

Buller District Council Fencing Bylaw

Special Order

FENCING BYLAW 1991

In pursuance of the powers vested in it by the Local Government Act 1974 and of all other enabling powers and authorities the Buller District Council hereby makes the following bylaw:

1. Title and Commencement

- I. This Bylaw may be cited as the Buller District Council Fencing Bylaw 1991.
- II. This Bylaw shall come into force on the first day of September 1991.

2. Interpretation

- I. In this Bylaw, unless a contrary context otherwise requires –

‘**Adequate fence**’ means a fence that as to its nature, condition and state of repair, is reasonably satisfactory for the purpose it serves or is intended to serve namely to prevent the exit of livestock onto a road.

‘**District**’ means the District of the Buller District Council.

‘**Fence**’ means a fence extending along the whole road frontage and includes all cattle stops, gates, culverts and channels that are part of or incidental to a fence;

and also includes any natural or artificial watercourse or live fence or any ditch or channel or raised ground that serves as a fence.

'Livestock' means any horse, cattle, sheep, goat, pig, deer, mule, ass or any other vertebrate animal that is kept in a state of captivity or is dependent upon man for its care and sustenance.

'Occupier' in relation to any land, means the owner thereof, except that where another person is in occupation of the land under a lease granted for a term of not less than ten (10) years or continues to be in occupation of the land after the expiry of such a lease, that other person shall be the occupier of the land.

'Owner' in relation to any land means the person for the time being entitled to receive the rack rent thereof on who would be so entitled if the land were let to a tenant at a rack rent.

'Person' shall have the meaning assigned to it from time to time in the Local Government Act 1974.

II. Words importing the singular number include the plural number and words importing the plural number include the singular number; and words importing the masculine gender include the feminine gender.

III. The heading to the clauses of this Bylaw shall not affect the construction thereof.

3. Obligation to fence road boundary

The occupier of any land within the District having a frontage to a road and used for depasturing or holding livestock whether permanently or temporarily shall erect and maintain an adequate fence along the boundary of the road.

4. Offences and penalties

- I. Where the Council or an officer thereof is of the opinion that a fence is not adequate he may cause a notice to be served upon the occupier specifying the repairs or alterations required to render the fence adequate and unless the occupier complies with the requirements of the notice within 21 days of the date of service upon him he shall be deemed to have committed a breach of this Bylaw.
- II. Every person commits a breach of this Bylaw who omits or neglects to do or knowingly permits or suffers to be done or remain undone anything contrary to the provisions of this Bylaw.
- III. Every person who commits a breach of the Bylaw shall be liable to a fine not exceeding the amount of fine prescribed in Section 683 of the Local Government Act 1974 and where the breach is a continuing one, then to a further fine not exceeding the amount prescribed for a continuing breach under that Section for every day or part of a day during which the breach has continued.

The foregoing bylaw was duly made by the Buller District Council by a Special Order, passed at a meeting of the Council held on the 27th day of June 1991 and (meantime having been publicly notified) confirmed at a subsequent meeting of the said Council held on the 25th day of July 1991.