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## Consolidated General Bylaw 2020

# Part 6 – Keeping of Animals, Poultry, Stock and Bees

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## 1. Purpose

- 1.1 This Part of the Bylaw regulates the keeping of animals (excluding dogs), poultry, stock and bees within the urban area unless otherwise specified.

The purpose of this Part of the Bylaw is to protect the public from nuisance and maintain and promote public health and safety.

**Explanatory note:** *This Part of the Bylaw supplements, rather than duplicates, other animal owner obligations. Dogs are regulated by the Kaipara District Council Policy on Dogs and Dog Management Bylaw.*

## 2. Interpretation

- 2.1 In this Bylaw, unless the context otherwise requires:

**Animal** Means any member of the animal kingdom that is kept in a state of captivity or is dependent upon a human being for its care and sustenance, and includes their young or eggs, but does not include humans or dogs.

**Hive** means any receptacle housing a honeybee colony and includes 1 receptacle per colony used solely for the purposes of queen breeding, hive maintenance and swarm prevention purposes between 1 October and 31 March.

**Owner** in relation to any animal, means a person who has an animal in their possession or custody, or under that person's care, control or supervision, and includes the parent or guardian of a person under the age of 16 years who:

- a. owns the animal
- b. is a member of the parent's or guardian's household living with and dependent on the parent or guardian
- c. but does not include any person who has seized or taken custody of an animal in accordance with the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987.

- 2.2 Where there are reasonable grounds to do so an approval granted under this Part of the Bylaw may be cancelled by an Authorised Officer at any time.

## 3. Obligations of animal owners in general

- 3.1 The owner or occupier or person in charge of any animal shall
- a. ensure that animal does not cause a nuisance to any other person
  - b. ensure that animal does not cause a risk to public health and safety
  - c. ensure that animal does not damage any property belonging to any other person.
- 3.2 Any owner who, in the opinion of an Authorised Officer, fails to comply with these obligations, must act on any request of the Authorised Officer to comply with these obligations, including, if directed, to remove the animal(s) or hive(s) from the property within a specified period.

**Explanatory note:** *Circumstances that may be deemed a nuisance can include noises and odour associated with keeping animals.*

#### 4. Pig keeping

- 4.1 A person must not keep any pig in an urban area without the prior written approval of an Authorised Officer.

#### 5. Stock in urban areas

- 5.1 A person must not keep any stock in an urban area without the prior written approval of an Authorised Officer.

#### 6. Poultry keeping

- 6.1 A person must not keep a rooster on any premises in an urban area.
- 6.2 Subject to clause 6.4 a person may not keep more than six (6) head of poultry in an urban area.
- 6.3 Any poultry house located on any premises in an urban area must meet the requirements of clause 3.1, in the opinion of an Authorised Officer.
- 6.4 A person may apply to the Council to keep more than six (6) head of poultry in an urban area.

#### 7. Bee keeping

- 7.1 No person shall keep bees in the district if in the opinion of an Authorised Officer, the keeping of bees is likely to become a nuisance or potential danger to any person.
- 7.2 For the avoidance of doubt, clauses 3.1 and 3.2 and 7.1 apply to any keeping of bees in the district, including in a rural area.
- 7.3 A person may keep bees in the urban area as follows:

Property Area	Maximum number of hives
1,000 square metres or less	2
1,001 square metres or greater	4

- 7.4 Council may give written approval to persons to keep additional hives to those permitted under clause 7.3 and may prescribe any conditions, including specifying distances from boundaries, maximum numbers of hives and time limits on such licences.

**Explanatory note:** *Beekeepers have a legal obligation to register their apiary under the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998. Registration of apiaries is intended to protect honeybees from American foulbrood disease. The register also allows the Ministry for Primary Industries to carry out surveillance for exotic pests and diseases of honey bees and respond to an incursion. Registrations are processed byASUREQuality Ltd and registration codes are required to be displayed in a visible manner in each apiary, usually on a beehive. Further information on American foulbrood disease can be found at [www.afb.org.nz](http://www.afb.org.nz). In addition to the registration of hives, beekeepers are also required to comply with the on-going management requirements as provided in the AFB Pest Management Plan and are required to provide evidence of this compliance where required. Honey and bee products that are produced for commercial*

purposes are also subject to additional legal requirements, such as the Food Act 2014. Information on these requirements is available on the Ministry for Primary Industries website.

Apiculture New Zealand Incorporated provides a Code of Conduct for beekeepers.

In cases where enforcement officers respond to complaints about bees, the initial assessment will include determining whether the bees are being kept in accordance with national regulations as well as the Apiculture NZ Code of Conduct.

### **Additional Guidelines**

Compliance with the following guidelines is also recommended to minimise potential nuisances arising from beekeeping activities. Kaipara District Council also advises every person wishing to keep bees in an urban area to participate in a beekeeping training course.

### **Flight path management**

Honey bees will fly at head height for some distance from their hives unless their surrounding environment directs their flight path upwards. Honey bees can be encouraged to fly above head height if a flyway barrier, two or more metres tall, is placed 1-2 metres out from the front of the hive entrance. It is important that flightpaths are not directed across public pathways on private and public land. Barriers that can be used include shrubs or trees, a wall, a hedge or a fence. Beehives can be placed on top of sheds or buildings but it may be more difficult to work with the bees in these restricted locations.

### **Swarming/seasonal build up**

Swarming is the natural means of dispersal of honey bee colonies. However, beekeepers can undertake responsible bee management practices to minimise the occurrence of swarms in urban areas. These practices can include re-queening on an annual basis, taking a nucleus colony out of populous hives (artificial swarming) and re-queening colonies that have been started from swarms.

Honey bee colonies are more likely to swarm if there are limited cells in the hive for the worker bees to store honey and pollen. Responsible bee management practices include providing plenty of room for the queen to lay eggs and for the bees to store honey.

### **Water provision**

Providing a source of clean water may reduce the number of bees foraging elsewhere for water and creating a nuisance to neighbours, especially if they own a swimming pool.

### **Bee excrement management**

Like other animals, bees excrete waste products. Honeybees going on orientation, foraging or cleaning flights often excrete after exiting the hive. This can leave distinct trails of coloured bee excrement within a 500 metre radius of the hive and can cause a nuisance to neighbours. The colour of the excrement is typically yellow to brown. The excrement may be hard to remove from clothing, vehicles and buildings. Hives can be re-positioned on the property or rotated so that flight paths can be encouraged in a direction away from neighbouring properties.

## **8. Cats**

- 8.1 No person may keep more than five (5) cats of an age greater than three (3) months on any property within the urban area without the written approval of an Authorised Officer.

## **9. Consequences of breach of Bylaw**

- 9.1 Council may remove or alter a work or thing that is, or has been, constructed in breach of this Bylaw.
- 9.2 Council may recover the costs of removal or alteration from the person who committed the breach.
- 9.3 If an authorised officer is issued with a warrant under the Search and Surveillance Act 2012 the authorised officer may enter private property pursuant to section 165 of the Local Government Act 2002 and
  - a. seize animals and bees that are on the premises in breach of this Bylaw
  - b. seize property other than animals and bees that is materially involved in the commission of an offence under this Bylaw.