



**chatham islands council**

# Chatham Islands Council

## Stock Control and Keeping of Poultry, Bees & Pigs & Boundary Fencing Bylaw 2018

## Contents

1. PREAMBLE .....	3
2. TITLE AND COMMENCEMENT DATE.....	3
3. PURPOSE.....	3
4. INTERPRETATIONS .....	3
5. OBLIGATIONS OF STOCK OWNERS .....	5
6. ANIMAL CONTROL OFFICERS .....	5
7. WARRANT OF AUTHORITY .....	5
8. ANIMALS WANDERING.....	6
10. LOITERING .....	6
11. ROADSIDE GRAZING.....	6
12. TEMPORARY FENCING ON ROADSIDE RESERVES.....	6
13. DROVING OF STOCK .....	7
14. GENERAL CONDITIONS FOR DROVING OF STOCK .....	7
15. POWER TO RESTRICT DROVING .....	8
16. STOCK DROVING ROUTES.....	8
17. DAMAGE TO ROADS .....	8
18. ANIMAL HEALTH / DROVING .....	9
19. FEES .....	9
20. STOCK IMPOUNDMENT.....	9
21. STOCK RACES.....	9
22. DEAD STOCK.....	9
23. FENCING .....	10
24. PIG KEEPING .....	10
25. POULTRY KEEPING (SETTLEMENT AREA REQUIREMENTS).....	10
26. BEE KEEPING (SETTLEMENT AREA REQUIREMENTS).....	10
27. OFFENCES.....	10
28. INDEMNITY .....	11
SCHEDULE 1 – ATTESTATION .....	12
SCHEDULE 2 - IMPOUNDING FEES .....	13

## **1. PREAMBLE**

- 1.1 In pursuant, and exercise of the powers conferred upon it by the Bylaws Act 1910, the Local Government Act 2002, the Transport Act 1962, and the Stock Impounding Act 1955 and their respective amendments, and of every other power and authority in this respect so enabling it, the Chatham Islands Council hereby by Special Order makes and ordains the Bylaw set out hereunder.

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 Bylaw 2018.
- 2.2 This Bylaw shall come into force on 1 November 2018.

## **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 terms shall have the legal or existing (common) understanding of the terms stated:

“Adult” a person over the age of 15 years.

“Approved Crossing” a crossing designed and constructed in compliance with the requirements of Council’s policies.

“Approved Underpass” an underpass designed and constructed in compliance with the requirements of Council’s policies.

“Boundary Fence” a fence, as defined in Section 2 of the Fencing Act 1978, which separates a road from adjoining property.

“Carriageway” 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 of the Local Government Act 1974.

“Control Pont” a position from which an adult drover can exercise effective control over stock.

“Council” the Chatham Islands Council.

“Drove” the foot movement of stock, and “driven” and “droving” shall have equivalent meanings.

“Farm” any parcel or parcels of land occupied and operated as a single farming unit, irrespective of ownership.

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

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

“Officer”, Animal Control Officers, or any other person that is appointed by Chatham Islands Council to carry out or exercise the duties of an Inspector under the requirements of this Bylaw.

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

- (a) Owns the stock, or
- (b) Is responsible for the care and custody of the stock, whether the stock is at large or in confinement.

“Public Place”

- (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” a road as defined in Section 315 Local Government Act 1974 and Section 2 of the Transport Act 1962 but excluding an unformed paper road.

“Road Verge” 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 2 of the Transit New Zealand Act 1989.

“Stock” any four legged hoofed animal not in a wild state.



“Stock Droving Race” land fenced and used for droving stock and includes stock droving 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)” as prescribed under the Chatham Islands Resource Management Document 2018

“Temporary Fence” has the meaning attributed to it by Clause 13.1 of this Bylaw.

“Warranted Officer” any person who is for the time being a Warranted Officer within the meaning of the Conservation Act 1987.

## **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;
- (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 other Act, or of any regulations or bylaws regulating the control, keeping, and treatment of stock.

## **6. ANIMAL CONTROL OFFICERS**

6.1 The Council, may be resolution, from time to time appoint any person or persons as an Animal Control Officer to administer the provisions of:

- (i) This Bylaw;
- (ii) The Stock Impounding Act 1955.

