

# MANUKAU CITY CONSOLIDATED BYLAW 2008

## CHAPTER 2

### ANIMALS AND PEST MANAGEMENT

#### EXPLANATORY NOTE

<i>Bylaw made using powers of</i>		<i>Local Government Act 2002 Transport Act 1962</i>	
<b>Description</b>	<b>Date Made</b>	<b>Council Minute</b>	<b>Commencement</b>
<i>Bylaw first adopted by Council</i>	<i>28 Sep 2006</i>	<i>CL/SEP/1612/06</i>	<i>01 Jul 2007</i>
<i>Updated chapter and bylaw references, and removed reference to "authorised officer" in clause 8.1 and 8.2.</i>	<i>26 Jun 2008</i>	<i>CL/JUN/745/08</i>	<i>01 Oct 2008</i>

*The purpose of this Bylaw is to provide for the keeping of animals (including domestic pets, stock, poultry and bees) and the management of pests in Manukau City to enable people to provide for their well-being while avoiding a nuisance to any other person.*

*This Bylaw–*

- (a) allows people to keep domestic pets, stock and poultry in urban areas, provided the animals do not cause a nuisance to any other person, or damage to property;*
- (b) allows people to keep stock and poultry in rural areas;*
- (c) manages stock being driven on roads, and the grazing of stock in public places;*
- (d) manages the placement of beehives;*
- (e) manages the disposal of animals;*
- (f) requires owners and occupiers of property or premises to control pests; and*
- (g) manages the use of traps and other pest controls in public places.*

*This Bylaw should be read in conjunction with the entire Manukau City Consolidated Bylaw 2008 and other regulations affecting animals and/or pests, and the keeping of animals that are not necessarily repeated within this Bylaw, including (but not limited to) the Animal Products Act 1999, Animal Welfare Act 1999, Biosecurity Act 1993, Reserves Act 1977, Health Act 1956, Impounding Act 1955, Resource Management Act 1991, Building Act 2004, and Industry Codes of Practice.*

*This Explanatory Note is for information purposes only and does not form part of this Bylaw. Council resolutions made for this Bylaw are attached also for information purposes only and do not form part of this Bylaw.*

#### CONTENTS

1.	Interpretation .....	2
2.	Keeping domestic pets .....	2
3.	Keeping stock .....	3
4.	Driving stock on roads .....	3
5.	Grazing stock in public places .....	4
6.	Restrictions on the disposal and slaughtering of domestic pets and stock .....	4
7.	Bee keeping .....	4
8.	Pest management .....	4
9.	Use of traps .....	4

## 1. Interpretation

1.1 In this Chapter, unless inconsistent with the context

**DOMESTIC PET** means any domesticated animal (including a bird or reptile) kept for companionship or recreational purposes; but does not include stock, poultry, dogs, or any animal that is living in a feral or wild state.

**NUISANCE** has the same meaning as in section 29 of the Health Act 1956, and includes any person, thing or circumstance causing unreasonable trouble or annoyance, or unreasonable interference with the peace, comfort or convenience of another person

**ORGANISM** has the same meaning as in section 2 of the Hazardous Substances and New Organisms Act 1996.

**PEST** means any animal in a feral or wild state determined by the Council from time to time by resolution to be a pest.

**POULTRY** means any live bird that is kept or raised for the purpose of sale or of producing eggs, hatching eggs, or poultry products or for the purpose of rearing on behalf of another person, and includes Ducks, Chickens, Geese and Pheasants.

**ROAD** means ROAD as defined in Chapter 1 of the Manukau City Consolidated Bylaw 2008.

**RURAL AREA** means any area for the time being zoned for rural purposes in the District Plan and for the avoidance of doubt includes any area zoned for rural residential purposes.

**STOCK** means STOCK as defined in Chapter 1 of the Manukau City Consolidated Bylaw 2008.

**SUBSTANCE** has the same meaning as in section 2 of the Hazardous Substances and New Organisms Act 1996.

**TRAP** has the same meaning as in section 1 of the Animal Welfare Act 1999, but does not include a recognised rat or mouse trap, or possum trap.

