

RODNEY DISTRICT COUNCIL

RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998

CHAPTER 6

STOCK ON ROADS

EXPLANATION

Within the rural areas of the district stock is regularly moved across and along roads as part of the everyday operation of farms. Stock is also tethered in roads for grazing. These activities need not be unduly restricted. Where such activities affect or have the potential to affect public safety and the efficiency of the road network, or to contribute to the physical deterioration of roads, the Council may find it necessary to act to regulate stock on roads.

Within urban areas the potential for stock on roads to affect public safety and the efficiency of the road network, or to contribute to the physical deterioration of roads may be increased. Certain movements of stock on urban roads such as droving or tethering of stock may be inappropriate. However, the movement of horses on urban roads, where horses are under proper control, may have little or no effect on roads and other road users and should not be unnecessarily restricted.

On both rural and urban roads, the Council needs to be in a position to act on any uncontrolled dangerous or loose stock.

This chapter of the bylaw, prepared under Section 72 of the Transport Act 1962, provides the means for the Council to act in regulating the movement and tethering of stock on roads in cases where it considers this necessary to preserve the safety and efficiency of the road network and to protect the roads from deterioration.

1.0 BYLAW ADMINISTRATION

1.1 See Chapter 1 - Bylaw Administration for general fee provisions, interpretations, licences, offences and dispensations.

This Bylaw shall come into force on 21st December 2005 and will be reviewed not later than 10 years from that date.

Nothing in this bylaw shall derogate from the requirements of the District Plan.

2.0 INTERPRETATION

See Chapter 1 for interpretation of terms

3.0 DUE CARE IN ALLOWING STOCK TO ENTER ROADS AND PUBLIC PLACES

3.1 Any person allowing stock to enter upon any road or public place in the District shall have due regard to the safety of road users and to the condition of the road or public place and shall take all reasonable steps to preserve these.

3.2 No person shall graze or tether stock or erect wires, fences or use any other means for confining stock, on any road or public place, without the prior written consent of the Council or an authorised officer.

3.3 In granting a consent under Clause 3.2, the Council or an authorised officer shall be satisfied that the grazing or tethering of stock:

- (a) is not likely to cause a danger or obstruction to other persons using the road or public place for reasons including, but not limited to:
 - the type of stock,
 - the means by which the stock is to be tethered,
 - the nature of the road or public place at that point;

- (b) is not likely to cause damage to the road or public place for reasons including, but not limited to:
 - damage to vegetation,
 - soil erosion;
 - effect on road formation

- (c) is on a road or public place adjoining the property of the owner of that stock or is to be carried out with the written consent of the adjoining land owner.

4.0 REQUIREMENT TO REMOVE FROM, OR PREVENT ENTRY OF STOCK ONTO ROADS AND PUBLIC PLACES

4.1 Where the Council or an authorised officer is of the opinion that the placement or entry of stock onto any road or public place, by any person, may for any reason:

(a) constitute a danger to traffic safety and/or the public; or

(b) cause or has previously caused damage to the road or public place;

and having due regard to the frequency and or practicality of other means of moving stock, then it may require that person to cease such activity and/or require that person to obtain the prior written consent of the Council to carry out such activity

4.2 In granting written consent, pursuant to Clause 4.1, the Council or an authorised officer may impose such conditions as it considers necessary to ensure traffic and/or safety of the public or maintain the condition of the road or public place.

4.3 The Council may from time to time, by resolution publicly notified, declare any road, beach or public place to be restricted from entry by any stock, including horses.

5.0 RESTRICTION OF STOCK ON URBAN ROADS OTHER THAN HORSES

5.1 No person shall allow any stock, other than horses (led or ridden), to enter on any road or public place in any urban area without the prior written consent of the Council or an authorised officer. The Council may grant its consent subject to such conditions as it deems necessary for stock to enter or be moved along any urban road.

5.2 Any person having control of stock (including horses) on any road or public place in any urban area or formed or paved rural footpath shall ensure that any excrement or other matter deposited upon the public place from such stock is removed, and disposed of in a way so as not to cause a nuisance.

6.0 STOCK, INCLUDING HORSES, ON BEACHES

6.1 No person shall permit any stock, including horses to be on beaches adjacent to any urban area, without the consent of the Council or an authorised officer.

6.2 No person shall permit any stock including horses, to remain on any beach in or adjacent to any rural zone, or on any urban beach or in the vicinity of other beach users so as to cause a nuisance or to be or likely to be a threat to public health and safety.

7.0 REPAIR OF DAMAGE TO ROADS

The Council may repair, to the state of the road previously, any damage caused to roads or public places by stock and may recover the costs of repair from the stock owner, under Section 175 of the Local Government Act 2002.

8.0 OFFENCES AND PENALTIES

8.1 Every person who fails to comply with the requirements of this bylaw, commits an offence and is liable, on summary conviction, to a fine not exceeding \$20,000.

8.2 The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a person from committing a breach of this bylaw

- 8.3 Where it is suspected that any person has committed a breach of this bylaw, that person shall, on the direction of an Authorised Officer, provide his/her full name and address