

NEW ZEALAND STANDARD

Model general bylaws



CHAPTER 13

THE KEEPING OF ANIMALS, POULTRY, AND BEES

Metric units

STANDARDS ASSOCIATION OF NEW ZEALAND
WORLD TRADE CENTER, 15-23 STURDEE STREET, WELLINGTON

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REQUEST FOR NEXT AMENDMENT

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COMMITTEE REPRESENTATION

This chapter of the model general bylaws was prepared under the supervision of the Local Government Sectional Committee (92) for the Standards Council established under the Standards Act 1965. The sectional committee consisted of representatives of the following:

- *Department of Health.
- Department of Internal Affairs.
- Fire Service Council.
- Municipal Association of New Zealand.
- New Zealand Counties Association.
- *New Zealand Institute of County Clerks.
- New Zealand Institute of County Engineers.
- *New Zealand Institute of Town Clerks and Municipal Treasurers.
- New Zealand Institution of Engineers (Municipal Division).

The Health Bylaws Committee (2/8/12) was responsible for the drafting of this chapter, and consisted of representatives of the New Zealand Institute of Health Inspectors and of the organizations marked with an asterisk (*) in the foregoing list.

FOREWORD

NZS 791, Part 24 *The keeping of animals, poultry, and bees* was first published in 1954. Apart from one minor amendment published in 1956, this is the first revision.

The few alterations to the 1954 edition include making clause 1302.2 subject to the Stock Diseases Regulations 1937 (Reprint S.R. 1967/174). In clause 1302.3 water is as defined in the Water and Soil Conservation Amendment Act No. 2 1971. In subclause 1302.4, the dimension "150 ft" has been changed to "50 m", and the distance may, with the permission of the local authority, be that prescribed in the Ordinances of the District Scheme under the Town and Country Planning Act 1953.

A new clause (1312) has been inserted to control the keeping of noisy animals, birds, or fowls.

This chapter of the model bylaw now controls the keeping of poultry and bees only in areas other than those zoned "rural".

It has been suggested that the control of dogs should be included in this chapter of the model general bylaws. However, the committee decided to formulate a separate chapter for the control of dogs.

RELATED LEGISLATION

Health Act 1956

Stock Diseases Regulations 1937 (Reprint S.R. 1967/174)

Town and Country Planning Act 1953

Waters Pollution Act 1953

Clause reference
herein

1301.1

Foreword, 1301.1,
1302.2

Foreword, 1302.1,
1302.4, 1305.1

1313.2

Foreword, 1302.3

NEW ZEALAND STANDARD
MODEL GENERAL BYLAWS

Chapter 13

THE KEEPING OF ANIMALS, POULTRY AND BEES

1301 Definition

1301.1 In this Part of this bylaw unless inconsistent with the context —

GARBAGE shall have the meaning assigned to it by the Stock Diseases Regulations 1937 and their amendments;

NUISANCE shall have the meaning assigned to it by the Health Act 1956.

1302 Pig keeping

up to 5 pigs only > 5 use D. Plan.

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820*

1302.1 Except in pursuance of a licence from the local authority so to do and in accordance with the Ordinances of the District Scheme under the Town and Country Planning Act 1953 no person shall keep or allow to be kept any pigs in the district controlled by the local authority. The annual licence fee shall be as the local authority may by resolution prescribe.

1302.2 Subject in all things to the Stock Diseases Regulations 1937 and their amendments, no person shall, without first obtaining a permit from the local authority, feed any pigs on garbage obtained elsewhere than on the premises on which such pigs are kept.

1302.3 No person shall keep any pigs so as to be or be likely to become or create a nuisance or any conditions injurious to health, or offensive or in such a manner as to pollute or be likely to pollute any water as defined in the Waters Pollution Act 1953.

1302.4 No person shall construct or allow any pigsty to remain or any pigs to be at large or to range at a less distance than 50 m from any dwelling, dairy, 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 of any adjoining property or, except with the permission of the local authority, such distance as may be prescribed in the Ordinances of the District Scheme under the Town and Country Planning Act 1953.