**URBAN AREA** means any area that is not a Rural Area.

## 2. Keeping Domestic Pets

- 2.1 Every person keeping a domestic pet on private property must ensure that
- (a) the domestic pet does not create nor is likely to create a nuisance to any person; and
  - (b) the domestic pet is not kept in such conditions that create or are likely to create a nuisance to any person.
- 2.2 Without limiting clause 2.1 Council may from time to time by resolution set limits on the type and number of domestic pets kept on private property in an urban area.
- 2.3 Every person keeping a domestic pet on private property in an urban area that is contrary to any limit set under clause 2.2 must ensure that they hold a permit for that purpose issued by the Council.
- 2.4 Every person allowing a domestic pet to enter, or remain in, any public place must ensure that the domestic pet does not create nor is likely to create a nuisance to any person, or damage to any property.

### **3. Keeping Stock**

- 3.1 Any person may keep stock on private property in a rural area.
- 3.2 Every person keeping stock or poultry on private property in a urban area must ensure that
- (a) the stock or poultry does not create nor is likely to create a nuisance to any person; and
  - (b) the stock or poultry is not kept in such conditions that create or are likely to create a nuisance to any person.
- 3.3 Without limiting clause 3.2 Council may from time to time by resolution set limits on the type and number of stock kept on private property in an urban area.
- 3.4 Every person keeping stock on private property in an urban area that is contrary to any limit set under clause 3.3 must ensure that they hold a permit for that purpose issued by the Council.
- 3.5 Every person allowing stock to enter, or remain in, any public place must ensure that
- (a) the stock does not create nor is likely to create a nuisance to any person, or damage to any property; and
  - (b) the stock is not kept in such conditions that create or are likely to create a nuisance to any other person.

### **4. Driving Stock on Roads**

- 4.1 Without limiting clause 3.5 Council may from time to time by resolution prohibit the driving of stock on specified roads, specify safety performance standards for driving stock across or along any road, and identify the matters that will be considered by Council when considering an application for a permit required under clause 4.2
- 4.2 Except when returning stock to a property in the case of an escape or in an emergency, every person driving stock across or along any road must ensure that they hold a permit for that purpose issued by the Council where:
- (a) Stock is being driven across or along any road during the hours of darkness. The hours of darkness means those hours between half an hour after sunset and half an hour before sunrise the next day.
  - (b) Stock is being driven across or along any road identified by Council from time to time by resolution.
  - (c) The driving of stock across or along any road does not comply with any safety performance standard specified under clause 4.1.
  - (d) The driving of stock across or along any road on a regular basis, where regular means the movement of stock across or along a road more than 6 times within a 7 day period.
- 4.3 If, at the commencement of this bylaw, any person's existing pattern of stock movements across or along a road would require a permit in accordance with clause 4.2, that person has six months within which to obtain a permit for that purpose from the Council. Stock movements similar to that previously existing across or along a road will be allowed during this period provided that they comply with any safety performance standard specified under clause 4.1.
- 4.4 If, at the commencement of this Bylaw, any person to whom clause 4.3 applies makes an application for permit in accordance with clause 4.2 and the application for that permit is declined, that person has three [3] years within which to find an alternative method of moving their stock that is either permitted or does not use the road. Stock movements similar to that previously existing across or along a road will be allowed during this period provided that they comply with any safety performance standard specified under clause 4.1.

- 4.5 Council in consultation with the permit holder or person responsible for driving the stock, may suspend and/or alter any permit or controls for driving stock across or along a road that is under repair or reconstruction during the period of repair or reconstruction where in the opinion of Council the movement of stock in accordance with this bylaw would cause damage to the road.

## **5. Grazing Stock in Public Places**

- 5.1 In a rural area, any person who allows their domestic pet or stock to enter, or remain on, any road for the purpose of grazing must ensure that they comply with any rules on the grazing of domestic pets or stock made by Council from time to time by resolution. In an urban area, no person may allow their domestic pet or stock to enter, or remain on, any road for the purpose of grazing.
- 5.2 Any person who allows their domestic pet or stock to enter, or remain in, any public place that is not a road, for the purpose of grazing, must ensure that they hold a permit for that purpose issued by the Council prior to allowing their stock to enter or remain in that public place.