6.2 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 Animal Control Officers or any other person appointed 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**

- 9.1 Every person being the owner or having the care, custody or control of any stock shall keep and prevent the same from wandering or being at large without proper control on any public place or road.
- 9.2 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 its agents, to secure same, where responsibility can be proved.

## **10. LOITERING**

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

## **11. ROADSIDE GRAZING**

- 11.1 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 is confined within a temporary fence in accordance with the provisions of Clause 13, 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.
- 11.2 No person shall graze any stock on a road during the hours of darkness, in any urban or rural area, or in an area which is zoned residential or rural residential in the District Plan.
- 11.3 No bulls are allowed to graze on road verges.
- 11.4 No person shall tether or otherwise put or place any stock for the purpose of depasturing 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.
- 11.5 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.
- 11.6 State highway grazing would require a consent for temporary fencing from Transit New Zealand, however, the requirements of temporary fencing, Clause 13.1 to 13.6 do apply.

## **12. TEMPORARY FENCING ON ROADSIDE RESERVES**

- 12.1 For the purpose of this clause a "temporary fence" means an adequate stock proof fence erected on the road verge for grazing purposes which is constructed of:



- (a) 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;
  - (b) Steel wire or netting or electric fence braided wire or netting or any combination of these adequately strained, battened and stayed;
  - (c) Temporary one wire electric fences are allowed to be used for grazing pastures for a duration of one (1) day or less.
- 12.2 Fence and edge of race shall be no closer than 1 metre, where appropriate, from the edge of any road, except at existing water tables which shall be avoided.
- 12.3 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.)
- 12.4 Safety reflectors, eg. 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.
- 12.5 If the temporary fence is electrified, appropriate “live wire” warning signs shall be fitted to the fence.
- 12.6 No temporary fence can be erected without a Council Permit issued in the name of the stock owner. Any permit issued is not transferable to any other person. The permit requirement for a temporary fence is only in respect of temporary fences of the nature stated in clause 13.1 (a) and (b).

### **13. DROVING OF STOCK**

- 13.1 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 given that stock are being moved.
- 13.2 No person shall drive stock along or across a road during the hours of darkness unless clear warning signs (eg. Hazard lights or other effective devices) are visible.
- 13.3 In the case of an emergency or escape, Clause 14.2 requirements should apply as soon as possible (in order to warn other road users).

### **14. GENERAL CONDITIONS FOR DROVING OF STOCK**

- 14.1 Stock shall be driven so as to cause the least possible disruption to other road users. The driver shall allow any vehicle to proceed along the road and take all reasonable steps to make way for or allow such vehicle to pass.

14.2 At all times during droving of stock:

- (a) Warning signs are to be displayed indicating clearly that stock is 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.*

14.3 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.)
- (b) Away from trees, shrubs or flower beds planted by Council on the road verge.

14.4 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.

## **15. POWER TO RESTRICT DROVING**

15.1 The Council may from time to time in extraordinary circumstances, and by Special Order 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. Council will give public notice of any restriction put in place on the use of roads for stock droving, and advise residents in the vicinity of the road in question, where practicable.

## **16. STOCK DROVING ROUTES**

16.1 The Council may from time to time by Special Order declare specified roads to be stock droving routes for the purposes of droving stock. Any such declaration may from time to time in like manner be altered or revoked.

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

## **17. DAMAGE TO ROADS**

17.1 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.

## **18. ANIMAL HEALTH / DROVING**

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

## **19. FEES**

- 19.1 The Council may from time to time by ordinary resolution, fix the fees payable for infringements under this Bylaw, and for impoundment of stock.

## **20. STOCK IMPOUNDMENT**

- 20.1 The Council has adopted all the requirements for the establishment and management of public pounds, trespassing and wandering stock, and the impounding of stock as part of this Bylaw and detailed in the Impounding Act 1955 and its respective amendments.

## **21. STOCK RACES**

- 21.1 Usage of a road frontage for the purpose of a permanent stock race requires approval from Council by way of a written request.
- 21.2 No person shall use any road frontage as a stock race except in accordance with a permit and subject to such conditions as may be prescribed by Council by resolution from time to time.

