



## **WANGANUI DISTRICT COUNCIL**

### **KEEPING OF ANIMALS, POULTRY AND BEES**

### **BYLAW 2015**

#### **1. TITLE**

This bylaw shall be known as the "Wanganui District Council Keeping of Animals, Poultry and Bees Bylaw 2015" ("this Bylaw").

#### **2. REVOCATION**

This Bylaw replaces the Animal Control Bylaw 2010 which is hereby revoked on the commencement of the Wanganui District Council Keeping of Animals, Poultry and Bees Bylaw 2015.

#### **3. PURPOSE**

- 3.1 Pursuant to the powers vested in it under sections 145 and 146 of the Local Government Act 2002 Council makes this Bylaw which should be read in conjunction with the Animal Welfare Act 1999.
- 3.2 The purpose of this Bylaw is to:
- a) Regulate the control and keeping of Animals, Poultry and Bees within the District to protect the public from nuisance, maintain and promote public health and safety, and protect the welfare of Animals;
  - b) Control the slaughter of Animals in urban areas;
  - c) Minimise adverse effects on roads and to road users caused by the movement of Stock; and
  - d) Control roadside grazing.
- 3.3 Nothing in this Bylaw derogates from any provision of, or the necessity for compliance with:
- a) The Animal Welfare Act 1999, the Wildlife Act 1953, the Conservation Act 1987, the Health Act 1956 or any Act passed in amendment or substitution thereof;
  - b) Any other applicable Acts of Parliament, regulations or rules;
  - c) Any other Council bylaws, District Plan requirements and
  - d) Any other requirements imposed by either Horizons Regional Council or Department of Conservation.

#### **4. EXCLUSION**

- 4.1 This Bylaw does not apply to dogs, the control of which is provided for under the operative Wanganui District Council Dog Control Bylaw and relevant legislation.
- 4.2 This Bylaw does not include animal welfare matters. Animal welfare is dealt with by the Ministry of Primary Industries and the SPCA.

#### **5. INTERPRETATION**

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

**"Act"** means the Local Government Act 2002.

**"Animal"** means any live member of the animal kingdom (excluding dogs) that is a mammal, a bird, a reptile, an amphibian and any other member of the animal kingdom which is declared from time to time by the Governor General, by Order in Council, to be an animal for the purposes of the Animal Welfare Act 1999 but does not include human beings.

**"Authorised Council Officer"** means any person authorised by Council to carry out or exercise any powers, duties or functions under this Bylaw or any part thereof and includes any police officer.

**"Breeder"** means a person who owns or keeps Animals for the purpose of, or with the intention of breeding from them.

**"Bylaw"** means the Wanganui District Council Keeping of Animals, Poultry and Bees Bylaw 2015.

**"Council"** means the Wanganui District Council or any Committee, Community Board or elected member of Council or Officer authorised to exercise the authority of Council.

**"District"** means the area within the territorial boundary of the Wanganui District Council.

**"District Plan"** means the operative Wanganui District Plan.

**"Keep or Keeping"** means in respect of all Animals, the owning, looking after, caring for, being in charge of, a custodian or in possession of any Animal and includes their young.

**"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 the 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.

**"Nuisance"** as defined under the Health Act 1956 Section 29.

**"Permit"** means a written authority from Council with or without prescribed conditions and charges.

**"Person"** includes a natural person, a corporation sole, and a body or persons whether incorporated or not.

**"Premises"** means all land and buildings within a single rating unit.

**"Poultry"** means any live domesticated or farmed bird including, but not limited to chicken, domestic fowls of all descriptions (excluding roosters), duck, geese, turkeys, budgerigar, canary, cockatoo, pigeon, parrot, peacock, pheasant, ostrich, emu, and all other types of domestic or fancy birds that Council by resolution from time to time determines to be Poultry for the purposes of this Bylaw.

**"Public Place"** means a place that, at any material time, is under the control of Council and is open to or being used by the public, whether free or on payment of a charge, and includes any Road whether or not it is under the control of Council.

