

WAIMATE DISTRICT CONSOLIDATED BYLAW 2018**CHAPTER 22****22 PROPERTY MAINTENANCE AND NUISANCE****2200 Title**

2200.1 The title of the bylaw shall be the Waimate District Council Property, Maintenance and Nuisance Bylaw 2019.

2201 Commencement

2201.1 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.

2202 Purpose

2202.1 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.

2202.2 This bylaw applies to the entire Waimate District.

2202.3 This bylaw is made pursuant to Section 145 of the Local Government Act 2002, Section 23 and 64 of the Health Act 1956 and Section 12 of the Litter Act 1979.

2203 Explanatory Note

2203.1 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.

2204 Definitions

In this bylaw, unless the context requires otherwise:

2204.1 **Abandoned** means empty, deserted, derelict or uninhabited.

2204.2 **Building** means a temporary or permanent moveable or immovable structure including a structure intended for occupation by people, animals, machinery or chattels and includes part of a building.

2204.3 **Litter** has the meaning given in the Litter Act 1979.

2204.4 **Material or thing** includes, 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. Plastic
- h. Timber
- i. Tyres
- j. Vehicles including vehicles with wheels or other parts removed
- k. Waste.

2204.5 **Nuisance** means a person, animal, thing, or circumstance causing unreasonable interference with the peace, comfort, or convenience of another person. This is not limited to but is deemed to include:

- 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 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, ie long grass or vegetation
- c. Where there exists on 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, , are in such a state as to harbour or to be likely to harbour pests or vermin
- e. Where any premises are in such a state, as to be offensive or likely to be injurious to health
- f. Where any 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.

2204.6 **Pest or vermin** means animals that may attack or infest or are parasitic on living beings 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

2204.7 **Premises** means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises.

2204.8 **Vehicle** has the same meaning given by the Land Transport Act 1998.

2204.9 **Waste** has the same meaning as defined in Section 5 of the Waste Minimisation Act 2008.

2205 Property Maintenance

2205.1 The owner or occupier of any premises must not allow any material or thing to be deposited, accumulated, used, processed or stored in a manner that causes or may cause a nuisance.

2205.2 The owner or occupier of any premises must not allow the premises to become overgrown with long grass or vegetation to an extent that it causes or may cause a nuisance.

2205.3 The owner of any building that is abandoned, must ensure that the building is secured so as not to allow access by the public.

2206 Enforcement, Offences and Penalties

2206.1 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.

2206.2 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.

2206.3 The Council may, pursuant to Sections 163 or 186 of the Local Government Act 2002, remove or alter a work or thing that is, or has been, constructed or left in breach of this bylaw and may recover the costs of removal from the person who committed the breach.

2206.4 The removal of any material or thing under clause 6.2 and/or the removal or alteration of any work or thing under clause 6.3, 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.

2206.5 Every person who breaches this bylaw commits an offence.

2206.6 Every person who commits an offence under this bylaw is liable to a penalty under the empowering legislation set out in clause 2206.1 above.

2206.7

2207 Adoption of bylaw

The foregoing bylaw was duly adopted by resolution of the Waimate District Council following completion of the Special Consultative Procedure prescribed by Sections 83 & 86 of the Local Government Act 2002.

I, Stuart Duncan, Chief Executive of Waimate District Council, CERTIFY that this bylaw was made by Resolution on the *xxth* day of *month* 2019, to come into effect on the *xxth* day of *month* 2019.