1302.5 Notwithstanding anything hereinbefore contained, no person shall

keep any pigs on any holding so as to cause or be likely to cause a nuisance or any condition injurious to health, or offensive, by reason of the overcrowding of the premises with such pigs.

1303 Pigsties

1303.1 No person shall erect or provide or cause to be erected or provided any pigsty unless the same is in compliance with the following requirements:

- (a) The roof of the sleeping-pen shall be watertight.
- (b) The walls of the sleeping-pen shall be so constructed as to prevent the accumulation of filth thereon and to afford a surface easily cleaned, and shall for 0.6 m from the floor be constructed of concrete or other approved impervious material finished to a smooth even surface with all internal angles rounded.
- (c) The floor of the sleeping-pen shall be of concrete or other approved impervious material finished to a smooth even surface, and shall be graded to a fall of 1 in 25 to an approved outfall.
- (d) The floor of the feeding-pen shall be constructed of concrete graded to fall 1 in 25 to a channel drain.
- (e) The effluent from such channel drain shall be discharged into an approved catchpit or settling tank and shall be disposed of by some approved means in such a manner as to cause no nuisance.

1304 Cleanliness of pigsties

1304.1 The occupier of any premises whereon a pigsty is situated shall keep the same, and all runs, drains, and catchpits or settling tanks used in connection therewith in a state of cleanliness, and shall remove or cause to be removed and disposed of all accumulated manure and offensive matter therefrom in an approved manner.

1304.2 All troughs from which pigs are fed shall be properly constructed of concrete, sheet iron, hardwood, or other approved material so as to be watertight. All troughs, of whatever material constructed, shall be kept thoroughly cleaned.

1304.3 All troughs if not fixed or permanent shall be placed on proper feeding places constructed as a smooth concrete slab with a raised nibwall all round, and of sufficient size to prevent pollution of the ground surrounding.

1305 Storage of manure and pigswill

1305.1 No person shall stack or cause or suffer any manure or offensive matter from pigsties, or any swill or feed to be stacked, accumulated, or

stored in any place within 50 m from any dwelling or dairy, or wholly or partly occupied building, or street or public place, or the boundary of any occupied adjoining property or in such a way whatsoever as to give rise or be likely to give rise to a nuisance, or be likely to be dangerous to health, or offensive.

1306 Conveyance and storage of pigswill

1306.1 No person shall convey pigswill, or any food intended for pigs and emitting an offensive smell, along any street or public place, or store pigswill or food intended for pigs on any premises or land unless in either case the same is contained in impervious receptacles provided with approved close-fitting covers sufficient to prevent the escape of effluvia therefrom, or of access of flies thereto.

1307 Cleaning of pigswill containers

1307.1 Every person engaged in the conveyance and use of pigswill or pigfeed of a perishable nature shall thoroughly cleanse every day every vehicle, receptacle, cover, or utensil used in the collection, conveyance, or use of such pigswill and pigfeed.

1308 Hospitals etc. for dogs and cats to be on approved site

1308.1 No person shall establish or maintain any veterinary clinic, hospital, boarding, or breeding kennel for dogs or cats, except on a site approved by the local authority by resolution in that behalf and subject to such conditions as may be prescribed in the Ordinances of the District Scheme under the Town and Country Planning Act 1953.

1309 Animals kept in stables

1309.1 No horse, or other beast of burden, or cattle shall be kept or permitted to remain on any premises without the prior consent of the local authority and subject to such conditions as the local authority may impose.

1309.2 Where any such horse or other beast of burden or cattle are kept in a stable, the stable shall be constructed or made to comply with all relevant provisions of the bylaws of the local authority.

1310 No habitation in stable or shed

1310.1 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.

1311 Poultry keeping

1311.1 In areas other than those zoned rural no poultry caged or otherwise (which shall include geese, ducks, pigeons, turkeys, and domestic fowls

of all descriptions) shall be kept in any part of the local authority district except in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete or other approved material with a surrounding nibwall, to which may be attached a poultry run.

