



chatham islands council

Chatham Islands Council

Stock Control and Keeping of Poultry, Bees & Pigs & Boundary Fencing Bylaw 2023

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Pursuant to the Local Government Act 2002 and the Land Transport Act 1998, the Chatham Islands Council makes this bylaw.

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History of Changes

Date	Version	Council Adoption	Description
1/1/2017	1.0	02/11/2018	Initial Bylaw
	2.0	Xx/xx/2023	Reviewed

1. PREAMBLE

- 1.1 Pursuant to the Local Government Act 2002 and the Land Transport Act 1998, the Chatham Islands Council makes this Bylaw.
- 1.2 This Bylaw will be in force throughout the whole of the Chatham Islands, or any specific part of the Chatham Islands as required.

2. TITLE AND COMMENCEMENT DATE

- 2.1 This Bylaw shall be known and referred to as the Chatham Islands Council Stock Control and Keeping of Poultry, Bees and Pig and Boundary Fencing Bylaw 2023.
- 2.2 This Bylaw shall come into force on 1 November 2024.

3. PURPOSE

- 3.1 The purpose of this Bylaw is to make better provision for the control of stock, and the keeping of other animals within the Chatham Islands territory.

4. INTERPRETATIONS

- 4.1 In this Bylaw, except where inconsistent with the context, the following definitions of terms shall apply:

"Adequate fencing" means fencing that, as to its nature, condition and state of repair, is reasonably satisfactory for the purpose it serves or is intended to serve, namely to prevent the exit of livestock onto a road.

"Adult" means a person over the age of 18 years.

"Boundary Fence" means a fence, which separates a road from adjoining property.

"Carriageway" means that part of a road constructed or laid out for use by vehicular traffic, and includes:

- (a) Any metal shoulder edging, kerbing and channelling thereof; and
- (b) A footpath as defined in Section 315(1) of the Local Government Act 1974.

"Control Point" means a position from which an adult drover can exercise effective control over stock.

"Council" means the Chatham Islands Council.

"Drove" means the foot movement of stock, and "driven" and "droving" shall have equivalent meanings.

"Gateway" means any entrance in a boundary fence which allows entry to or exit from a road.

“Hours of Daylight” means the period of time between half an hour before sunrise and half an hour after sunset on the same day.

“Animal Control Officer” means any person that is appointed by the Chatham Islands Council under clause 6.1 of this Bylaw to carry out and administer the provisions of this Bylaw.

“Owner” means in relation to any stock, means every person who:

- (a) Owns the stock; and
- (b) Includes the person having the charge of the stock or the management thereof, and “owned” has a corresponding meaning.

“Public Place” means:

- (a) Every thoroughfare (other than a road as defined in this Bylaw) of a public nature or open to, or used by, the public as of right; and
- (b) Every park, reserve, beach, riverbed, place of public resort or place to which the public has access (within the Territory).

“Road” means a road as defined in Section 315(1) Local Government Act 1974 and Section 2(1) of the Land Transport Act 1998 but excluding an unformed paper road.

“Road Verge” means that part of a road which is not the carriageway (this includes the term “roadway”).

“State Highway” has the meaning attributed to it by section 5(1) of the Land Transport Management Act 2003.

“Stock” means any four-legged hooved animal not in a wild state.

“Stock Race” means land fenced and used for droving stock and includes a stock race laid off in whole, or in part, on a verge with the prior written consent of the Council, in its unfettered discretion.

“Settlement Area(s)” means an area zoned as a Settlement Zone under the Chatham Islands Resource Management Document 2020.

“Temporary Fence” has the meaning attributed to it by clause 11.1 of this Bylaw.

5. OBLIGATIONS OF STOCK OWNERS

5.1 The obligations imposed on stock owners by this Bylaw, require every owner of stock:

- (a) To ensure that the requirements of this Bylaw are complied with;
- (b) To ensure stock are kept under control at all times; and
- (c) To take all reasonable steps to ensure that stock do not damage or endanger any property belonging to any other person.

- 5.2 Nothing in this Bylaw limits the obligation of the owner of any stock to comply with the requirements of any Act, regulation or any other bylaw regulating the control, keeping, and treatment of stock.

6. ANIMAL CONTROL OFFICERS

- 6.1 The Council, may by resolution, from time to time, appoint any person or persons as an Animal Control Officer to administer the provisions of this Bylaw.
- 6.2 A person appointed by the Council as a "ranger" under the Impounding Act 1955 is authorised to administer the provisions of this Bylaw.
- 6.3 The Council may also appoint such other persons to administer the provisions of this Bylaw as may be required.

7. WARRANT OF AUTHORITY

- 7.1 The Council shall supply an Animal Control Officer, or any other person appointed or authorised to administer the provisions of this Bylaw, with a Warrant of Appointment, which shall be carried and produced as evidence of their identity.