**"Road"** has the same meaning as in the Land Transport (Road User) Rule 2004, or subsequent amendments.

**"Singular"** words includes plural and plural words includes singular.

**"Stock"** includes:

- a) Any sheep, goat, pig, horse, cattle, deer, camelid, ostrich and emu, which are being herded, mustered or handled in the manner of farm animals or are kept within an effective fence or enclosure for domestic or farming purposes.
- b) And any other Animal that Council by resolution from time to time determines to be Stock for the purposes of this Bylaw.

**"Stock Underpass"** means a structure allowing the passage of stock beneath a road.

**"Temporary Electric Fence"** means an adequate, electric, Stock proof fence, erected on the Road verge for grazing purposes, which is constructed of:

- a) Multi-wire tread-in standards; or
- b) Pigtail standards.

**"Urban Area"** means any area of the District zoned residential, commercial or manufacturing in the 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:

- a) A perambulator or pushchair;
- b) A shopping or sporting trundle not propelled by mechanical power;
- c) A wheelbarrow or hand-trolley;
- d) 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;
- e) A pedestrian-controlled lawnmower;
- f) Any pedestrian-controlled agricultural machinery not propelled by mechanical power;
- g) Any article of furniture;
- h) Any invalid wheel-chairs not propelled by mechanical power;
- i) Any other contrivance specified by the Minister of Transport by notice in the Gazette.

## **6. KEEPING OF ANIMALS**

- 6.1 No person shall:
- a) Keep, feed or harbour any Animal which is causing, or is likely to cause a Nuisance, or a threat to public health or safety of people in the vicinity; or
  - b) Keep, feed or harbour any Animal in such a manner or in such conditions that it is causing, or is likely to cause a Nuisance, or a threat to public health or safety of people in the vicinity; or
  - c) Keep, feed or allow any Animal in a Public Place in a manner which is causing, or is likely to cause a Nuisance or a threat to public health or safety of people in the vicinity.
- 6.2 No person shall keep any stallion, bull, uncastrated male goat, pig or rooster in the Urban Area.
- 6.3 Any Animal (excluding bees) kept on any Premises within the District shall be effectively contained or restrained within the property of the owner or occupier by fence, tether, pen, run or cage so as to prevent the Animal from straying onto any neighbouring property, Road or Public Place.
- 6.4 It is the responsibility of any person keeping an Animal (excluding bees) to confine the Animal within the boundaries of the Premises where the Animal is being kept **EXCEPT** when an Animal is being led, driven, ridden or exercised.
- 6.5 Any person keeping or having control of any Animal on any Premises within the District shall ensure that any building or other structure or yard in which they are kept is maintained in a clean and sanitary condition to the satisfaction of Authorised Council Officers, and that the noise and odour associated with the Animal is as far as practicable confined within the Premises concerned.
- 6.6 No person shall occupy or suffer to be used for human habitation any portion of any building, which is also used as a stable or cattle shed.
- 6.7 No Stock shall be stabled or housed other than in a stable or other approved building constructed or made to comply with all relevant regulations.
- 6.8 Where a private property owner wishes to permanently keep a wild Animal on their Premises and/or a circus animal (other than those classified as Stock or Poultry), they shall apply for a Permit from Council and abide by any requirements specified on the Permit to protect public health and safety.

## **7. KEEPING OF ANIMALS FOR BREEDING PURPOSES**

- 7.1 For the purposes of this Bylaw the breeding of Animals by a Breeder for payment may be subject to conditions under the Resource Management Act 1991 and Council's District Plan.

## **8. CATS**

- 8.1 There is no limit to the number of cats permitted to be kept on any Premise provided the cats are sufficiently cared for and the keeping of such cats does not cause, or is likely to cause a Nuisance.
- 8.2 In the event of a Nuisance caused by the cats and upon written notice being served upon the owner by an Authorised Council Officer, it shall be the duty of the owner to do such work or reduce the number of cats to abate any Nuisance. In the case of neglect or refusal on the part of the owner to comply with, execute, or do such work or reduce the number of cats, the



owner commits an offence under this Bylaw. In such a case Authorised Council Officers may remove such cats as they deem necessary to abate the Nuisance.

