

	Title:	Animal Nuisance Bylaw - Ture-ā-Rohe Kararehe Pōrearea 2019
	Date adopted (review date):	01 October 2019
	Date in force:	07 October 2019
	Next review date:	07 October 2024

1. Title

- 1.1. This Bylaw is the Thames-Coromandel District Council Animal Nuisance Bylaw - Ture-ā-Rohe Kararehe Pōrearea 2019.

2. Purpose and Scope

- 2.1. The purpose of this Bylaw is to manage the effects of, or behaviours associated with, the keeping of animals, including bees, pigs and poultry in the Thames-Coromandel District so that they do not create a nuisance or endanger the health of the public. This Bylaw is made under s146(a)(v) of the Local Government Act 2002 and applies to the entire Thames-Coromandel district unless specified otherwise in this Bylaw.

3. Commencement

- 3.1. This Bylaw comes into force on 7 October 2019.

4. Revocation

- 4.1. The Thames-Coromandel District Council Part 11 Nuisances 2005 of the Consolidated Bylaw 2004 is revoked at the time the Thames Coromandel Animal Nuisance Bylaw 2019 comes into force.

Explanatory note:

This Bylaw is not the only legislative document relating to activities in public places. Nothing in this Bylaw derogates from any duty, power or responsibility arising from any other Act, regulation, bylaw or rule.

The Bylaw supplements, rather than duplicates other animal owner obligations, including but not limited to; the Animal Products Act 1999, Animal Welfare Act 1999, related codes of welfare and the Waikato Regional Pest Management Plan 2014-2024. Council also has responsibilities and powers regarding animals under the Biosecurity Act 1993, Health Act 1956, Reserves Act 1977, Resource Management Act 1991 and the Thames-Coromandel District Plan. Matters relating to the control of dogs are addressed in the Thames-Coromandel District Council Dog Control Bylaw 2016 - Ngā ture a rohe mō ngā kaupapa kuri and Dog Control Policy 2016.

Any future amendments to, or replacement of, a part of an act or regulation referred to in the Bylaw apply to this Bylaw.

Words which refer to the singular include the plural and the plural includes the singular.

Notes in italics are for information only and are not part of this Bylaw.

PART 1

PRELIMINARY PROVISIONS

5. Definitions

5.1. Any words, phrases or expressions in this Bylaw which have meanings assigned to them by the Local Government Act 2002 and Health Act 1956 shall have the meanings as are respectively assigned in those Acts and corresponding supplementary legislation, unless inconsistent with the context in which such words occur.

5.2. In this Bylaw, if not inconsistent with the context:

Animal means any live member of the animal kingdom that is a mammal (excluding humans, cats and dogs), bird, or 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.

Beehive and hive means any receptacle housing a honey bee colony for the purposes of honey production, and includes 1 receptacle per colony used solely for the purposes of queen breeding, hive maintenance and swarm prevention purposes.

Bee keeping means the keeping of beehives and includes the removal of honey and bee products from the hive, but not the further processing of such products.

Bee keeper means a person who is keeping bees or owns hives.

Council means the Thames-Coromandel District Council.

District means the area within the territorial boundary of the Thames-Coromandel District Council.

District Plan means the Decisions Version of the Proposed District Plan dated 6 April 2016, and the Operative Version of that Proposed District Plan, when it becomes fully operative.

Dwelling means a building that a person lives in, and includes any separate buildings on a site that are lived in or used for sleeping in, but are accessory to the main dwelling.

Enforcement Officer	means an enforcement officer appointed under section 177 of the Local Government Act 2002.
Keep or keeping	includes owning, looking after, caring for, being in charge of, a custodian of or in possession of any animal.
Neighbour(s)	means both the Owner(s) and Occupier(s) of a site.
Nuisance	means, without limiting the meaning of the term “nuisance”, any unreasonable interference with the peace, comfort or convenience of another person, whether by way of excessive noise or offensive odours, and includes the nuisances defined in section 29 of the Health Act 1956.
Person	has the meaning given by the Interpretation Act 1999.
Pigsty	means a pen or enclosure for a pig or pigs.
Poultry	means any live bird that is kept or raised to produce eggs, hatching eggs or poultry products or for rearing on behalf of any other person, and includes geese, ducks, pigeons, turkeys, emus, ostriches and all types of domestic fowls.
Poultry keeping	means the keeping of poultry on a small scale for domestic use only.
Public place	has the same meaning given by section 147(1) of the Local Government Act 2002.
Rural area	means land zoned Rural and Rural Lifestyle in the District Plan.
Swarm	means a cluster or flying mass of honey bees, including workers, queen and drones.
Urban area	means land zoned Coastal Living Zone, Extra Density Residential Zone, Low Density Residential Zone, Residential Zone, Village Zone and Waterfront Zone in the District Plan.