## **6. Abandonment, Disposal and Slaughtering of Domestic Pets or Stock Restricted**

- 6.1 No person shall:
- (a) abandon any domestic pet or stock in any public place or private place; or
  - (b) deposit a dead domestic pet or stock or any part thereof in any public place.
- 6.2 No person shall slaughter a domestic pet or stock, or so dismember, handle, process or dispose of the carcass or remains of a domestic pet or stock or any part thereof, except in the case of unavoidable necessity, in any place so as to create or be likely to create a nuisance to any person, or damage to any property.

## **7. Bee Keeping**

- 7.1 Every person keeping bees or causing or permitting bees to be kept on private property must ensure that:
- (a) the bees do not create nor are likely to create a nuisance to any person; and
  - (b) the bees are not kept in such conditions that create or are likely to create a nuisance to any person.
- 7.2 Every person keeping bees in a public place must ensure that they hold a permit for that purpose issued by the Council.

## **8. Pest Management**

- 8.1 Where any pest exists or where there is evidence that any pest exists on a property or premise, the owner or occupier of the property or premise must manage the pest by trapping or using a substance or organism to control the pest, or by such other means as the Council determines, so that the pest does not create, nor is likely to create a nuisance to any person.
- 8.2 No person shall set or place a trap or use any substance or organism to manage any pest in a public place unless that person holds a permit issued by the Council for that purpose, or is directed to do so by the Council.

## **9. Use of Traps**

- 9.1 The Council may from time to time by resolution prohibit the setting or placing of a trap anywhere within the district, whether or not it is set or placed for the purpose of catching an animal, or for reasons of public safety.

**ATTACHMENTS TO CHAPTER 2 ANIMALS AND  
PEST MANAGEMENT  
OF THE MANUKAU CITY CONSOLIDATED BYLAW 2008  
FOR INFORMATION PURPOSES ONLY**

**HISTORY OF THE ATTACHMENT**

Description	Date Made	Council Minute	Commencement
Attachment first adopted under 2008 consolidated bylaw	25 Sep 2008	CL/SEP/1083/08	01 Oct 2008

**INTRODUCTION**

Chapter 2 Animal and Pest Management of the Manukau City Consolidated Bylaw 2008–

1. Limits the type and number of domestic pets and stock kept on private property in an urban area.
2. Allows Council by resolution to make rules for the management of–
  - (a) driving stock on roads;
  - (b) domestic pets and stock being grazed on roads; and
  - (c) traps anywhere within the district.
3. Requires a permit for–
  - (a) certain types and numbers of domestic pets and stock being kept in urban areas;
  - (b) stock being driven across or along certain roads or in specified circumstances;
  - (c) domestic pets and stock being grazed in a public place (other than roads);
  - (d) beehives in public places; and
  - (e) traps, substances or organisms for pest management in public places.
4. Allows Council by resolution to define certain animals as pests.

Chapter 1 General Administration of the Manukau City Consolidated Bylaw 2008 contains provisions in relation to permits. This document consolidates, for information purposes only, the Council resolutions and matters to be considered in relation to permits associated with Chapter 2 Animals and Pest Management of the Manukau City Consolidated Bylaw 2008 to assist Council officers, persons wishing to apply for a permit, and the general public.

**CONTENTS**

**Attachment 1 - Type and number of domestic pets and stock allowed in urban areas**

1. Permitted type and number of domestic pets and stock on properties in urban areas ..... 2
2. Matters to be considered for a permit for the keeping of domestic pets and stock in an urban area 2

**Attachment 2 - Driving of stock**

1. Limits for driving stock across or along a road ..... 3
2. Matters to be considered when granting a permit ..... 3
3. Safety performance standards for the movement of stock across a road on an intermittent basis 3
4. Safety performance standards for the movement along a road on an intermittent basis ..... 4

**Attachment 3 - Controls for the grazing of domestic pets and stock**

1. Grazing domestic pets and stock on roads ..... 5

**Attachment 4 - Beehives**

1. Matters to be considered for a permit application to keep bees in public places ..... 5

**Attachment 5 - Pests**

1. Animals determined to be pests ..... 6

**Attachment 6 - Use of traps, substances and organisms**

1. Matters to be considered for a permit application to use traps, substances or organisms for pest management in public places ..... 7
2. Prohibited traps ..... 7

**Attachment 7 - Fees for Permits**

1. Prescribed fee for Permits ..... 7

**ATTACHMENT 1**

**TYPE AND NUMBER OF DOMESTIC PETS AND STOCK ALLOWED IN URBAN AREAS**

**1. Permitted type and number of domestic pets and stock on properties in urban areas**

In accordance with Clause 2.2 and Clause 3.3 of Chapter 2 Animal and Pest Management of the Manukau City Consolidated Bylaw 2008, Council adopts by resolution the following rules to limit the type and number of certain domestic pets and stock kept in urban areas.

