

PART 5 PROPERTY MAINTENANCE

49. Purpose

49.1. The purpose of this section of the bylaw is to protect the public from nuisance and to protect the public’s health and safety that may be impacted by abandoned buildings, storage of waste and excessive vegetation growth on private property or public land, which includes the road reserve.

50. Definitions

50.1. For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply.

Amenity Values	Has the same meaning as the Resource Management Act 1991.
Enforcement Officer	Means an officer appointed by Council for the purposes of this bylaw.
Vermin	Includes but is not limited to: a) ants, cockroaches, flies, mosquitoes, mites and other insects. b) mice. c) rats. d) pigeons.
Waste	Has the same meaning given under the Waste Minimisation Act 2008.

51. Excess Waste Accumulation

51.1. No person may deposit, store, accumulate or bury any waste on private or public land whether it is outside or inside buildings or structures that:

- (a) Causes a nuisance.
- (b) Is or may become a fire danger to a residential dwelling(s) for private use (other buildings refer to Fire and Emergency Act 2017).
- (c) Is or may cause danger to public health.
- (d) Provides harbourage for vermin.

- 51.2. In this case, waste items may include, but are not limited to disused vehicle bodies, automotive parts, shipping containers, building waste, refuse and abandoned household items.

Notes not forming part of the bylaw: Under section 10 of the Litter Act 1979 Council can require a person to clean up litter on private property if it 'grossly defaces or defiles' the area.

The Fire and Emergency Act 2017 contains offences and penalties (among other tools) that can be imposed in situations which may increase the risk of fire. These provisions do not apply to residential dwellings for private use.

Abandoned vehicles on Council land, which includes local roads, are dealt with by the Council, see our website for the process. Abandoned vehicles on state highways should be referred to Waka Kotahi NZ Transport Agency. An abandoned vehicle on private property without the property owner's permission should be referred to the New Zealand Police.

52. Vegetation

- 52.1. Long grass and/or vegetation on private land must be trimmed back, cut down or removed irrespective of whether the land is disused, used, vacant, developed or otherwise when it:

- (a) Is or may become a fire danger to a residential dwelling(s) for private use (other buildings refer to Fire and Emergency Act 2017).
- (b) Provides harbourage for vermin.
- (c) Obstructs public right of ways.

53. Abandoned or Vacant Buildings

- 53.1. The owner of any building that is vacant or abandoned, in the opinion of an authorised officer, must ensure the building is secured so as not to allow access by the public.

Note not forming part of the bylaw: Council has a Policy on Dangerous and Insanitary Buildings that outlines Council's approach and process for dealing with buildings that are considered dangerous or insanitary under the Building Act 2004.

- 53.2. The owner of any building located on the 'service retail frontage' or in a 'town centre' (or equivalent update) as identified in the District Plan must ensure the building is maintained to a standard that upholds the amenity values of the town and protects the public from nuisance.
- 53.3. Buildings will be considered not to comply with clause 53.2 if they show significant signs of disrepair for example fading paintwork, plaster chipping, tagging, boarded up or broken windows and/or mould or algae growth.