6. General Requirements

- 6.1. Any person keeping, or permitting to be kept, bees, poultry and other animals as defined in this Bylaw on private land must always ensure that these animals:
- (a) do not cause or are unlikely to cause a nuisance to any person; and
 - (b) are kept in conditions which are not offensive or injurious to public health and safety; and

- (c) do not damage any property belonging to any other person.
- 6.2. The Council may by written notice require that an owner or person keeping bees, poultry and other animals as defined in this Bylaw take specified steps to ensure compliance with clause 6.1 or to mitigate or abate the conditions referred to in clause 6.1.
- 6.3. It is the duty of the Owner or person keeping the bees, pigs and poultry to comply with the steps set out in the notice provided under clause 6.2 within the specified time period.
- Explanatory note: Animal owners are required under the Animal Welfare Act 1999 to provide for the physical, health and behavioural needs of their animals, including food, water, shelter and exercise.*

PART 2

BEES

7. Bee Keeping

- 7.1. No person shall keep bees in the District if in the opinion of an enforcement officer the keeping of bees is likely to become a nuisance or potential danger to any person.
- 7.2. No person may keep bees in the District unless the beehive or the beekeeper is registered under the Biosecurity Act 1993 and the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998.
- 7.3. Where an enforcement officer considers an existing hive or hives is likely to become a nuisance or potential danger to any person, they may require removal of the hive(s).
- 7.4. A person may keep bees in the urban area provided they comply with the following conditions:
- a) Hives are placed no closer than 5 metres to any property boundary where there is no solid fence 1.8 metres or taller on that boundary; or
 - b) Where there is a solid fence 1.8 metres or taller on any property boundary, the hives are placed no closer than 3 metres from that boundary; and
 - c) The property area is 500 square metres or greater; and
 - d) The number of hives does not exceed that which is allowed for the area of the property as indicated in the following table:

Property area	Maximum number of hives
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500-2000 square metres	2
2001 square metres-4000 square metres	4
4001 square metres or greater	6

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 honey bees 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 byASURE Quality 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. 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 urban beekeeping activities. Thames-Coromandel District Council also advises every person wishing to keep bees in an urban area to participate in a beekeeping 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. Honey bees 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.

PART 2

PIGS

8. Pig keeping

- 8.1. All pigsties must be at least 50 metres away from any dwelling, or any wholly or partly occupied building, or any street or public place, or any place used for the preparation, storage, or sale of food for human consumption, or from any boundary with any adjoining property.

PART 3

POULTRY

9. Poultry Keeping

- 9.1. No person may keep a rooster or cockerel in an urban area.
- 9.2. A person may keep up to 6 head of poultry hens in an urban area.
- 9.3. All poultry kept in an urban area must be provided with a poultry house, which shall be maintained in good repair, in a clean condition, free from any offensive smell or overflow, accumulations of manure, food and vermin.
- 9.4. Poultry houses or poultry runs must be at least 3 metres away from any dwelling, factory or any other building and at least 2 metres away from the boundary of adjoining properties

10. Offences and penalties

- 10.1. Any person who does not comply with the provisions of this Bylaw commits an offence.
- 10.2. An offence under this Bylaw is liable to a penalty under the Local Government Act 2002.

Signed on Behalf of Thames-Coromandel District Council by;

District Mayor

Date

Chief Executive

Date

BYLAW HISTORY

Action	Description	Date of Council Resolution	Effective Date
<i>Bylaw Reviewed</i>	<i>Adopted new Animal Nuisance Bylaw 2019. Revoked Part 11 Nuisances 2005 of the Thames Coromandel District Council Consolidated Bylaw 2004.</i>	01 October 2019	07 October 2019