

WESTLAND DISTRICT 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 Westland District Council hereby makes the following bylaw.

1. TITLE & COMMENCEMENT

1. This bylaw may be cited as the Westland District Council Fencing Bylaw 1991.
2. This bylaw shall come into force on 1 August 1991.

2. INTERPRETATION

1. 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 cattle onto a road.

"cattle" includes any horse, mare, gelding, rig, colt, filly, ass, mule, deer, stag, hind, fawn, bull, cow, ox, heifer, steer, calf, sheep, ram, ewe, wether, lamb, water buffalo, Llama, alpaca, goat, kid and pig of any kind.

"district" means the District of the Westland 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.

"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 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 or who would be so entitled if the land were let to a tenant at a rack rent.

"person" includes a Corporation sole, and also a body of persons, whether corporate or unincorporate.

"road" shall have the meaning assigned to it from time to time in the Local Government Act 1974.

2. Words importing the singular number include the plural number and words importing the plural number includes the singular number; and works importing the masculine gender include the feminine gender.
3. The headings 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 cattle whether permanently or temporarily shall erect and maintain an adequate fence along the boundary of the road.

4. OFFENCES AND PENALTIES

1. 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.
2. 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 Westland District Council by a Special Order, passed at a meeting of the Council held on Thursday the twenty third day of May 1991 and (meantime having been publicly notified) confirmed at a subsequent meeting of the said Council held on Thursday the twentieth day of June 1991.

The Common Seal of the Westland District Council was hereto affixed to the above written Special Order and Bylaw at the offices of and pursuant to the Resolution of the Westland District Council in the presence of:

Mayor: _____

Principal Officer: _____

This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.