8. ANIMALS WANDERING

- 8.1 Every person being the owner of any stock shall keep and prevent the same from wandering or being at large without proper control on any public place or road.
- 8.2 In the event of stock wandering or being at large without proper control on any public place or road, the owner of such stock is responsible for all fees and costs incurred by Council, or the Council's agents, to secure the same.

9. LOITERING

- 9.1 No person shall allow stock under their control or charge to loiter in any public place.

10. ROADSIDE GRAZING

- 10.1 Stock may be grazed on a road verge adjoining land owned or occupied by the owner of the stock, or on a road verge adjoining land of another person with the prior consent of that person, if:
- (a) The stock are confined within a temporary fence in accordance with the provisions of clause 11; or
 - (b) The stock are controlled by a sufficient number of adult drovers to prevent the stock from obstructing the carriageway and from wandering beyond the control points.
- 10.2 No person shall graze any stock on a road outside the hours of daylight, or in an area which is zoned residential or rural residential in the District Plan.

- 10.3 No bulls are allowed to graze on road verges.
- 10.4 No person shall tether or otherwise put or place any stock, for the purpose of de-pasturing or grazing the same, on any public place without the written permission of the Council. A Council permit will, on approval, be issued for this purpose.
- 10.5 An owner of stock who grazes the same on the road verge in accordance with this Bylaw does so at the owner's risk in all respects.
- 10.6 State highway grazing would require a consent for temporary fencing from Waka Kotahi New Zealand Transport Agency, however, the requirements of temporary fencing, clauses 11.1 to 11.6 do apply.

11. TEMPORARY FENCING ON ROADSIDE RESERVES

- 11.1 For the purpose of this clause, a "temporary fence" means an adequate stock proof fence erected on the road verge for grazing purposes which:
- (a) Is constructed of securely driven or rammed posts or stakes made of fibreglass, plastic or wood or any combination of these of a size not greater than 100mm width and 50mm depth; and
 - (b) Is constructed of steel wire or netting or electric fence braided wire or netting or any combination of these adequately strained, battened and stayed; or
 - (c) Includes temporary one wire electric fences which are allowed to be used for grazing pastures for a duration of one (1) day or less.
- 11.2 Any temporary fence and edge of stock race shall be no closer than 1 metre, where appropriate, from the edge of any road.
- 11.3 A temporary fence may only be erected on one side of a road at any one time. Where different occupiers on opposite sides of the road each wish to erect a temporary fence, they must make their own, compatible arrangements.
- 11.4 Safety reflectors (e.g., adhesive reflective strips 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.
- 11.5 If the temporary fence is electrified, appropriate "live wire" warning signs shall be fitted to the fence.
- 11.6 No temporary fence can be erected on a road verge without a Council Permit issued in the name of the stock owner. Any permit issued is not transferable to any other person and the permit only authorises the temporary fence for which the permit was obtained. The permit requirement for a temporary fence is only in respect of temporary fences of the nature stated in clause 11.1 (a) and (b).

12. DROVING OF STOCK

- 12.1 Stock may be driven along or across a road during the hours of daylight if a person or animal is clearly visible at a distance of 100 metres, or warning is given that stock are being moved.

- 12.2 No person shall drive stock along or across a road outside the hours of daylight unless clear warning signs (e.g. Hazard lights or other effective devices) are visible.
- 12.3 In the case of an emergency or escape, clauses 12.1, 12.2 and 13.2 requirements should be implemented as soon as possible (in order to warn other road users).

13. GENERAL CONDITIONS FOR DROVING OF STOCK

- 13.1 Stock shall be driven so as to cause the least possible disruption to other road users. The drover shall allow any vehicle to proceed along the road and take all reasonable steps to make way for or allow such a vehicle to pass.
- 13.2 At all times during droving of stock:
- (a) Warning signs are to be displayed indicating clearly that stock are on the road, or pilot vehicles are operated in front and behind such stock;
 - (b) The stock being driven are controlled by sufficient drovers to ensure that continuous progress is made towards the destination;
 - (c) Stock are driven in such a manner and use only such points of exit and access to and from the road that will ensure danger to other road users and damage to the road flanks will be minimised.

Note: At all times stock must be controlled in a means that are suitable to the conditions of the road being used, and normal right of way rules apply in respect of other road users.

- 13.3 All reasonable efforts shall be made to ensure that stock are kept:
- (a) On the road way and off any adjoining property. Gateways, where fitted, must be closed before stock pass; and
 - (b) Away from trees, shrubs or flower beds planted by Council on the road verge.
- 13.4 All injured or dead stock shall be removed from the carriageway immediately, and from the road verge as soon as possible thereafter but, in any event, on the same day.

14. POWER TO RESTRICT DROVING

- 14.1 The Council may from time to time prohibit or restrict the use of any road for the droving of stock. Any such prohibition or restriction may from time to time in like manner be altered or revoked. Where practicable, Council will give public notice of any restriction put in place on the use of roads for stock droving. Council will advise residents in the vicinity of the road in question.