In accordance with Clause 2.3 and 3.4 of the Bylaw, a person keeping more domestic pets or stock than permitted in Table 1 must hold a permit, except:

- (i) for a period of three [3] months where the limit for each type of domestic pet and stock kept in urban area is exceeded by the progeny of any domestic pet or stock kept on that property; or
- (ii) where the property is lawfully used for any of the following purposes: veterinary practices, pet shops, catteries and kennels.
- (iii) where stock is kept on a property zoned for business purposes under the District Plan and equal to or greater than 10,000m<sup>2</sup> in area

Note: While a person may keep up to the specified number of domestic pets or stock on a property in an urban area, that person must still ensure that those domestic pets or stock do not create a nuisance.

Example: A person would be permitted to keep 12 chickens and as many other animals not limited in Table 1 on a property in an urban area provided those animals do not create a nuisance.

Table 1: Permitted		
<b>Large Mammals</b>	Horses	0
	Ponies	0
	Llamas	0
	Cattle	0
	Deer	0
	Donkeys	0
	Pigs	0
<b>Medium sized mammals</b>	Goats	0
	Sheep	0
<b>Birds</b>	Roosters	0
	Peacocks	0
	Chickens	12
	Ducks	0
	Geese	0
	Pheasants	0
	Swans	0
	Peahens	0

**2. Matters to be considered for a permit for the keeping of domestic pets and stock in an urban area**

In accordance with Clauses 2.3 and 3.4 of Chapter 2 Animal and Pest Management of the Manukau City Consolidated Bylaw 2008, Council adopts by resolution the following matters to be considered when making a decision on whether to grant a permit for the keeping of domestic pets and stock in an urban area:

- i. The suitability of size and site available for keeping the domestic pet or stock; and
- ii. The suitability of fencing, housing, drainage and waste disposal controls proposed to limit the creation of nuisance(s).

## **ATTACHMENT 2 DRIVING OF STOCK**

### **1. Limits for driving stock across or along a road**

In accordance with Clause 4.2(b) of Chapter 2 Animal and Pest Management of the Manukau City Consolidated Bylaw 2008, a permit is required where stock is being driven across or along any of the following roads:

- (a) Roads within Clevedon Village
- (b) Maraetai Coast Road
- (c) Maraetai Drive
- (d) Mill Road
- (e) Ormiston Road
- (f) Redoubt Road
- (g) Sandstone Road
- (h) Whitford Road
- (i) Whitford Maraetai Road

### **2. Matters to be considered when granting a permit**

In accordance with Clause 4.1 of Chapter 2 Animal and Pest Management of the Manukau City Consolidated Bylaw 2008, the following matters will be considered when making a decision on whether a permit should be given to drive stock across or along roads—

- (a) the distance available to render clearly visible the stock crossing point at a safe stopping distance being the 85th speed percentile;
- (b) the location of points of access and exit to and from the road;
- (c) the manner in which the stock are to be moved;
- (d) what steps will be taken by persons moving the stock across the road to avoid damage to the road and any public amenities or private property;
- (e) whether the stock owner is covered by a current third party public liability insurance cover;
- (f) the nature of the entranceways, including additional adjacent shoulders, at points where stock cross the berm and how they are constructed to accommodate the regular movement of stock;
- (g) whether fixed warning signs, that meet the requirements of the Land Transport Rule Traffic Control Devices 2004 (or subsequent rule), will be erected at the stock owner's expense either side of the point used to cross the road as directed by Council;
- (h) how persons moving stock across the road will make all reasonable and practicable actions to remove stock excrement from the road after each occasion;
- (i) any other additional safety performance standards that may be considered necessary, in consultation with the applicant.

