

CHRISTCHURCH CITY COUNCIL STOCK CONTROL BYLAW 2008

Pursuant to the powers vested in under sections 145 and 146 of the Local Government Act 2002, the Christchurch City Council makes this Bylaw.

1. SHORT TITLE AND COMMENCEMENT

- (1) This Bylaw is the Christchurch City Council Stock Control Bylaw 2008. This bylaw comes into force on 1 July 2008.
- (2) Despite subclause (1), the requirement for a stock movement permit under clause 7(2), comes into force on 1 February 2009.

2. OBJECT OF THE BYLAW

The object of this Bylaw is to control the management and movement of stock on roads, in order to protect people, traffic and stock, while safeguarding the condition of the road.

3. APPLICATION

- (1) This Bylaw applies generally to all roads under the care, control and management of the Council.
- (2) This Bylaw does not apply to roads under the care, control and management of Transit New Zealand, unless the Council and Transit New Zealand have entered into a formal agreement for the control of stock on those roads.
- (3) Nothing in this Bylaw limits the application of any other Act or any rules or regulations made under any other Act, for example, and without limitation:
 - (a) the Impounding Act 1955;
 - (b) the Land Transport Act 1998.
- (4) This Bylaw, except sub clause 6(4)(f), does not apply to:
 - (a) any stock which is being led or ridden or which is drawing a vehicle; or
 - (b) any stock which is being transported in a vehicle.
- (5) A reference in this Bylaw to any Act, regulation or rule, unless the context otherwise requires, includes a reference to all subsequent Acts, regulations or rules, made in amendment or substitution, and for the time being in force.

4. INTERPRETATION

In this Bylaw, unless the context otherwise requires,

‘AUTHORISED OFFICER’ means an officer or other person appointed by the Council to perform duties required under this Bylaw.

‘COUNCIL’ means the Christchurch City Council and includes any person authorised by the Council to act on its behalf.

'HOURS OF DARKNESS'	means any period of time between half an hour after sunset on any one day and half an hour before sunrise on the following day.
'LIVESTOCK' or 'STOCK'	means any farmed animal, including, but not limited to cattle, sheep, horses, goats and donkeys.
'PRESCRIBED SIGN'	means any traffic control device (such as a traffic sign) referred to in the Land Transport Rule: Traffic Control Devices 2004.
'ROAD'	has the meaning given to that term in section 2(1) of the Land Transport Act 1998.
'ROADWAY'	has the meaning given to that term in the Land Transport (Road User) Rule 2004.
'UNFENCED ROAD'	means any road that is not fully fenced, where stock are controlled by cattlestops or gates.

5. DELEGATION

In this bylaw, where the written permission of the Council is required, such permission may be given by the Chief Executive, and the Chief Executive may delegate all or part of that function to any other officer of the Council.

6. GENERAL CONDITIONS FOR THE MOVEMENT OF STOCK ON ROADS

- (1) Prior to moving stock across the road, a temporary sign must be placed on the side of the road, 150m in either direction of the stock crossing area, so as to be clearly visible to road users, stating "stock ahead" or some other suitable prescribed sign.
- (2) Prior to moving stock along the road, temporary signs should be:
 - (a) placed on the side of the road, either:
 - (i) 150m on either side of where the stock will enter and exit the road, where the distance the stock are travelling along the road is less than 2km; or
 - (ii) 150m either side of the stock, and being moved in relation to the stock, where the distance the stock are travelling along the road is more than 2km; and
 - (b) attached to a vehicle moving ahead of or behind the stock so as to be clearly visible to other road users stating "stock moving today" or "stock ahead" or some other suitable prescribed sign.
- (3) Temporary signs:
 - (a) are only to be displayed when the road is being used to move stock; but
 - (b) if clause 7(6)(a) applies, the signs must remain displayed until the roadway has been cleaned of faecal matter.

- (4) Every person driving any stock along or across a road must comply with the following conditions:
- (a) all stock must be driven in such a way as to cause the least possible disruption to other road users and a drover must allow any vehicle to proceed along the road and take all reasonable steps to make way for or allow that vehicle to pass through the stock; and
 - (b) the ratio of drovers to the number of stock must at all times be such that the drovers are able to maintain control of all the animals so that the drovers may direct the stock in a particular direction or stop the stock as required; and
 - (c) the route taken by any stock drove must be the shortest and most practicable route by road between the departure point and the destination point subject to the provisions of this Bylaw; and
 - (d) the drover must keep the animals moving at a reasonable speed so as to make progress towards the destination; and
 - (e) every person driving stock on any road must ensure that any gateways to any adjoining property have been closed before the stock passes and must take all reasonable steps to ensure that where no gateway or boundary fence exists stock are kept on the road and off any adjoining property.
 - (f) the owner or drover of any stock that is being moved along or across any road, must ensure that all reasonable steps are taken to clean the roadway free of any faecal matter as soon as practicable if that faecal matter is causing a road nuisance or a road safety issue.
- (5) No person may move stock along any road, without the prior written consent of an authorised officer:
- (a) in areas that could reasonably be described as being part of a city, town or settlement; or
 - (b) that has a high volume of traffic.
- (6) No person may move stock along or across any road:
- (a) during the hours of darkness, or where a person or the animals are not clearly visible at a distance of 100 metres, except:
 - (i) in the case of returning stock to a secure area paddock; or
 - (ii) in an emergency situation.
 - (b) where that road is specified in the Stock Driving Prohibited/Restricted Routes Register.
- (7) Nothing in this clause applies in the case of unfenced roads.