1311.2 Every poultry house shall be constructed in the manner required by this Part of this bylaw and as required by the provisions of the building bylaws of the local authority.

1311.3 No poultry house or poultry run shall be erected or maintained any part of which is within 10 m from any dwelling, factory, or any other building, whether wholly or partially occupied, or within 2 m of the boundary of adjoining premises.

1311.4 Except with the written consent of the local authority not more than 12 head of poultry shall hereafter be kept in any poultry house or poultry run on any holding in areas other than those zoned rural. The local authority may refuse such consent or revoke and cancel any consent if it should decide that the poultry house or poultry run in question is likely to be offensive or dangerous to health.

1311.5 Every poultry run of whatever size shall be so enclosed as to confine the poultry within such poultry run.

1311.5.1 Every poultry house shall be thoroughly and effectively treated with insecticide at least once in every 6 months, and every outside poultry run shall be adequately graded and drained and be cleaned out weekly, and every poultry house shall be kept at all times clean and dry and in good repair by the owner of the poultry.

1311.5.2 Should any poultry house or poultry run cause a "nuisance" owing to its construction or state of disrepair, or by reason of any overflow or soakage therefrom, or by reason of the undue proximity of such poultry house or poultry run to any adjoining premises, or by reason of the large number of poultry kept therein, or by reason of any matter referred to in clause 1311.5.1, or by reason of any other matter or thing whatsoever, then, and in every such case, it shall be the duty of the owner of such poultry house or poultry run or of such poultry, upon notice being served upon him by the Inspector so to do, and within a time by such notice limited, to execute and do such work and things or to reduce the number of or altogether to remove such poultry as the case may require or as may be necessary to abate such nuisance, and as may be specified in such notice; and in the case of neglect or refusal on the part of such owner to comply with,

execute, or do such work and things, such owner shall be guilty of an offence against this Part of this bylaw.

1311.6 Nothing in this clause contained shall prevent any person keeping poultry in an auction room or in any premises used for the killing and dressing of poultry for sale for not more than 48 hours for the purpose of sale, or keeping poultry on his premises in an approved type of coop for the purpose of immediate consumption, or from keeping poultry in a bird fancier's shop for the purpose of sale.

1312 Noise from animal, bird, or fowl

1312.1 No person shall keep within any premises any noisy animal, bird, or poultry which shall be or cause a nuisance to residents in the neighbourhood:

Provided that no proceedings shall be taken against any person for an offence under this clause of this Part of this bylaw until after the expiration of 14 days from the date of the service on such person of a notice alleging a nuisance given by the local authority after receipt by it of a complaint, signed by not less than 3 householders residing within hearing of the animal, bird or poultry causing the alleged nuisance.

1313 Bee keeping

1313.1 In areas other than those zoned rural no person shall keep bees at or upon any premises or place within the local authority area, without first having obtained a licence from the local authority in the form set out in the Schedule hereto authorizing him to keep bees at or upon such premises or place.

1313.2 The local authority may refuse to issue a licence hereunder if in its opinion—

- (a) The keeping of bees on the proposed premises or place would be likely to be a nuisance or injurious to health; or
- (b) The keeping of bees on the proposed premises would be in contravention of the operative District Scheme of the local authority under the Town and Country Planning Act 1953 and its amendments.

1313.3 The local authority may in any licence it may issue hereunder prescribe conditions limiting the number of hives kept and the fixing of the location of such hives on the premises or place.

1313.4 The fee payable for any licence issued hereunder shall be as the local authority shall by resolution prescribe.

1313.5 Every licence issued hereunder shall expire on the 31st day of March next following the date of issue.

1313.6 The local authority may cancel any licence issued if in the opinion of the local authority the keeping of bees under such licence is or is likely to become a nuisance or injurious to health.

1313.7 The local authority may cancel any licence issued hereunder if default is made in complying with any conditions prescribed in such licence.

1314 Dispensing power

1314.1 It shall be lawful for the local authority in any particular case or cases by resolution to dispense with any of the foregoing requirements of this Part of this bylaw.