### **3. Safety performance standards for the movement of stock across a road on a intermittent basis**

In accordance with Clause 4.1 of Chapter 2 Animal and Pest Management of the Manukau City Consolidated Bylaw 2008, except where a permit is required under clause 4.2 of the Bylaw, the driving of stock across any road on a intermittent basis is allowed subject to the following safety performance standards. Intermittent means the movement of stock across a road not more than six [6] times within a seven [7] day period-

- (a) there must at all times be sufficient visibility to render clearly visible the stock crossing point at a safe stopping distance being the 85th speed percentile;
- (b) the stock must be moved in such a manner and use only such points of access and exit to and from the road to ensure that danger to other road users is minimised;
- (c) the stock must be driven across the road to ensure their time on the road is minimised;
- (d) persons moving the stock across the road must take all reasonable steps to avoid damage to the road and any public amenities or private property, and must repair any damage caused;

- (e) persons moving the stock across the road must take all reasonable and practical steps to make way for or allow vehicles to pass through the stock;
- (f) the stock owner must be covered by a current third party public liability insurance cover;
- (g) entranceways, including additional adjacent shoulders, at points where stock cross the berm must be constructed to accommodate the regular movement of stock, to a standard that is to the satisfaction of Council;
- (h) fixed warning signs, that meet the requirements of the Land Transport Rule Traffic Control Devices 2004 (or subsequent rule), must be erected at the stock owner's expense either side of the point used to cross the road as directed by Council;
- (i) persons moving stock across the road must make all reasonable and practicable attempts to remove stock excrement from the road after each occasion;
- (j) the Council has discretion to impose any additional safety performance standards that may be considered necessary, in consultation with the person responsible for moving the stock.

#### **4. Safety performance standards for the movement along a road on an intermittent basis**

In accordance with Clause 4.1 of Chapter 2 Animal and Pest Management of the Manukau City Consolidated Bylaw 2008, except where a permit is required under clause 4.2 of the Bylaw, the driving of stock along any road on a intermittent basis for a distance of up to 12 kilometres is allowed subject to the following safety performance standards. Intermittent means the movement of stock along a road not more than six [6] times within a seven [7] day period-

- (a) there must at all times be sufficient visibility to render clearly visible the stock crossing point at a safe stopping distance being the 85th speed percentile;
- (b) the stock must be moved in such a manner and use only such points of access and exit to and from the road to ensure that danger to other road users is minimised;
- (c) the stock must be driven across the road to ensure their time on the road is minimised;
- (d) persons moving the stock across the road must take all reasonable steps to avoid damage to the road and any public amenities or private property, and must repair any damage caused;
- (e) persons moving the stock across the road must take all reasonable and practical steps to make way for or allow vehicles to pass through the stock;
- (f) the stock owner must be covered by a current third party public liability insurance cover;
- (g) persons moving stock across the road must make all reasonable and practicable attempts to remove stock excrement from the road after each occasion;
- (h) stock shall at all times be under the control of at least two competent persons, with one maintaining a position in front of, and another maintaining a position behind, the stock;
- (i) when moving stock, persons moving the stock must ensure that adequate warning of the stock on the road is given to other road users both in front of and behind the stock, with particular care to be taken at road intersections, corners and hills.
- (j) the Council has discretion to impose any additional safety performance standards that may be considered necessary, in consultation with the person responsible for moving the stock.

**ATTACHMENT 3**

**CONTROLS FOR THE GRAZING OF DOMESTIC PETS AND STOCK**

**1. Grazing domestic pets and stock on roads**

In accordance with Clause 5.1 of Chapter 2 Animal and Pest Management of the Manukau City Consolidated Bylaw 2008, Council adopts by resolution the following rules for the management of domestic pets and stock entering or remaining on any road for the purpose of grazing –

- (a) The domestic pet or stock must be tethered to ensure the domestic pet or stock are no closer than 1.5 metres from the edge of any formed road.
- (b) The only domestic pet or stock permitted to graze on a road is a sheep or a goat

**ATTACHMENT 4**  
**BEEHIVES**

**1. Matters to be considered for a permit application to keep bees in public places**

In accordance with Clause 7.2 of Chapter 2 Animal and Pest Management of the Manukau City Consolidated Bylaw 2008, Council adopts by resolution the following criteria to be considered when making a decision on whether a permit should be given to keep bees on any public place–

- (a) the duration of the period it is proposed that the beehive will be located at the proposed location;
- (b) the number of beehives proposed to be located at the proposed location;
- (c) the extent to which the beehive, or the apiarist servicing the beehive, may be a potential traffic hazard, or pose a hazard to any other persons; and
- (d) the extent to which the beehive, or the apiarist servicing the beehive, may cause a nuisance to any person moving through or accessing that public place, or adjoining place.