8.3 Authorised Council Officers have delegated discretionary authority to impose a limit on the number of cats which may be kept on any Premise where:

- a) Council has received a complaint about the number of cats kept on the premise; and
- b) The Authorised Council Officer considers that the number of cats causes or is likely to cause a public health Nuisance; and
- c) The person keeping the cats fails to comply with any reasonable request of an Authorised Council Officer to abate or prevent the Nuisance created.

**Advisory Note**

*The boarding of cats require resource consent under the Wanganui District Plan.*

## **9. PIGS**

9.1 No person shall keep any pig in the Urban Area.

9.2 The keeping of pigs in other Areas must comply with Council's District Plan and resource management consent (if applicable) under the Resource Management Act 1991.

9.2 No person shall keep a pig in such a manner that at any time the pig can come:

- a) Within 50 metres of an adjoining Premises boundary in all areas within the District (excluding the Urban Area);
- b) Within 50 metres of an occupied dwelling or any wholly or partly occupied building; or
- c) Within 50 metres of a Public Place or any place used for the preparation, storage or sale of food for human consumption.

9.3 No person shall site a building housing pigs, pig swill or manure within 50 metres of an adjoining Premises boundary.

9.4 No person shall keep any pig so as to be or likely to be a Nuisance or create a danger to public health.

9.5 No pig shall roam freely outside the boundary of the Premises at which it is kept.

### Maintenance of Pigsties

9.6 The owner of any pig must keep the pigsty and all drains, tanks and other areas associated with the pigsty in a clean condition;

9.7 All troughs from which the pig is fed must be of properly constructed concrete, sheet iron, hardwood or other material approved in writing by an Authorised Council Officer. The trough must be watertight. All troughs must be kept in a clean condition;

9.8 Feeding places for pigs must be of sufficient size to minimize pollution of the surrounding ground.

### Storage of Pig Food

9.9 All food intended for any pig shall be contained in an impervious container with a close fitting cover sufficient to prevent access by flies or the escape of offensive odours.

9.10 Every pig must be fed in accordance with the Biosecurity (Meat and Food Waste for Pigs) Regulations 2005.

**Advisory Note**

*It is an offence under the Biosecurity (Meat and Food Waste for Pigs) Regulations 2005 to feed pigs untreated meat or untreated food waste.*

## **10. POULTRY**

- 10.1 No person shall keep Poultry that by noise, odour, flies, insects, or vermin causes or is likely to cause a Nuisance or create a danger to public health.
- 10.2 No person shall keep or allow to be kept or to remain on any premise within the District any Poultry except in a poultry house or otherwise confined within the owners or occupiers property.
- 10.3 Written approval of Council is required if a person in an Urban Area wants to keep more than 12 Poultry in a poultry house, poultry run, aviary or coop.

### **Poultry House and Run**

- 10.4 All Poultry must have access to a properly constructed poultry house, aviary or coop covered with a rainproof roof and provided with a floor of concrete, wood or earth.
- 10.5 No poultry house, aviary, coop or poultry run shall be erected or maintained within 10 metres of any neighbour's principal building or within 2 metres of the boundary of adjoining premises.

## **11. ROOSTERS**

- 11.1 No person shall keep a rooster or allow a rooster to be kept in an Urban Area.