## **22. DEAD STOCK**

- 22.1 Owners of dead stock are responsible for their sanitary disposal within 24 hours of being advised, or finding the carcass(es), whichever applies, whether found on their property or not.
- 22.2 In the event that carcass(es) are not removed, Council may undertake such work on the owners behalf and recover the costs incurred from the owner.

### **23. OBLIGATION TO FENCE ROAD BOUNDARY**

- 23.1 Owners of stock are responsible for all boundary fences in accordance with the Fencing Act 1978, on their property to ensure they are kept in good condition so stock are securely contained at all times.
- 23.2 The occupier of any land within the Chatham Islands having a frontage to a road and used for depasturing or holding stock whether permanently or temporarily shall erect and maintain an adequate fence along the boundary of the road.

### **24. PIG KEEPING**

- 24.1 No pigs shall be kept in any area which has a predominantly Settlement area character under the Chatham Islands Resource Management Document, District Plan of Council.

### **25. POULTRY KEEPING (SETTLEMENT AREA REQUIREMENTS)**

- 25.1 No poultry, caged or otherwise (which shall include geese, ducks, pigeons, turkeys, and domestic fowls of all descriptions), shall be kept in a predominantly Settlement area except in a properly constructed poultry house covered in with a rainproof roof and to which a poultry run may be attached.
- 25.2 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.
- 25.3 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.

### **26. BEE KEEPING (SETTLEMENT AREA REQUIREMENTS)**

- 26.1 No person shall keep bees in a Settlement area without the permission of Council. Permission will only be given where it is believed that the keeping of bees is, or is unlikely to become, a nuisance or an annoyance to any person or potentially dangerous or injurious to health.
- 26.2 Conditions may be prescribed relating to the location and number of hives able to be kept on any premises or place.

### **27. OFFENCES**

- 27.1 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 shall:

- (a) Commit an offence under this Bylaw;
- (b) As soon as practicable remove the stock and/or the temporary fence; and
- (c) As soon as practicable erect adequate boundary fencing.

27.2 Every person committing any breach of this Bylaw shall be liable for prosecution under Section 694 and 695 of the Local Government Act 1974.

## **28. INDEMNITY**

28.1 Under no circumstances will Council be held responsible for claims for damages in relation to compliance with any part of this Bylaw.





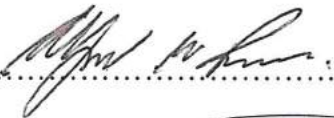
## SCHEDULE 1 – ATTESTATION

### **Chatham Islands Council STOCK CONTROL AND KEEPING OF POULTRY, BEES AND PIGS AND BOUNDARY FENCING BYLAW 2018**

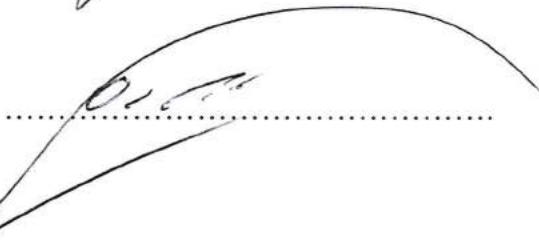
The foregoing Bylaw entitled the Chatham Islands Council Stock Control and Keeping of Poultry, Bees and Pigs Bylaw 2018 was duly made by Special Order at an ordinary meeting of the Chatham Islands Council held in the Council Chambers, 9 Tuku Road, Waitangi, Chatham Islands, on the 28th day of June 2018 (and meantime having been publicly notified), confirmed at an ordinary meeting of the said Council held on the 9th day of August 2018, and at such meeting last aforesaid ordered to come into force on the 1st day of November 2018.

The Common Seal of the )  
Chatham Islands Council )  
Was hereunto affixed pursuant )  
To a resolution of the said )  
Council in the presence of )



.....  


Mayor, Alfred Preece

.....  