7. CONDITIONS FOR THE MOVEMENT OF DAIRY COWS ON ROADS

- (1) To avoid any doubt, a person who moves dairy cows along or across a road must comply with this clause, as well as the conditions listed in clause 6.

- (2) Any person who moves dairy cows more than once in any week along or across any sealed road, whether or not the use is seasonal, may only move those cows in accordance with a stock movement permit obtained from the Council, setting out in writing how traffic safety and faecal matters will be managed.
- (3) A stock movement permit must, without limitation, include:
 - (a) the name of the permit holder/s;
 - (b) the expiry date of the permit;
 - (c) the location to which the permit applies, and whether the use of the road is for the movement of dairy cows along or across the road;
 - (d) the means by which the permit holder will ensure the safety of people, traffic and stock, such as the use of signs;
 - (e) the means by which the permit holder will ensure the roadway is to be cleaned of faecal matter, to the Council's satisfaction;
 - (f) any other conditions that the Council considers reasonable.
- (4) The Council may require a stock race to be constructed on the road verge so as to facilitate the movement of dairy cows along the road, without the need to use the sealed part of the road.
- (5) Subject to the provisions of this Bylaw, a stock movement permit will be valid for a period of 3 years from the date the permit is granted, subject to compliance with the conditions of the permit.
- (6) Any person who moves dairy cows along or across any sealed roads less frequently than in clause 7(2) must ensure that:
 - (a) when moving the cows for milking all reasonable steps are taken to clean the roadway free of any faecal matter within 60 minutes of the conclusion of the milking (including returning the cows along or across the road after milking); or
 - (b) where the movement of the dairy cows does not relate to milking, the road surface is cleaned within 60 minutes of the conclusion of the movement along or across the road.
- (7) If the owner or drover breaches clause 7(6) or the conditions of their stock movement permit, or fails to get a stock movement permit where one is required, the Council may give to that owner or drover notice:
 - (a) to remedy that situation as soon as possible to the Council's satisfaction; and
 - (b) that if the owner or drover does not comply with this notice, the owner or drover commits a further breach of this Bylaw, and where the owner or drover is moving dairy cows in accordance with a stock movement permit, the permit may be cancelled by the Council.

8. TEMPORARY ROADSIDE FENCING

- (1) Stock may be grazed on a road verge adjoining a property owned or occupied by the owner of the stock, or a road verge adjoining the property of another person if the consent of that person has first been obtained, if:
 - (a) the stock is tethered in such a way so as not to be able to move closer than 1.5 metres to the roadway; or
 - (b) the stock is confined within a temporary fence which complies with this clause.
- (2) A person may erect a temporary fence subject to the following conditions, without limitation:
 - (a) the temporary fence is constructed of posts or stakes made of fibreglass, plastic or wood or any combination of those things of a size not greater than 100 mm width and 50 mm depth with a steel wire or netting or electric fence ribbon wire or netting or any combination of those things; and
 - (b) the fence must not be erected within 1.5 metres of the roadway; and
 - (c) the fence is erected on one side of a road at any one time; and
 - (d) stock must not be held or confined on a road verge behind a temporary fence during the hours of darkness; and
 - (e) safety reflectors are fitted to both ends of the temporary fence and to posts or stakes at not more than 50 metre intervals; and
 - (f) if electrified, the temporary fence must carry appropriate "live wire" warning signs.
- (3) No temporary fence including a replacement or re-erected fence may be in place for a period greater than an aggregate of 30 days within any 12 month period. unless the person wishing to erect the temporary fence has obtained the prior consent of the Council.
- (4) Consent from Council for temporary fencing will be subject to the following conditions:
 - (a) the consent may only relate to the portion of the road adjoining the property owned or occupied by the applicant; and
 - (b) the consent may be for such period as is specified by the Council and the temporary fencing must be removed at the end of that period.
- (5) In the event of any breach of the conditions of the consent or the conditions in subclause (2), the Council may revoke its consent and require the temporary fence to be removed immediately.

9. STOCK DROVING PROHIBITED/RESTRICTED ROUTES

- (1) The Council may by resolution specify any road or part of a road on which the droving of stock is prohibited or restricted.
- (2) The Council may by resolution subsequently amend or revoke any resolution made under subclause (1).
- (3) Any Stock Droving Prohibited/Restricted Routes will be listed in the explanatory note to this bylaw.

10. PENALTIES

Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

11. REVOCATIONS AND SAVINGS

- (1) This bylaw revokes the Banks Peninsula District Council Stock Control Bylaw 1994 No.1.
- (2) Any approval, permit or other act of authority which originated under the Banks Peninsula District Council Stock Control Bylaw 1994 No.1 that is continuing at the commencement of this Bylaw, continues to have full force and effect for the purposes of this Bylaw, but is subject to the application of any relevant clause in this Bylaw.
- (3) The revocation of any of the Banks Peninsula District Council Stock Control Bylaw 1994 No.1 under subclause (1) does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if the that bylaws had not been revoked.

12. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW 2008

The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this Bylaw.

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The initial resolution to make this bylaw was passed by the Christchurch City Council at a Meeting of the Council held on 13 March 2008 as part 6 of the proposed Traffic and Parking Bylaw 2008 and was confirmed as a separate Bylaw in its own right following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent Meeting of the Council held on 19 June 2008.

Explanatory Note

The following note is explanatory and is not part of the bylaw, but is intended to explain its general effect.

Stock Droving Prohibited/Restricted Routes: Register of resolutions

The following is a list of resolutions made under clause 9 of this bylaw to specify any road or part of a road on which the droving of stock is prohibited or restricted:

Name of route	Description of Route