## ATTACHMENT 5 PESTS

### 1. Animals determined to be pests

In accordance with Clause 1.1 of Chapter 2 Animal and Pest Management of the Manukau City Consolidated Bylaw 2008, Council by resolution determines the following animals in a wild state, to be pests:

<b>Common name</b>	<b>Scientific name</b>
Brushtail possum	<i>Trichosurus vulpecula</i>
Feral pigs	<i>Sus scrofa</i>
Feral goat	<i>Capra hircus</i>
Feral red Deer	<i>Cervus elaphus scoticus</i>
Feral fallow Deer	<i>Dama dama</i>
Feral sika Deer	<i>Cervus Nippon</i>
Feral wapiti	<i>Cervus elaphus nelsoni</i>
Ferret	<i>Mustela furo</i>
Stoat	<i>Mustela erminea</i>
Weasel	<i>Mustela nivalis vulgaris</i>
Rabbit	<i>Oryctolagus cuniculus</i>
Magpie	<i>Gymnorhina spp.</i>
Myna	<i>Acridotheres tristis</i>
German wasp	<i>Vespula germanica</i>
Common wasp	<i>Vespula vulgaris</i>
Asian paper wasps	<i>Polistes chinensis</i>
Australian paper wasps	<i>Polistes tasmaniensis humilis</i>
Mosquitoes	<i>Culicidae (Mosquitoes): Example: the native Culex pervigilans , Culex quinquefasciatus and Ochlerotatus notoscriptus.</i>
Flies	<i>Calliphoridae (Blow flies) Example: Calliphora spp., Xenocalliphora spp., Lucillia spp.</i> <i>Drosophilidae (Vinegar flies) Drosophila spp.</i> <i>Muscidae (house flies) Example Musca domestica, Fannia canicularis</i> <i>Phoridae (Scuttle or humpbacked flies) Example Megaselia spp.</i> <i>Psychodidae (Moth flies) Example Psychoda spp.</i>
Feral cats	<i>Felis catus</i>
Ship rat	<i>Rattus rattus</i>
Norway rat	<i>Rattus norvegicus</i>
Hedgehog	<i>Erinaceus europaeus occidentalis</i>

## **ATTACHMENT 6 USE OF TRAPS, SUBSTANCES OR ORGANISMS**

### **1. Matters to be considered for a permit application to use traps, substances or organisms for pest management in public places**

In accordance with Clause 8.2 of Chapter 2 Animal and Pest Management of the Manukau City Consolidated Bylaw 2008, Council adopts by resolution the following matters to be considered when making a decision on whether a permit should be given to set or place a trap or use any substance or organism to manage pests in a public place–

- (a) the type of species to be trapped or poisoned;
- (b) previous efforts and the need to trap or poison the species;
- (c) the period of time during which traps or poison will be present;
- (d) the frequency that the traps or poison will be checked and cleared; and
- (e) the nature and location of the traps or poison to be used.

### **2. Prohibited traps**

In accordance with Clause 9.1 of Chapter 2 Animal and Pest Management of the Manukau City Consolidated Bylaw 2008, Council resolves to prohibit the use of the following traps anywhere within the district–

- (a) gin traps or any jaw trap appliance having one or more serrated jaws, operated by a spring or lever designed to kill or injure an animal, or imprison a limb or any other part of an animal, but not including a recognised rat, mouse or possum trap, or any jaw trap designed to capture mustelids provided that jaw trap is used only in rural areas.

## **ATTACHMENT 7 FEES FOR PERMITS**

### **1. Prescribed fee for Permits**

In accordance with Clause 7.1 of Chapter 1 General Administration of the Manukau City Consolidated Bylaw 2008, Council is proposing to determine all applicable fees through the annual plan process.