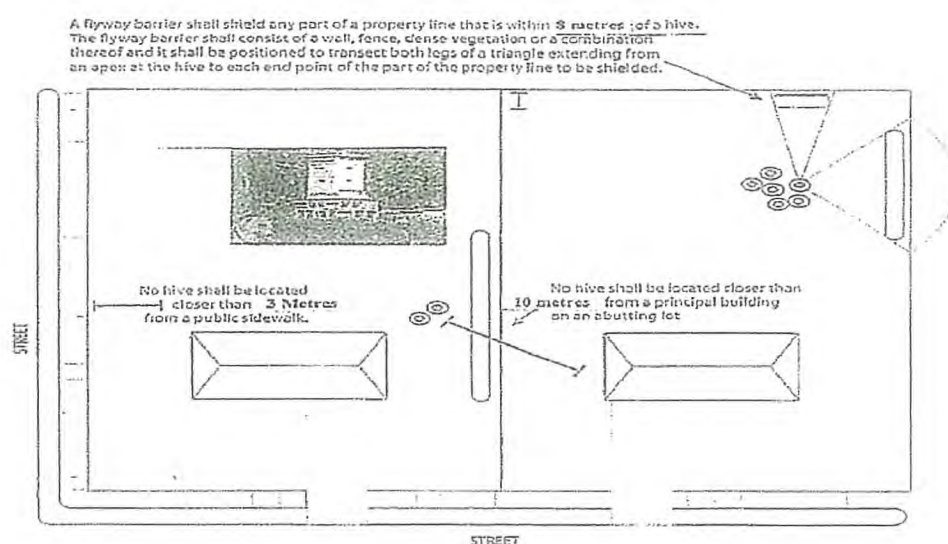
## **12. HORSES**

- 12.1 No person shall keep a horse in an Urban Area without a Permit issued by Council.
- 12.2 Horses, permitted to be kept in an Urban Area, must be adequately fenced so as to prevent them from escaping into neighbouring property or Public Places.
- 12.3 Horses may be grazed behind a temporary electric fence.
- 12.4 The owner, rider or person responsible for any horse that defecates in an Urban Area Public Place, or upon urban Premises or upon urban land other than that owned or occupied by the owner, rider or person responsible for the horse shall be responsible for the removal and disposal of such excrement; **PROVIDED THAT** no offence shall be deemed to have been committed where the owner, rider or person having control of the horse removes the droppings as soon as practicable.
- 12.5 No person shall drive, lead, ride or exercise any horse along a footpath or on any lawn, garden, or other cultivation adjacent to or forming part of a Road
- 12.6 No person shall tether or otherwise leave out any horse for the purpose of depasturing or grazing on a Public Place.

## **13. KEEPING OF BEES**

- 13.1 Any hives located within the District shall be registered under the Biosecurity Regulations.  
NB: Registering hives may be completed through the National AFB Pest Management Agency website: [www.afb.org.nz](http://www.afb.org.nz)
- 13.2 In all areas within the District, any person keeping bees or permitting bees to be kept on their Premises shall ensure that no Nuisance is caused to other persons by those bees.

- 13.3 Where an Authorised Council Officer considers a hive to be dangerous, offensive or likely to be injurious to people the Authorised Council Officer may require the removal of such a hive.
- 13.4 In all other areas within the District no hive shall be kept less than 40 metres from any boundary, roadside, Public Place or right of way unless Council has provided its written approval.
- 13.5 Location of hives within an Urban Area section of less than 2000 m<sup>2</sup> must comply with the following:
- Hives that are shielded by a fence or suitably dense vegetation not less than 1.8 metres high may be located no closer than 3 metres from a footpath;
  - Hives that are shielded by a building, or a fence or suitably dense vegetation not less than 1.8 metres high may be located no closer than 10 metres from a neighbour's principal building;
  - A shielding plan shall be provided to ensure that the bees flight path is made to go a minimum of 1.8 metres high over the adjacent property, or road; as shown in the diagram below.



The above diagram is for illustrative purposes only; e.g. using the hive site as the centre draw a circle with an eight (8) metre radius around the proposed hive site, draw lines back to the hive to form a triangle. The shielding must extend from one leg of the triangle to the other leg. Shielding may be closer to the hive(s) and be a shorter length, or further away and longer. Such shielding may be a fence, another building on the same section, or suitable dense vegetation, or any combination thereof, which the bees would have to fly over.

- Location of hives on land in the Council Urban Area 2000 m<sup>2</sup> or greater may be subject to suitable shielding to cause the bees to fly over a building, or fence, or suitably dense vegetation, or a combination thereof, not less than 1.8 metres high across other residential land adjacent to the hive site.

#### **Advisory Note**

*Resource consent must be obtained from Council for any fence over 1.8 metres high.*



#### **14. MOVEMENT OF STOCK**

14.1 Council may, by publicly notified resolution:

- a) designate specific urban roads as stock routes, or
- b) designate specific roads where the movement of Stock is prohibited or restricted.

