

CHAPTER 7 - KEEPING OF ANIMALS, POULTRY & BEES

The Marlborough District Council hereby makes by resolution the following Chapter 7 of the Marlborough District Council Bylaw 2009 pursuant to the powers contained in Sections 145 and 146 of the Local Government Act 2002, and any other Act or authority in any way enabling the Council in that behalf.

701 Pig Keeping

701.1 No person shall keep any pigs in any area zoned residential in the relevant District Plan except with the written consent of the Council.

702 Poultry Keeping

702.1 In areas other than those zoned Rural in the relevant District Plan no poultry may be kept except in a properly constructed poultry house.

702.2 Except with the written consent of the Council not more than twelve head of poultry may be kept in any poultry house on any land in areas other than those zoned Rural in the relevant District Plan. The Council may refuse consent or cancel any consent if it should decide that the poultry house in question is likely to be offensive or dangerous to health or on any other grounds which it considers to be relevant.

702.3 Every poultry house shall be enclosed so as to confine the poultry within the poultry house and shall be sited not less than 3 metres from the boundary of an adjoining property.

702.4 Every poultry house must be kept clean and dry and in good repair by the owner of the poultry.

702.5 An Environmental Health Officer of Council may give notice that any poultry house is causing a nuisance owing to the poultry house's:

- (i) Construction or state of disrepair;
- (ii) Overflow or soakage;
- (iii) Proximity to any adjoining premises;
- (iv) Lack of cleanliness;
- (v) Objectionable odour
- (vi) Insect attraction and breeding

or due to the quantity of poultry occupying the poultry house.

702.6 The notice may require the owner to do such work to the poultry

house or to reduce the number of poultry in the poultry house, or to take other steps which the Officer deems fit to abate the nuisance, including removing all poultry from the poultry house.

702.7 Where the Environmental Health Officer gives notice according to clause 702.5 to the owner of poultry or a poultry house then it shall be the duty of such owner to comply with the terms of the notice. Compliance by the owner must be within a time specified by the notice.

Every owner who fails to comply with the requirements of the notice commits an offence against this Chapter of this Bylaw.

702.8 Nothing in clauses 702.1 to 702.7 inclusive prevents any person:

- (i) Keeping poultry in an auction room or in any premises used for the killing and dressing of poultry for not more than forty eight hours for the purpose of sale; or
- (ii) Keeping poultry on premises for the purposes of immediate consumption; or
- (iii) Keeping poultry in a shop for the purposes of sale.

703 Noise or Nuisance from Animal, Bird or Fowl

703.1 No person may keep any animal which is a danger, nuisance or annoyance to the occupiers of adjoining premises or to the public, or a danger to health, by reason of:

- (i) Its nature or the noises which the animal makes; or
- (ii) The conditions in which it is kept; or
- (iii) The location where it is kept.

703.2 The Council may issue a notice after receipt by the Council of a complaint, signed by a person residing within hearing distance of the animal causing the alleged nuisance.

703.3 The notice may require the owner to take such steps as the Council deems necessary to prevent the danger, nuisance or annoyance.

703.4 It shall be an offence against this Bylaw if any animal is not removed from premises by the date specified in the notice.

704 Beekeeping

704.1 No person may keep bees which constitute a danger, nuisance, or annoyance to the occupiers of adjoining premises, or to the public, or a danger to health.

704.2 The Council may nominate an organisation from time to time to administer the complaints received by the Council regarding beekeeping in the District. Such administration of complaints shall be with the sole purpose of removing any danger, nuisance, annoyance or danger to health caused by the keeping of bees.

704.3 The Council may impose any conditions it thinks fit for the keeping of bees, and require the removal of some or all of the bees from any premises.

705 Cats

705.1 Except as provided in clause 705.2 below no person shall keep or allow to be kept on any land more than four cats over the age of three months unless there is in force in respect of that land a licence from the Council permitting the additional cats.

705.2 Any person (being the owner of a cat or cats or the owner or occupier of the land) who wishes to obtain a licence must make written application to the Council for a licence in the form as required by the Council and must provide with that application all information which the Council reasonably requires.

705.3 The Council when considering any such application shall have regard to all relevant considerations including:

- (i) The suitability of the land on which the additional cat or cats specified in the application would be kept;
- (ii) The likely effect which the keeping of additional cats would have upon the surrounding neighbourhood;
- (iii) The likelihood of the cat or cats becoming a nuisance;
- (iv) Health issues;
- (v) Potential effects on native birds.

705.4 Subject to the foregoing provisions of this Bylaw, the Council may issue a licence for the purposes specified in clause 705.1.

705.5 Any such licence may be issued subject to any reasonable terms, conditions and restrictions consistent with this Bylaw which the Council may determine either generally or in any particular case.

705.6 Every licence will be in the form as required by the Council.

705.7 For every such licence there will be paid to the Council for the issue of the licence a fee which the Council may by resolution determine from time to time provided that the licence fee shall not exceed \$75.00.

705.8 If at any time while a licence is in force in accordance with this

Bylaw:

- (i) The Council is satisfied that the keeping of the additional cat or cats on the land specified in the licence has caused a nuisance or is likely to injure any person's health; or
- (ii) The Council is satisfied that the keeping of the additional cat or cats on the land specified in the licence has caused an unduly detrimental effect upon the surrounding neighbourhood; or
- (iii) There has been a failure to comply with all or any of the terms, conditions and restrictions of the licence;

then the Council may revoke the licence provided that in its decision to do so regard will be had to the principles of natural justice.

705.9 Nothing in the previous clauses of this Bylaw shall apply:

- (i) To any land used lawfully and principally as a veterinary clinic including any office used by a veterinary surgeon in the course of his or her work;
- (ii) To any land used lawfully and principally for carrying on the business of boarding cats;

706 Prohibitions

706.1 The Council may prohibit the keeping of animals on any premises where the keeping of animals is causing or likely to cause a nuisance, annoyance or danger to health or an undue threat to native wildlife.