15. STOCK DROVING ROUTES

- 15.1 The Council may from time to time declare specified roads to be stock droving routes for the purposes of droving stock. Any such declaration may from time to time be altered or revoked.

15.2 Any roads designed by Council as “stock routes” will have suitable signage erected.

16. DAMAGE TO ROADS

16.1 Where damage can be clearly identified as having been caused by the droving of stock to the carriageway, verge, any roadside marker post or sign, bridge railings or decking, ditches, boundary fences, gateways or mailboxes, the owner of the stock responsible for that damage shall take all reasonable steps to repair such damage to its previous standard. Should the owner default, the Council may undertake such works on the owner’s behalf and recover the costs incurred from the owner.

17. ANIMAL HEALTH / DROVING

17.1 No person shall drove any stock on a road, or tether or graze any stock on a road verge in circumstances where such droving, tethering or grazing is in contravention of any statute, regulation, code of practice or other lawful directive relating to animal health and/or the droving of stock.

18. FEES

18.1 The Council may from time to time by ordinary resolution, fix the fees payable for any Council permits issued under this Bylaw, any other approval given by the Council under this Bylaw, and for inspections carried out in respect of any Council permit issued under this Bylaw. Any application for a permit must be accompanied by the relevant application fee (if any).

19. STOCK RACES

19.1 Usage of a road frontage for the purpose of a permanent stock race requires approval from Council by way of a written request.

19.2 No person shall use any road frontage as a stock race except in accordance with a permit issued by the Council and subject to such conditions as may be prescribed by Council by resolution from time to time.

20. DEAD STOCK

20.1 Owners of dead stock are responsible for their sanitary disposal within 24 hours of being advised, or finding the carcase(s), whichever applies, whether found on their property or not.

20.2 In the event that carcase(s) are not removed, Council may undertake such work on the owner’s behalf and recover the costs incurred from the owner.

21. OBLIGATION TO FENCE ROAD BOUNDARY

- 21.1 Owners of stock are responsible for ensuring that all stock are securely contained at all times, which includes ensuring there is adequate fencing where the stock are kept.
- 21.2 Landowners having frontage to a road are responsible for erecting and maintaining adequate fencing along the roadside boundaries, where that land is used either permanently or temporarily for grazing or holding stock, to prevent stock wandering onto roads.
- 21.3 If the Council has concerns around the safety of road users on a road, the Council may require the landowner to take action immediately to ensure there is an adequate fence along the roadside boundary.
- 21.4 In the event that the landowner does not comply with clause 21.2, or with any action required under clause 21.3, the Council may undertake such work on the landowner's behalf and recover the costs incurred from the landowner.

22. PIG KEEPING

- 22.1 No pigs shall be kept in any area within a Settlement Area under the Chatham Islands Resource Management Document 2020.

23. POULTRY KEEPING (SETTLEMENT AREA REQUIREMENTS)

- 23.1 No poultry, caged or otherwise (which shall include geese, ducks, pigeons, turkeys, and domestic fowls of all descriptions), shall be kept in a Settlement Area except in a properly constructed poultry house covered in with a rainproof roof and to which a poultry run may be attached.
- 23.2 No poultry house or poultry run shall be erected or maintained, so that any part of it is within 10 metres from any dwelling, factory, or any other building, whether wholly or partially occupied, or within 2 metres of the boundary of adjoining premises.
- 23.3 Every poultry house and poultry run shall be maintained in good repair, in a clean condition free from any offensive smell or overflow, and free from vermin. The poultry run shall be enclosed to confine the poultry.

24. BEE KEEPING (SETTLEMENT AREA REQUIREMENTS)

- 24.1 No person shall keep bees in a Settlement Area without the permission of Council. A Council permit will only be given where it is believed that the keeping of bees is not, or is unlikely to become, a nuisance or an annoyance to any person or potentially dangerous or injurious to health.
- 24.2 Conditions may be prescribed in the Council permit relating, but not limited, to the location and number of hives able to be kept on any premises or place.

25. OFFENCES

- 25.1 In the event of breach, (including an alleged breach) 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 which those steps are to be taken. An owner who fails to take the steps set out in the notice within the time period specified in the notice:
- (a) Commits an offence under this Bylaw; and
 - (b) As soon as practicable shall remove the stock and/or the temporary fence; and
 - (c) As soon as practicable shall erect adequate fencing or a temporary fence.
- 25.2 A person who fails to comply with any clause of this Bylaw commits a breach of this Bylaw, including where written notice of a breach under clause 25.1 is not given to the owner of stock.
- 25.3 Every person committing any breach of this Bylaw shall be liable, on conviction, to a fine as set out in the Local Government Act 2002, or to the penalties set out in the Land Transport Act 1998, as the case may be.