14.2 Subject to clause 14.1 above, no person shall move any Stock across or along any road in an Urban Area, except in an emergency.

14.3 No movement of Stock shall commence or continue outside the hours of daylight.

14.4. Road Crossings for Stock shall be classified as either 'Permitted', 'Conditional' or 'Restricted', according to the following factors:

a) Permitted

- 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;
- The number of Stock movements shall not exceed 15 in any one calendar month;
- 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.

b) Conditional

- 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:
  - Washing or sweeping the road after each Stock movement;
  - The placement of an approved Stock/Road protective mat across the Road surface before the stock cross;
  - A reduction of the minimum length of unimpeded visibility, subject to specific Road safety precautions being implemented.

c) Restricted

- Stock movement shall be via an approved Stock Underpass, if:
- The number of Stock 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
- The number of Stock movements exceeds 60 in any calendar month.

14.5. All crossing or moving Stock must be under the proper guidance and control of an experienced stock person at all times.

14.6 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.

14.7 The drover must keep the Stock moving towards the destination at all times.

14.8 Notwithstanding anything in this part of this Bylaw, where, in the opinion of 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 uses, Council may:

- a) Prohibit the movement of Stock by that person along the Road or part thereof; or
- b) Allow the movement of Stock by that person along the Road or part thereof, subject to conditions, and



- 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 appropriate costs.

## **15. GRAZING OF ROAD RESERVE**

- 15.1 Subject to holding valid and adequate public liability insurance, a person may apply to Council to obtain a Permit for the temporary grazing of Council's road reserve.
- 15.2 Subject to clause 15.1 above Stock must be contained within a Temporary Electric Fence and be electric fence trained.
- 15.3 The Temporary Electric Fence shall be at least:
  - a) 1.0 metre from any water table; and
  - b) 2.0 metres from the edge of any Road.
- 15.4 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.
- 15.5 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.
- 15.6 A Temporary Electric Fence is to be used during daylight hours only. Stock must be removed for the duration of the hours of darkness.
- 15.7 Council may specify Roads where a Temporary Electric Fence must be removed for the duration of the hours of darkness.
- 15.8 The Stock owners are responsible for the security of all Stock grazing the road reserve, at all times.
- 15.9 The Stock owners are liable for all Stock grazing the road reserve at all times.

## **16. GATES AND CATTLE STOPS ACROSS ROADS**

- 16.1 Council may, in writing, permit the erection of a swing gate or a cattle stop, or both, across any Road, where:
  - a) In Council's opinion it is not practicable or reasonable to fence the Road; or
  - b) By agreement the Road has been taken, or may be constructed, through private lands, and the landowner requests that a cattle stop be erected on the outer boundary.
- 16.2 Where a swing gate or cattle stop is erected across a Road under clause 16.1, a sign with the words "Public Road" legibly printed in letters not less than 75 mm in height, must be fixed on each side of the swing gate or cattle stop, and maintained at all times by the person holding the permit for the swing gate or cattle stop.
- 16.3 Where a swing gate or cattle stop across any Road is considered redundant or an inconvenience, either by Council or by a petition supported by affected residents of the immediate area, Council may serve notice on the person authorised to erect the swing gate or cattle stop, of Council's intention to revoke the permit and have the swing gate or cattle stop removed.
- 16.4 Where a swing gate or cattle stop is erected across a road for the purpose of confining or grazing Stock, Council may impose conditions regarding the maintenance of that Road.

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

## **17. SLAUGHTER OF ANIMALS**

- 17.1 No person shall slaughter Animals or dismember, handle, process or dispose of the carcass or remains of Animals on any Premises within an Urban Area so as to cause or be likely to cause:
- a) A Nuisance;
  - b) Be a threat to public health and safety; or
  - c) Be offensive.
- 17.2 No person shall slaughter or permit to be slaughtered any Animal, in such a manner as to be in view of any person nearby other than the contractor or owner or occupier on whose land the activity is carried out. Adequate screening must be provided around the slaughtering or processing site; and such screening must be of a sufficient height and size so as to cut out the line of site by any such person so as to prevent the slaughtering or processing operation from being seen.
- 17.3 All waste associated with the slaughter of Animals must be removed from the Premises immediately. No person shall dispose of the body, any part of the body, bodily fluids or effluent of any Animal belonging to the person, or in that person's charge or keeping in a manner that will produce odour, cause a Nuisance or a threat to public health.
- 17.4 No person shall hang or otherwise store any Animal carcass in a state where they are offensive or injurious to public health.

