

	Title:	Property Maintenance and Nuisances Bylaw 2017 Te Ture ā-rohe Tiaki Rawa me Ngā Mahi Whakaporearea 2017
	Date Adopted (review date):	[To be determined]
	Date in Force:	[To be determined]
	Next Review Date:	By or before [date to be determined] (within 5 years of date adopted)

1. TITLE

- 1.1. This bylaw is the Thames-Coromandel District Council Property Maintenance and Nuisances Bylaw 2017.

2. PURPOSE AND SCOPE

- 2.1. This bylaw sets rules for the maintenance and management of private property so as to protect public health and safety and to protect the public from nuisances.
- 2.2. This bylaw shall apply to the entire Thames-Coromandel district.
- 2.3. This bylaw is made pursuant to section 145 and 146 of the Local Government Act 2002 and section 23 the Health Act 1956.

3. EXPLANATORY NOTE

- 3.1. This bylaw is not the only legislative document relating to property maintenance and nuisances. Nothing in this bylaw derogates from any duty, power or responsibility arising from any other Act, regulation, bylaw or rule.
- 3.2. Words which refer to the singular include the plural and the plural includes the singular.
- 3.3. Reference to any Act or provision of any Act includes any amendment to that Act or any Act passed in substitution for it.
- 3.4. Notes in italics are for information only and are not part of this bylaw.

4. COMMENCEMENT

4.1. This bylaw comes into force on [date to be determined].

5. REVIEW

5.1. Review of this bylaw will be undertaken in accordance with section 158 of the Local Government Act 2002.

6. DEFINITIONS

6.1. In this bylaw, unless the context requires otherwise:

Animal means any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes their young or eggs and the carcass or its constituent parts, but does not include humans or dogs.

Aircraft means any device that flies or is intended for flying either manned or unmanned and either powered or unpowered.

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.

Chief Executive means the person employed by Council as the Chief Executive of the Council for the time being.

Council means the Thames-Coromandel District Council.

Derelict means abandoned and with no evidence of regular maintenance or use.

District means the Thames-Coromandel district.

Litter has the same meaning as defined in section 2 of the Litter Act 1979.

Livestock means any species of cattle, sheep, goat, pig, horse, deer, alpaca, llama or poultry.

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;

(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 of 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

Occupier means the inhabitant occupier of that property or premises.

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

Pest or vermin means any wild, feral or farm animal, and any species of caged or feral bird that is causing a nuisance to any person or thing outside a property boundary upon which it is located or that may attack or infest or are parasitic on living beings and plants and includes but

is not limited to: ants, cockroaches, ferrets, flies, mice, mosquitoes, mites, pigeons, possums, rats, stoats, ticks and wasps.

Poultry means chickens, ducks, geese, pigeons, roosters, turkeys and other domestic fowls of all descriptions.

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).

The Act refers to the Local Government Act 2002.

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.

7. PROPERTY MAINTENANCE

- 7.1. 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.
- 7.2. A person must not allow any property under their control to become overgrown with vegetation to an extent that it causes or may cause a nuisance.
- 7.3. The owner of any building that is derelict in the opinion of an authorised officer must ensure that the building is secured so as not to allow access by the public.

8. ANIMALS INCLUDING POULTRY

- 8.1. Any building or property used for the keeping of animals shall be constructed, situated, used or kept in a condition that does not create or is not likely to create an offensive or objectionable sight or odour and shall be free from pests and vermin.
- 8.2. Any poultry must remain within the property boundary and have access to a poultry house or similar shelter to which an enclosed poultry run may be attached.
- 8.3. No shelter, poultry house or poultry run shall be erected or maintained so that any part of it is within 2 metres of the boundary of any adjoining property.
- 8.4. No livestock shall be kept, or allowed to remain, on any property where it causes or is likely to cause a nuisance.

- 8.5. Any person must comply with any direction given by an authorised officer to move or remove any animal or beehive where in the opinion of that authorised officer the beehive or nuisance is causing or is likely to cause a nuisance.
- 8.6. No suffering shall be caused to an animal by the manner of its shelter or keeping.

9. ENFORCEMENT, OFFENCES AND PENALTIES

- 9.1. The Council may use its powers under the Local Government Act 2002, the Health Act 1956 and the Litter Act 1979 to enforce this bylaw.
- 9.2. 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.
- 9.3. 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 or alteration from the person who committed the breach.
- 9.4. Every person who breaches this bylaw commits an offence.
- 9.5. Every person who commits an offence under this bylaw is liable to a penalty under the prevailing legislation.

Signed on Behalf of Thames-Coromandel District Council by;

District Mayor

Date

Chief Executive

Date

BYLAW HISTORY

Action	Description	Date of Council Resolution	Effective Date
<i>Made new bylaw</i>	<i>Adopted new Property Maintenance and Nuisances Bylaw 2017 Revoked Part 11 Nuisances 2005 of Council's Consolidated Bylaw 2004</i>	<i>[To be determined]</i>	<i>[To be determined]</i>