Chief Executive Officer, Owen Pickles

## **SCHEDULE 2 - IMPOUNDING FEES**

### Fees for Poundage and Sustenance

- |    |  |         |
|----|--|---------|
| a) | For every horse, mule/ass, bull, cow, ox, steer, heifer, deer.               |         |
|    | Fees for Impounding (first day or part of day).                              | \$25.00 |
|    | Subsequent Days (standard fee).  | \$10.00 |
|    | Sustenance Fee per day or part of day.                                       | \$ 5.00 |
| b) | For every ram, ewe, wether, lamb, goat, boar, sow, pig or calf.              |         |
|    | Fees for Impounding (first day or part of day).                              | \$15.00 |
|    | Subsequent Days (standard fee).  | \$ 5.00 |
|    | Sustenance Fee per day or part of day.                                       | \$ 2.00 |
| c) | In addition to above fees.   |         |
|    | Giving notice (advertising) of impounding in respect of any stock impounded. |         |
|    | For writing and delivery of any notice or sending of any notice by post.     | \$20.00 |
|    | For advertisement in any newspaper in addition to actual cost of insertion.  | \$20.00 |

### Repeat Impounding

- a) Where stock, not necessarily the same animal, but owned by the same person is impounded on a second or subsequent occasion the poundage fee shall be twice that of the initial impounding.

### Droving Charges

- a) In the case of any stock found trespassing, straying or wandering on any road, the owner shall pay to the Council all actual and reasonable costs, including GST, incurred in loading, driving or conveying the stock from the place where it is found to the nearest Pound or to the place where it is delivered to the owner.

This shall so include all the costs of transportation and all cost incurred by Council for the attendance, call out, and any costs of all vehicles from and return to place of despatch, provided that no charge shall be less than \$20.00.

### Trespass Fees

#### Trespass on any paddock of grass or stubble:

- |    |  |         |
|----|--|---------|
| a) | For every horse, cattle, beast, deer, ass or mule. | \$ 3.00 |
| b) | For every sheep.                                   | \$ 1.00 |
| c) | For every pig or goat.                             | \$ 6.00 |

Trespass on any land bearing any growing or from which the crop has not been removed, or in any reserve, cemetery or burial ground:

- |    |  |         |
|----|--|---------|
| A) | For every horse, cattle, beast, deer, ass or mule. | \$ 6.00 |
| B) | For every sheep.                                   | \$ 2.00 |
| C) | For every pig or goat.                             | \$12.00 |

## **SCHEDULE 3 – ENFORCEMENT AND PENALTIES FOR OFFENCES**

Part 8 Regulatory, enforcement, and coercive powers of local authorities

Subpart 1—Powers of local authorities to make bylaws

143 Outline of Part

This Part provides the powers necessary for local authorities—

(a) to make bylaws:

(b) in relation to enforcement,—

(i) to enforce all regulatory measures made under this Act, including bylaws and infringement offences; and

(ii) to undertake, or contract out the administration of, those enforcement powers:

(c) to undertake certain activities on, or in relation to, private land, including powers in relation to owners and occupiers, and powers to recover for damage to certain local authority property caused wilfully or negligently:

(d) to undertake activities in relation to water services, including discharge of sewage and trade wastes:

(e) to require development contributions:

(f) to apply for and enforce removal orders.

### **Subpart 2—Penalties**

242 Penalties for offences

(1) A person who is convicted of an offence under [section 225](#), [section 227](#), [section 228](#), or [section 232\(3\)](#), is liable to a fine not exceeding \$20,000.

(2) A person who is convicted of an offence under [section 224](#), [sections 229 to 231](#), or [sections 233 to 238](#) is liable to a fine not exceeding \$5,000.

(3) A person who is convicted of an offence under [section 232\(2\)](#) is liable to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$20,000 or both.



(4) A person who is convicted of an offence against a bylaw made under [Part 8](#) (other than a bylaw made under Part 8 referred to in subsection (5)) is liable to a fine not exceeding \$20,000.

(5) A person who is convicted of an offence against a bylaw made under [section 146\(a\)\(iii\)](#) (which relates to trade wastes) is liable to a fine not exceeding \$200,000.

Compare: 1974 No 66 [ss 683\(1\), 698](#)

Section 242(1): amended, on 20 September 2007, by [section 8\(1\)](#) of the Local Government Act 2002 Amendment Act 2007 (2007 No 69).

Section 242(3): amended, on 20 September 2007, by [section 8\(2\)](#) of the Local Government Act 2002 Amendment Act 2007 (2007 No 69).