## **18. NUISANCES**

- 18.1 No person shall keep an Animal that by frequent or long continued noise creates a nuisance by disturbing the quiet enjoyment of people living in the vicinity. An Authorised Council Officer may issue a written notice requiring the owner of the Animal, or the owner or the occupier of the Premises where the Animal is currently residing to take action to remedy the noise nuisance within seven days (7) from the date of service of the abatement notice.
- 18.2 Dead Animals or any part thereof must be removed immediately from any Premise where it is likely to cause a Nuisance. Failure to do so will result in an Authorised Council Officer arranging removal of the dead Animal with costs incurred being charged to the landowner or occupier.

## **19. IMPOUNDING**

- 19.1 Council has the ability to impound, without warning, any Animal which is found wandering;
- 19.2 Council has the ability to impound Animals in breach of this Bylaw.
- 19.3 Any Animal impounded will be kept for the required period as determined by the relevant statute.
- 19.4 Every reasonable effort will be made to contact the owner and to advise that their Animal has been impounded.
- 19.5 As soon as practicable after the Animal has been impounded, an Authorised Council Officer shall give written notice to the owner advising that the Animal has been impounded and:

- a. what the owner's rights and obligations are; and
- b. the amount of the impounding fee and/or associated costs; and
- c. the ability of Council to sell the Animal to defray costs, humanely destroy the Animal or otherwise dispose of the Animal as Council thinks fit in its absolute discretion.

## **20. OFFENCES**

- 20.1 It is an offence under section 239 of the Act to breach a bylaw. Any person who fails to comply with any provision of this Bylaw commits an offence and may be liable on summary conviction to a fine up to \$20,000 under section 242(4) of the Act.
- 20.2 Every Person commits an offence under this Bylaw who:
- a) Obstructs or hinders an Authorised Council Officer in the performance of any duty or power conferred by this Bylaw;
  - b) Damages, destroys or defaces (or has in his or her possession, without authority from the Council) any property, article or thing belonging to Council or under Council's control.
- 20.3 Any person who fails to carry out any action required to be carried out by an Authorised Council Officer, in respect of non-compliance, commits an offence and on summary conviction is liable to a fine up to \$20,000 under section 242(4) of the Act.
- 20.4 The penalties outlined in clauses 20.1 and 20.3 above are in addition to, and not in substitution of, any action Council might take pursuant to any other legislation to address breaches of this Bylaw.
- 20.5 Notwithstanding clauses 20.1 – 20.4, nothing in this Bylaw prevents Council from exercising its powers under the Health Act 1956, or the Resource Management Act 1991 to abate a Nuisance without notice.
- 20.6 Where it is suspected that any Person has committed a breach of this Bylaw that Person must, on the direction of an Authorised Council Officer provide the Authorised Council Officer their full name, address and date of birth.

### **Advisory Note**

*No person shall do anything or cause any condition to exist for which a Permit from Council is required under this Bylaw without first obtaining that Permit and the failure to do so shall constitute a breach of this Bylaw.*

*No application fee for a Permit from Council and no payment of or receipt for any fee paid in connection with such Permit shall confer any right, authority or immunity on the person making such application or payment.*

## **21. POWERS OF ENFORCEMENT**

- 21.1 In accordance with section 162 of the Act, Council may apply to the District Court for an injunction to restrain a Person from committing a breach of this Bylaw.
- 21.2 In accordance with section 163 of the Act, Council or an authorised agent appointed by it, may remove or alter any work or thing that is or has been constructed in breach of this Bylaw. Council may recover the costs of removing or altering the work or thing that is in breach of this Bylaw from the person who committed the breach. This does not relieve the person of liability for the breach of this Bylaw.



