

Grey District Council Amenity Protection Bylaw

This bylaw was first adopted by the Grey District Council on 21 February 2002.

The bylaw was amended on 9 June 2008 and again on 14 May 2018 following consideration of submissions received as part of the Special Consultative procedure.

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GREY DISTRICT COUNCIL AMENITY PROTECTION BYLAW

1.0 TITLE

1.1 This Bylaw will be known as the '**Grey District Council Amenity Protection Bylaw**'.

2.0 COMMENCEMENT

2.1 This Bylaw shall come into force on 21 February 2002 and any subsequent amendment or review, on the date of its confirmation by Council.

3.0 PURPOSE OF BYLAW

3.1 The purpose of this Bylaw is to assist Council in ensuring that the Grey District remains neat and tidy and that amenity is preserved. In the process it will ensure that Council can:

- Meet its obligations under Section 7(c) of the Resource Management Act 1991; and
- Implement the policies of the Grey District Plan as amended from time to time.

4.0 AVAILABILITY OF PRINTED COPIES

4.1 Copies of this Bylaw will be provided free of charge to any person requesting it.

5.0 BYLAW TO PREVAIL

5.1 This Bylaw should be read in conjunction with all other relevant Bylaws of the Grey District Council currently in force in the District, except where such reading would form an inconsistency, in which case the provisions of this Bylaw shall prevail.

6.0 ASSESSMENT OF AMENITY

6.1 Amenity shall be assessed taking into account the general character and maintenance of the neighbourhood and the environmental area in which the property is located and/or adjoins.

7.0 INTERPRETATION

7.1 In this Bylaw, unless inconsistent with the context –

AMENITY means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness and aesthetic coherence.

COUNCIL means Grey District Council.

DETRACTION FROM AMENITY AND AMENITY VALUES means, in particular, the specific matters outlined in this Bylaw and, in general, the physical appearance of any land, vegetation on the land and any improvements on such land, noting the provisions of Clause 6.

ENVIRONMENTAL AREAS means those environmental areas outlined in the Grey District Plan and its successors.

INSPECTOR means any officer appointed by the Council for the time being to carry out or exercise the duties of an inspector under this Bylaw.

OCCUPIER means any owner of the fee simple estate on which the nuisance is created or any lessee registered at the Land Transfer Office on which the nuisance is created.

OFFICER means any employee or servant of the Council.

8.0 PROPERTIES DETRACTING FROM THE AMENITY OF THE NEIGHBOURHOOD

8.1 Nothing in this Bylaw shall apply to dwelling houses.

8.2 The following specific circumstances will represent detractions from amenity for purposes hereof and will constitute a nuisance:

A - Commercial areas within the District

- Vacant sites that are allowed to become uneven to the extent that surface water ponds on it.
- Vacant land that sprouts weeds and other vegetation other than shrubs and gardens that are/have been formally established on such land and are maintained to a standard considered to comply with Clause 6.
- Buildings that show signs of disrepair, ie in the form of fading paintwork, plaster chipping and mould or algae growth.
- Buildings that have been tagged or in any other way defaced to the extent that it is no longer considered to comply with Clause 6.

B - Industrial type uses within the District

- Industrial buildings and associated operational/storage areas appearing untidy must be fenced with a screening fence and gate(s).
- Industrial/commercial activities 'spilling over' onto adjacent properties must adhere to the same screening. Where such spill over involves Council footpaths, it will be governed by the licensing requirement.
- Such types of activities undertaken on a non-commercial basis, ie manifesting in the accumulation of car bodies, will be subject to a maximum of two such car bodies being on the property at any given time and such bodies being parked tidily. Where any other activity or accumulation takes place, a Council officer, acting reasonably, may declare it to constitute a breach of this Bylaw.

C - General

- Properties allowed to become overgrown.
- Properties with significant gorse and broom accumulations.
- This section of the Bylaw only applies to properties within 50 metres of a dwelling.

8.3 Where, in the opinion of an Inspector acting reasonably, any personal property of whatsoever nature situated on land privately or publicly owned or occupied under tenure detracts from the amenity, or is stored in such a manner as to detract from the amenity of the neighbourhood, a nuisance shall be deemed to be created.

8.4 An Inspector or Officer may serve a notice on the persons by whose action or omission the nuisance referred to in clauses 8.2 or 8.3 arises (including the owner of unoccupied premises) requiring him/her, within 21 days, to take such action and to execute such works as may be necessary to abate the nuisance.

8.5 The Council shall be entitled to recover all reasonable costs incurred in the monitoring and enforcement of this Bylaw from the occupier where a nuisance is deemed to be a nuisance under Clauses 8.2 or 8.3.

9.0 POWERS OF COUNCIL ON OCCUPIER'S DEFAULT

9.1 If any occupier on whom a notice is served under clause 8.5 of this Bylaw fails or neglects to do any act or thing specified in the notice before such date or in such a manner as specified, the Council may itself do or have done or complete the doing of that act or thing.

9.2 The cost of remedying the non-compliance with the notice can be recovered in full against the occupier and, until paid in full, represents a charge against the land concerned.