along the road or part thereof; or | Council may prohibit droving |
| b) | Allow the movement of stock by that person along the road or part thereof subject to conditions. 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 STOCK UNDERPASSES

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| 5.1 | This is a structure allowing the passage of stock beneath the road. | Definition. |
| 5.2 | A Financial Assistance Rate (FAR) conforming with NZTA's <i>Planning, Programming and Funding Manual</i> policy shall apply on stock underpasses. | Funding subsidy |

6 GRAZING OF ANIMALS

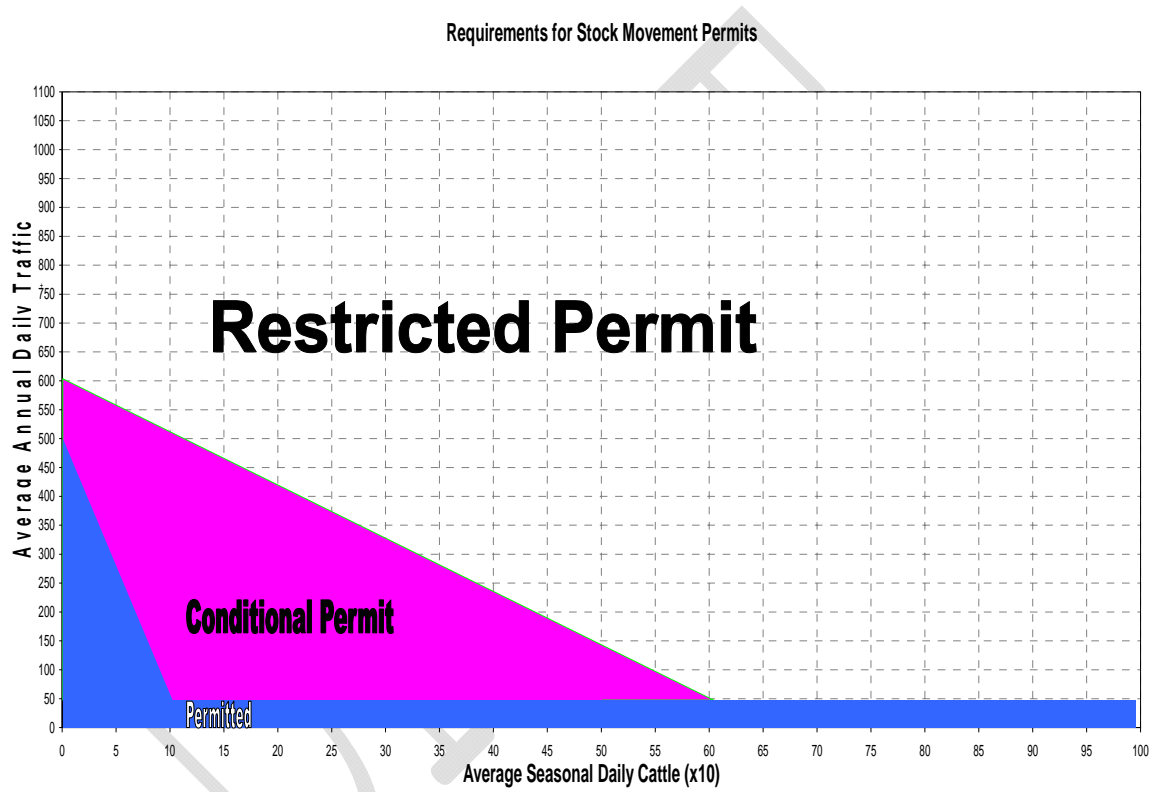
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| 6.1 | A licence is required to roadside graze, subject to adequate public liability insurance. | Permit |
| 6.2 | Livestock shall be allowed on any road reserve for temporary grazing purposes provided the livestock are contained within a temporary fence and electric fence trained. | Roadside grazing |
| 6.3 | The temporary fence shall be no closer than 1.0 metre from an existing water table. Where there is no water table the fence shall be no closer than 2.0 metres from the edge of any road. | Distance from the road |
| 6.4 | A temporary fence may only be erected on the road frontage directly adjacent to or contiguous with one's own property unless permission is gained from neighbours to graze their frontage. | Permitted sites of the road for roadside grazing. |
| 6.5 | Only one side of the road can be grazed at any one time. | Permitted side of the road for roadside grazing. |

- 6.6 Safety reflectors visible from the left hand approach shall be fitted to both ends of the temporary fence and to posts or stakes at not more than 50 metre intervals along the length of the temporary fence. Safety reflectors
- 6.7 The stock owners are responsible for the security and liability of all the stock at all times. Responsibility
- 7 TEMPORARY FENCING**
- 7.1 For the purpose of this bylaw a “temporary fence” means an adequate stock proof fence erected on the road verge for grazing purposes which is constructed of: Temporary fencing
- a) Plastic tread-ins or pigtails or electric fence standards. Approved type of temporary fencing
- b) Temporary fences for durations of one (1) day or less and used during daylight time only, where stock must be removed after daylight. Daylight hours
- 8 GATES AND CATTLE STOPS ACROSS ROADS**
- 8.1 Council may, in writing, permit the erection of a swing gate or a cattle stop or both across any road, where: License
- a) In the Council’s opinion it is not practicable or reasonable to fence the road; 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
- 8.2 Where a gate or a cattle stop is erected across a road under 4.7.1 of this bylaw, a board with the words “Public Road” legibly painted in letters not less than 75 mm in height shall be fixed upon each side of the gate and at all time maintained thereon by the person holding the license for the gate or cattle stop. Sign board
- 8.3 Where a gate or a cattle stop a across any road is considered redundant or an inconvenience, either by Removal

Council or by a petition supported by 20 or more affected residents of the district, the Council may serve notice upon the person authorized to erect the gate or cattle stop of the Council's intention to remove it.

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| 8.4 | Where a gate or cattle stop is erected across a road for the purpose of confining or grazing stock, and where it is reasonable to fence the road, all maintenance of the road will cease at the gate or cattle stop. | Maintenance |
| 8.5 | Council may require a landowner to fence the roadside frontage where it is considered public safety or convenience renders it expedient. | Public safety |
| 9 OFFENCES | | |
| 9.1 | In the event of breach in respect of Clauses 4.4, 4.5, 4.6, 4.7 and 4.8 of this bylaw, the Council may give written notice of the breach to the owner of the stock specifying the steps which the Council requires to be taken to remedy that breach and the reasonable time period within those steps to be taken, being in any event a period not exceeding 48 hours. A landowner who fails to take the steps set out in the notice within the time period specified in the notice shall: | Written notice |
| | a) Commit an offence under this bylaw; and | Offence |
| | b) As soon as practicable remove the stock and/or the temporary fence. | Removal |
| 9.2 | Every person committing any breach of this bylaw shall be liable for prosecution under Section 694 and 695 of the Local Government Act 1974. | Prosecution |

Chart 1 – Requirements for Dairy Stock Movement Permits



This By-law was made by Special Order passed at the Ordinary Meeting of the Wanganui District Council on the __ day of _____, and confirmed at the Ordinary Meeting of the Council held on the __ day of _____, when it was ordered to come into force on the 1st day of January 2010.

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

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Mayor

.....
Chief Executive