- 21.3 Council may seize and impound property if it is materially involved in the commission of an offence, under and in accordance with sections 164 and 165 of the Act.
- 21.4 An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a warrant for an Authorised Council Officer to enter private property involved in an offence, and seize and impound property.
- 21.5 Council will return and may dispose of property seized and impounded in accordance with sections 167 and 168 of the Act.
- 21.6 In all cases Council may recover costs associated with a breach of this Bylaw in accordance with sections 175 and 176 of the Act respectively.

## **22. NOTICES**

- 22.1 Any notice issued pursuant to this Bylaw must be in writing and may be served by:
- a) Delivering it personally to the person to whom it is addressed to; or
  - b) Sending it by post in a letter addressed to the intended recipient, or leaving it at his or her usual or last known place of residence.
- 22.2 If a notice is sent to the intended recipient by way of post then for the purposes of clause 22.1 the notice shall be deemed for the purposes of this Bylaw to have been received by the intended recipient at the time at which the letter would have been delivered in the ordinary course of postal delivery.
- 22.3 Every notice to which clause 22.1 applies shall:
- a) Specify:
    - a. The purpose of the notice;
    - b. Actions which Authorised Council Officers require the recipient to undertake in order to abate the nuisance;
    - c. The rights of appeal (if any) to the matters referred to in the notice; and
    - d. The name and address of the Officer to whom enquiries in respect of the notice may be made; and
    - e. If entry on land or Premises is intended, the statutory authority for the entry; and
    - f. In the case of notice that an Animal has been seized, a statement that the Animal may be sold, humanely destroyed or otherwise disposed of unless the Animal is claimed and all fees paid within 7 days after receipt of the notice.

## **23. APPEAL PROCESS**

- 23.1 Any person who is dissatisfied with a decision made by an Authorised Council Officer may appeal in writing against that decision or conditions to Council within fourteen (14) days of receiving written notice of the decision or conditions.
- 23.2 On hearing the appeal brought under this Bylaw, Council or its delegated Committee of Council may confirm, reverse, or modify the decision or conditions made by the Authorised Council Officer and the decision of Council or its delegated Committee of Council shall be final.
- 23.3 The right of appeal is in addition to any other statutory right made available to the owner or occupier.

## **24. PERMITS**

- 24.1 Where any activity under this Bylaw requires a Permit from Council, the person must:
- a) Complete the required application form;
  - b) Pay the application fee (if any); and
  - c) Comply with any conditions of that Permit.
- 24.2 A Permit is personal to the applicant and is not transferable.
- 24.3 A Permit may be revoked by Council at any time.
- 24.4 A Permit may include, in addition to conditions incorporated by this Bylaw, conditions that Council considers are reasonably necessary to manage the effects of the activity, achieve the objectives of this Bylaw, and minimise the risk of nuisance.
- 24.5 Every person relying on a Permit must comply with the conditions of the Permit.
- 24.6 A Permit may be revoked by Council for a breach of this Bylaw or for any of the conditions contained in the Permit, or, in the event of change of circumstances relating to the Premises, the owner or occupier thereof or the Animals kept or remaining on the Premises.
- 24.7 Any Permit issued under this Bylaw must be renewed annually for the continued keeping of the Animals to which it relates.

## **25. FEES**

- 25.1 The Chief Executive is authorised to, at any time, prescribe fees that may be charged in respect of any Permit, inspection made or service given by Council under the provisions of the Local Government Acts 1974 and 2002, or any other enactment where that enactment contains no provision for authorising Council to charge a fee.
- 25.2 Unless an Act, Regulation, or Bylaw provides that a Permit, service given or inspections made shall be given free of charge then all fees and charges, which Council is empowered by an Act, Regulation, or Bylaw to prescribe a charge; or to vary through the making of a Bylaw or otherwise, be prescribed, charged or varied from time to time by the Chief Executive. Such fees and charges will be publicly notified. The public notice shall specify when the fee or charge will come into force and to which persons, applications, objects and period they shall apply to and for and (where appropriate) on what basis they may be assessed.
- 25.3 Except as otherwise provided in any Act, every fee or charge which is prescribed or charged under clause 25.1 above, shall be such as to recover no more than the reasonable costs incurred by Council in respect of the matter for which it is prescribed or charged.

