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Sponsor/Group:	<u>Group Manager: Policy & Operations</u> <u>Head of Finance and Strategy</u>



TAUPŌ DISTRICT COUNCIL ANIMALS, BIRDS AND BEES BYLAW 202116

Purpose and Scope

1. The purpose of this Bylaw is to set the requirements for keeping ~~animals, birds and bees~~ within Taupō District to ensure the health and safety of any persons and, ~~animals, birds and bees~~; and to protect of the public from nuisance.
2. The Bylaw is made under the authority of section 146 of the **Local Government Act 2002**, and section 64 of the *Health Act 1956*. In addition, ~~animals, birds and bees~~ are also regulated and controlled by other Acts, regulations, rules, bylaws, and the Taupō District Plan, which should be referred to in conjunction with this Bylaw.

Commencement

3. The Bylaw will come into force throughout the district on ~~??????~~ **[to be determined]**.

Revocations

4. ~~Part 5 – The Keeping of Animals, Poultry and Bees of~~ Taupō District Council Animals, Birds and Bees General Bylaw No 1: 2008-2016 is revoked at the time of the Taupō District Council Animal_s, Birds and Bees Bylaw 201621 coming into force.

Definitions

5. Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the *Local Government Act 2002*, and the *Health Act 1956* will have the meanings as are respectively assigned in those Acts and corresponding supplementary legislation, unless inconsistent with the context in which such words occur.
6. In this Bylaw, if not inconsistent with the context:

Animal	Any domestic animal dependent on humans for their care and sustenance, and includes, but is not limited to, <u>pets such as cats, guinea pigs and rabbits</u> ; stock such as cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats, pigs. Dogs and cats are excluded.
Birds	Any bird which is a type that is a warm-blooded egg-laying vertebrate animal distinguished by the possession of feathers, wings, a beak, and typically by being able to fly, and includes, but is not limited to, chickens, ducks, geese, peacocks, peahens, pheasants, swans, pigeons, doves, parrots, parakeets, budgies etc.
Chief Executive	The chief executive of Council and any person delegated to perform any duties of the chief executive
Council	Taupō District Council
Feral	<u>An animal which lives largely independently of humans and is self-sustaining.</u>
Public Place	<u>Any place under Council control, maintenance and management, and open to or used by the public as of right, including, but is not limited to reserves, roads and footpaths</u>
Residential	<u>Any place located within the Residential Environment as defined in the Taupō District Plan and associated planning maps. The same meaning as land within the residential environment, and includes the towncentre environments and Taupō towncentre environment, of the Taupō District Plan or legislation enacted in substitution</u>

Stray

A domestic animal which is lost or abandoned, and which is living as an individual or in a group (colony). Stray animals have many of their needs indirectly supplied by humans and live around centers of human habitation. They are also likely to interbreed with the unneutered domestic animal population.

Keeping Animals, ~~Birds, and Bees~~

7. **Council** may by resolution regulate, licence or prohibit the keeping of **animals, ~~birds and bees,~~** by any persons in a **residential** area that may cause a nuisance or is a concern to public health.
8. A person must not keep **animals, ~~birds and/or bees~~** within **residential** areas unless in ~~well constructed~~well-constructed and adequately maintained facilities to ensure the health and safety of any persons, as well as the animals, the birds and the bees.
9. A person must not keep **animals, ~~birds and/or bees~~** within **residential** areas where they cause a nuisance to the public.
10. A person must not keep pigs within **residential** areas.
11. A person must not keep roosters or peacocks within **residential** areas.
- ~~12.~~ A person must not keep any **animals ~~or birds~~** within **residential** areas that may cause a noise or odour nuisance.
- ~~13.~~ A person must not set out food or provide any form of sustenance to an **animal** that reasonably appears to be feral or stray within **residential** areas.

Guidance on the keeping of bees

- ~~14.~~ A person may only keep **bees** if the beehive or the beekeeper is registered under the Biosecurity Act 1993 and the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998.
- ~~15.~~ The maximum number of hives able to be kept on a property in the residential area shall not exceed **one per property.** Any increase over and above this number shall require permission in advance from **Council.**
- ~~16.~~ A person may not set up a hive on their residential property without first notifying occupants of neighbouring properties
- ~~17.~~ A person may only keep **bees** in a public place after first obtaining permission and a licence from **Council to do so.**
- ~~18.~~ **Council** may prescribe further conditions relating to the location and number of hives able to be kept on any premises within the residential area. In such instances, the initial assessment will include determining whether the bees are being kept in accordance with established best practice and Apiculture NZ Code of Conduct.

