

Property, Maintenance and Nuisance BYLAW

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Property, Maintenance and Nuisance Bylaw 2017



Responsibility:	Group Manager Regulatory and Group Manager Assets
First adopted:	New Bylaw
Historic revision dates:	5 December 2019 (19/326)
Next review date:	January 2023
Review frequency:	Not less than once every five to ten years as required by Sections 158 & 159 of the Local Government Act 2002
Approval authority:	Council
Consultation required:	Special Consultative Procedure (LGA sec 156)
ECM number:	402136
Associated documents:	

1. Title

The title of the bylaw shall be the South Waikato District Council Property, Maintenance and Nuisance Bylaw 2017.

2. Commencement

This bylaw shall come into force after Council resolves to adopt the bylaw and the date of commencement of the bylaw shall be identified in Council's resolution.

3. Purpose

- 3.1 The purpose of this bylaw is to require private property to be maintained and managed so as to protect, promote and maintain public health and safety, and to protect the public from nuisances.
- 3.2 This bylaw applies to the entire South Waikato District.
- 3.3 This bylaw is made pursuant to Sections 145 and 146 of the Local Government Act 2002, Section 23 and 64 of the Health Act 1956 and Section 12 of the Litter Act 1979.

4. Explanatory note

This bylaw is not the only legislative document relating to property maintenance and nuisances. Compliance with this bylaw does not avoid the need to comply with all other applicable Acts, regulations, bylaws or rules of law.

5. Definitions

In this bylaw, unless the context requires otherwise:

Abandoned means empty, deserted, derelict or uninhabited.

Building means a temporary or permanent moveable or immovable structure including a structure intended for occupation by people, animals, machinery or chattels or includes part of a building.

Litter has the meaning given in the Litter Act 1979.

Material or thing means, but is not limited to:

- a. Building material or equipment associated with building activities and including asbestos
- b. Household goods/furniture
- c. Litter
- d. Manure
- e. Metal
- f. Paper
- g. Plastics
- h. Timber
- i. Tyres
- j. Vehicles including vehicles with wheels or other parts removed
- k. Waste.

Nuisance means a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person. This includes but is not limited to:

- a. Where any accumulation or deposit of material or thing is in such a state or is so situated as to be offensive or likely to be injurious to health
- b. Where there exists on any land or premises any condition giving rise or likely to give rise to the breeding of pests or vermin or is suitable for the breeding of pests or vermin, which are capable of causing or transmitting disease, ie long grass or vegetation
- c. Where there exists on any land or premises any condition or activity that creates or is likely to create an odour that is objectionable or offensive at or beyond the boundary of the land
- d. Where any premises, including any accumulation or deposit or any material or thing thereon, are in such a state as to harbour or to be likely to harbour pests or vermin
- e. Where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health
- f. Where any buildings or premises used for the keeping of animals are so constructed, situated, used or kept, or are in such a condition, as to be offensive or likely to be injurious to health
- g. Where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health
- h. Where any street, road, right of way, passage, yard, premises or land is in such a state as to be offensive or likely to be injurious to health.
- i. Where any chimney, including the funnel of any ship and the chimney of a private dwellinghouse, sends out smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health, or in any manner contrary to any regulation or Act of Parliament.

- j. Where the burning of any waste material, rubbish, or refuse in connection with any trade, business, manufacture, or other undertaking produces smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health.

Occupier means the inhabitant occupier of that property or premises.

Owner means the person named on the certificate of title for the land or their attorney or agent.

Pest or vermin means animals that may attack or infest or are parasitic on living being and plants, and includes but is not limited to:

- a. Ants
- b. Cockroaches
- c. Ferrets
- d. Flies
- e. Mice
- f. Mosquitos
- g. Mites
- h. Pigeons
- i. Possums
- j. Rats
- k. Stoats
- l. Ticks
- m. Wasps.

Property means any parcel of land and/or building capable of being transferred, sold, rented, leased or otherwise disposed of separately from any other parcel of land and/or building(s).

Vehicle has the same meaning given by the Land Transport Act 1998.

Waste has the same meaning as defined in Section 5 of the Waste Minimisation Act 2008.

6. Property Maintenance

- 6.1 A person must not allow any material or thing to be deposited, accumulated, used, processed or stored on any private property under their control in a manner that causes or may cause a nuisance.
- 6.2 A person must not allow any property under their control to become overgrown with long grass or vegetation to an extent that it causes or may cause a nuisance.
- 6.3 The owner of any building that is abandoned, in the opinion of an authorised officer, must ensure that the building is secured so as not to allow access by the public.

7. Enforcement, Offences and Penalties

- 7.1 The Council may use its powers under the Local Government Act 2002, (including its powers to enter any land, building or dwelling house pursuant to sections 172 to 173 and/or the Health Act 1956 and/or the Litter Act 1979 to enforce this bylaw.
- 7.2 The Council may remove or cause to be removed from any private property any material or thing found on that private property in breach of this bylaw and may recover any costs of removal from the person who committed the breach.
- 7.3 The Council may, pursuant to Section 163 of the Local Government Act 2002, remove or alter a work or thing that is, or has been, constructed in breach of this bylaw and may recover the costs of removal from the person who committed the breach.
- 7.4 The removal of any material or thing under clause 7.2 and/or the removal or alteration of any work or thing under clause 7.3, and/or the recovery of costs under either of those clauses, does not relieve the person who committed the breach from any liability for any penalty for breach of this bylaw.
- 7.5 Every person who breaches this bylaw commits an offence.
- 7.6 Every person who commits an offence under this bylaw is liable to a penalty under the empowering legislation set out in clause 7.1 above.

Note: Please refer to the Bylaws Administration Bylaw 2017, Clause 9 Serving of Orders and Notices and Clause 18 Right of Appeal.

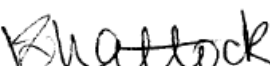
8. Adoption of bylaw

The foregoing bylaw was duly adopted by resolution of the South Waikato District Council following completion of the Special Consultative Procedure prescribed by Sections 83 & 86 of the Act.


I, Benjamin Smit, Chief Executive of South Waikato District Council, CERTIFY that this bylaw was made by Resolution No 17/317 on the 13th day of December 2017, and was duly amended on the 5th day of December 2019 to come into effect on the 6th day of December 2019.

Dated this 5th day of December 2019.

The **COMMON SEAL** of THE)
SOUTH WAIKATO DISTRICT COUNCIL)
were hereto affixed in the presence of:)



JR Shattock – Mayor



B Smit – Chief Executive

Annotations

Res No	Date	Subject/Description
17/317	13 December 2017	Adopted by Council
19/326	5 December 2019	Additional clauses added to nuisance behaviour