## **26. COMMENCEMENT**

- 26.1 The Bylaw was duly adopted at a meeting of Wanganui District Council on the 24<sup>th</sup> day of February 2015 and through Council resolution ordered to come into force on the 25<sup>th</sup> day of February 2015.

## **27. REVIEW**

- 27.1 The Bylaw must be reviewed before 24<sup>th</sup> February 2020.

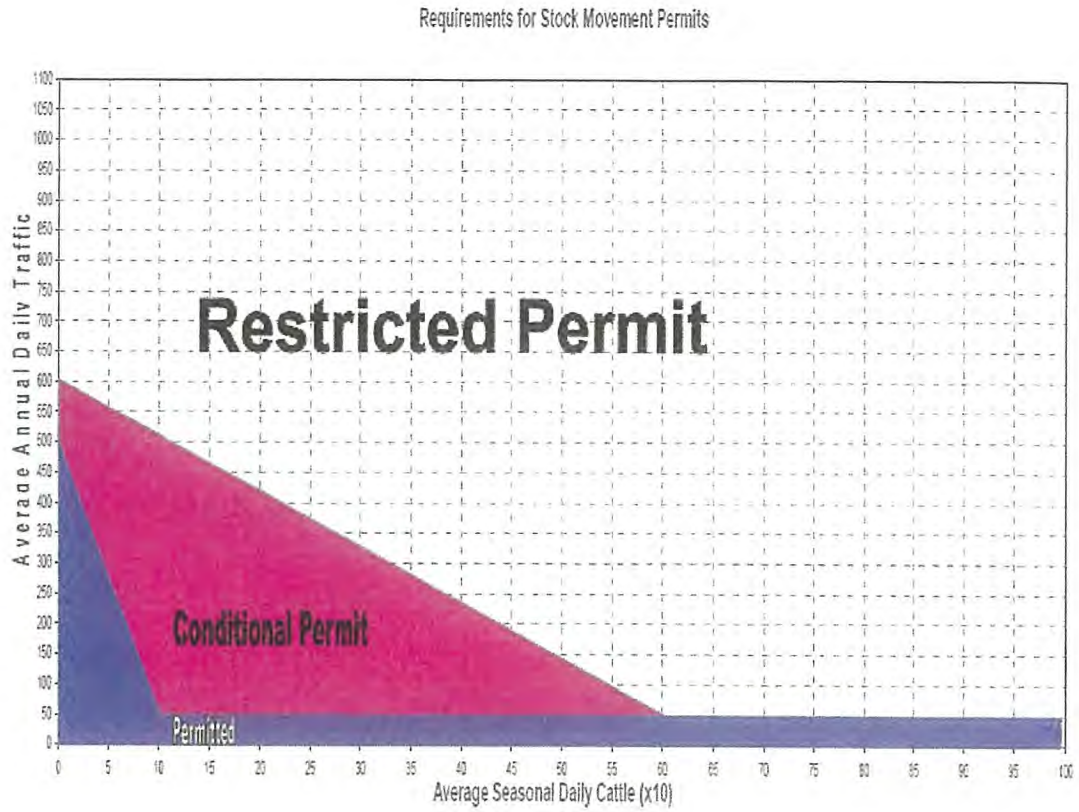
**28. SCHEDULE**

- 28.1 The Schedule to this Bylaw shall be deemed to form part of this Bylaw, and may from time to time by Council resolution publicly notified be altered, added or deleted.

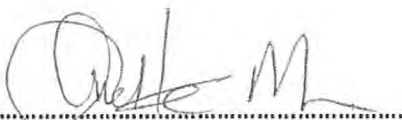


## SCHEDULE ONE

Chart 1 – Requirements for Dairy Stock Movement Permits



The Common Seal of Wanganui District Council was hereunto affixed this 24<sup>th</sup> day of February 2015 in the presence of:



Mayor



Chief Executive

