



General Bylaw 2008

Chapter 4

Nuisances

Explanatory Note

This *Bylaw* aims to protect the public health and wellbeing from *Nuisances* caused by burning, deposit of rubbish and *Offensive Matter*.

The *Bylaw* is made under the Local Government Act 2002 and the Health Act 1956. It is complementary to the Litter Act 1979, the Resource Management Act 1991 and the Public Places *Bylaw*.



Western Bay of Plenty District Council

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Nuisances

Pursuant to the powers vested in it under section 145 and section 146 of the Local Government Act 2002, and section 64 of the Health Act 1956, the Western Bay of Plenty District Council makes this Bylaw.

1. General Nuisance Provisions

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|-----|---|-----------------------------|
| 1.1 | No <i>Person</i> may do or cause to be done, or permit anything so that a <i>Nuisance</i> , of any kind not mentioned or prohibited by this or any other <i>Bylaw</i> , exists. | <i>Nuisances Prohibited</i> |
| 1.2 | No <i>Person</i> may cause, or permit, any drain, water closet pan, receptacle, material or thing, stable, <i>Fowl house</i> or <i>Fowl run</i> , dog kennel, pigeon house, outhouse, or yard on any land or <i>Premises</i> within the <i>District</i> of the <i>Council</i> to be or become a <i>Nuisance</i> , or by any neglect or default on the part of such <i>Person</i> to cleanse the same, to cause an offensive smell to be created. | Odour |
| 1.3 | Every <i>Person</i> must keep <i>Buildings</i> and <i>Premises</i> and all cellars, outbuildings, and sanitary conveniences belonging to them in a clean condition. Every <i>Person</i> must, when required by an <i>Authorised Officer</i> of the <i>Council</i> , and within the time directed, cause the <i>Premises</i> or such part as the <i>Officer</i> may order, to be effectually cleaned and as far as practicable, cause such house or <i>Building</i> to be so repaired, altered or reconstructed as to prevent the ingress or harbourage of rats or other <i>Vermin</i> . | Requisition |
| 1.4 | If there exists a <i>Nuisance</i> on any <i>Premises</i> such that, in the opinion of an <i>Authorised Officer</i> of <i>Council</i> , immediate action is necessary to abate the <i>Nuisance</i> , the <i>Officer</i> may with such assistance as may be necessary, enter on the <i>Premises</i> and abate the <i>Nuisance</i> without notice to the <i>Occupier</i> . | |
| 1.5 | All expenses incurred in the abatement of a <i>Nuisance</i> under this Part of this <i>Bylaw</i> are recoverable from the <i>Owner</i> or <i>Occupier</i> of the <i>Premises</i> in respect of which the costs are incurred. | Recovery of Expenses |



2. Burning, Smoke, Dust and Fumes

- 2.1 No *Person* may burn, or permit or suffer to be burnt, any matter or thing in such a manner as to be offensive. Burning
- 2.2 No *Occupier* of any private residential *Premises* may permit smoke, noxious fumes or other matter to be emitted from any chimney, fireplace, barbecue, incinerator or other device on the *Premises* to such an extent as to cause a *Nuisance*, to *Persons* residing or being in the neighbourhood. Where in the opinion of a duly *Authorised Officer* of *Council* a *Nuisance* is being caused, the *Officer* may require the *Nuisance* to be abated to his or her satisfaction immediately. Smoke, Fumes
- 2.3 It is an *Offence* for the *Owner* or *Occupier* of any *Premises* to permit the escape of dust or sawdust from any stack or heap on those *Premises* onto any other property or *Public Place*. Dust

3. Offensive Matter and Waste

- 3.1 No *Person* may deposit, or allow to be deposited, or to accumulate any *Waste* or rubbish of any description including but not limited to sawdust, plastics, materials, waste paper, shavings, filth, tins, glass, rags, straw, garden waste, tree cuttings, iron, or steel on any land not being a place set apart for such purpose by the *Council* unless in so doing sufficient precautions are taken to prevent the creation of a *Nuisance* or anything offensive or likely to be injurious to health. Accumulation of *Waste*
- 3.2 No *Person* may bury, or permit or allow to be buried any *Waste* or offensive rubbish or matter in any garden, or other place not being a place set apart for such purpose by the *Council*, unless in so doing sufficient precautions are taken to prevent the creation of a *Nuisance* or anything offensive or likely to be injurious to health. Burial of *Waste*
- 3.3 No *Person* may deposit or allow to be deposited any dung, manure, fertiliser, or *Waste*, unless it is immediately incorporated with earth for garden purposes, or satisfactorily covered over, to prevent the escape of effluvia, the establishment of a breeding place for flies or *Vermin*. Manure
- 3.4 No *Person* may deposit or allow to be deposited any human excreta in or on any *Public Place* except in Public Toilets provided for that purpose.
- 3.5 No *Person* may permit or suffer to remain overnight or for any unnecessary length of time during any part of the day or night in any street or *Public Place*, a vehicle or receptacle containing or which recently contained, manure, offal, *Offensive Matter* or thing likely to be offensive to or injurious to health. Vehicles/
Receptacles
Containing Manure or
Waste

4. Vermin (including rats, other mammals, reptiles, birds and insects)

- 4.1 The *Owner* or *Occupier* of any *Building*, land or *Premises* must – Rats, *Vermin*
- (a) where rats or other *Vermin* exist or are harboured, or in which there is evidence of such existence, or harbouring, destroy rats by poisoning or trapping, or such other means as an *Authorised Officer* of *Council* may direct;



- (b) remove or obliterate nests, burrows, or habitual haunts of rats in any such *Buildings*, land or *Premises*.

- 4.2 The *Owner* or *Occupier* of any *Building*, land, or *Premises* where, in the opinion of an *Authorised Officer* of *Council*, conditions exist giving rise, or likely to give rise, to the breeding of flies, mosquitoes, or other insects dangerous to health, shall execute and do such disinfecting, spraying or applying of larvicide, cleansing, screening, removal or destruction of breeding grounds or places, as may be necessary to prevent the breeding of flies, mosquitoes or such other insects.
- Flies, Mosquitoes

5. Sanitation and Drainage

- The *Owner* or *Occupier* of any land or *Premises* upon which any *Offensive Liquid*, or drainage, waste or impure water collects must immediately upon receiving notice from an *Authorised Officer* of *Council* cause such land or *Premises* to be effectually drained or filled up so as to prevent the collection of any such *Offensive Liquid*, drainage, waste or impure water.
- Drainage, Waste, Impure Water.