Exemptions

- ~~42.~~19. A person is not in breach of this Bylaw if that person:
 - a. proves the act was taken to avoid death or injury of a person; or
 - b. was taken at the direction of an enforcement officer.
- ~~43.~~20. Any person may apply in writing to the **Chief Executive** for written permission for any activity that would be in breach of any prohibition under this Bylaw.
- ~~44.~~21. Fees may be prescribed for processing these permissions.— This fee may be refunded, remitted, or waived at the **Chief Executive's** discretion.

Offences/Penalties/Powers

- ~~45.~~22. A person commits an offence under this Bylaw if they keep **animals, ~~birds and bees~~** contrary to the regulations, licencing or prohibitions of this Bylaw.
- ~~46.~~23. A person is in breach of this Bylaw who fails to comply with this Bylaw and commits an offence under section 239 of the *Local Government Act 2002*, and is liable on conviction to the penalties set out in section

242(4) of the *Local Government Act 2002*, for which a person is liable on conviction to a fine not exceeding \$20,000. These fines are current at the time of adoption of this bylaw.

~~47.24.~~ Any person that commits a breach of a provision of this Bylaw made under section 64 of the *Health Act 1956* commits an offence and is liable to a fine under section 66 of the *Health Act 1956* as follows:

- a. Not exceeding the amount fixed for any breach for which an infringement notice is issued;
- b. Not exceeding \$500.00 and if the breach is a continuing one, not exceeding a further \$50.00 per day thereafter.

These fines are current at the time of adoption of this bylaw.

~~48.25.~~ **Council** may, after the conviction of any person for a continuing offence against this Bylaw, apply to the court for an injunction to restrain the further continuance of the offence.

~~49.26.~~ **Council** may remove, or cause to be removed any ~~animals, birds and bees~~, in breach of this Bylaw.

Public Availability

~~20.27.~~ This Bylaw, and any supporting documentation, is available for public inspection.

~~THIS BYLAW WAS MADE BY RESOLUTION [to be determined], OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON [to be determined].~~

~~The Common Seal of Taupo District Council was hereto affixed in the presence of:~~

~~_____~~
~~Mayor~~

~~_____~~
~~Chief Executive~~

~~THIS BYLAW WAS MADE BY RESOLUTION ????? OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON 26 APRIL 2016~~

~~The Common Seal of Taupo District Council was hereto affixed in the presence of:~~

~~_____~~
~~Mayor~~

~~_____~~
~~Chief Executive~~

Additional Guidance for Minimizing Nuisance from Beekeeping

Flight path management

Hives should be positioned in a sheltered and sunny spot. Avoid placing hives close to the neighbour's house or driveway, or near frequently used areas such as vegetable gardens, clotheslines, or children's play areas. Bees will fly at head height for some distance from their hives unless their surrounding environment directs their flight path upwards. Bees can be encouraged to fly above head height if a flyway barrier at least two metres in height, is placed 1-2 metres out from the front of the hive entrance. The barrier could be a high fence, trellis, or hedge so that the bees have to fly up and above anyone walking around. It is important that flight paths are not directed across public pathways on private and public land.

Swarm Prevention

Swarming is the natural means of dispersal of bee colonies, but responsible beekeepers can undertake various measures to minimise swarming. These measures include

- a. re-queening on an annual basis
- b. taking a nucleus colony out of overly populous hives (artificial swarming) and
- c. re-queening colonies that have been started from swarms.

Bee colonies are more likely to swarm if there are limited cells in the hive for the worker bees to store honey and pollen. Responsible bee management practices include providing plenty of room for the queen to lay eggs and for the bees to store honey.

Nectar/pollen

Bees should have access to a variety of bee-friendly plants and trees close to the hive. You can visit treesforbees.org.nz to find out more about what plants attract bees.

Water provision

There should be water from a natural or provided source within several metres of the hive. This will reduce bees foraging for water in neighbours' wet washing, swimming pools, and bird baths. Provide

water by letting a tap drip slowly into a shallow dish of sand or pebbles, so bees won't drown when drinking.

Bee excrement management

Bees have small, round, waxy yellow to brown droppings that are left in their flight. Bees going on orientation, foraging or cleaning flights often excrete after exiting the hive and can leave distinct trails of coloured bee excrement within a 500-metre radius of the hive

The excrement may be hard to remove from clothing, vehicles and buildings and can cause a nuisance to neighbours. To avert this, hives can be re-positioned or rotated so that flight paths can be encouraged in a direction away from neighbouring properties. Care must be taken not to move the hive more than one to two metres per day otherwise bees might get lost.

Community beekeeping

Permission is required to keep bees on any Council land, such as parks and reserves. For more information, please check taupodc.govt.nz