



Nuisance Bylaw 2019

Effective 1 July 2019



Contents

1.0	Introduction	2
2.0	Definitions	3
3.0	Public places	5
4.0	Nuisance on private property	10
5.0	Keeping of animals (excluding dogs)	10
6.0	Bee keeping	12
7.0	Fees	12
8.0	Permits/licences/consent	12
9.0	Enforcement	13
10.0	Offences and penalties	13
11.0	Dispensations	13
12.0	Transitional Provisions	14
	Schedule 1: Prohibited areas for skating	15

Title	Nuisance Bylaw 2019 (as amended 2020)
Sponsor	Strategic Planning Group Manager Planning and Environmental Services
Approved by	The Hauraki District Council
Adoption date	9 September 2020
Adoption report/s	2592110 2815865
Review by	1 July 2029
Document reference	2827312
Property of the Hauraki District Council	

1.0 Introduction

1.1 Purpose

This bylaw facilitates the enjoyment of living in and visiting the Hauraki District by managing and regulating the use of public places and certain activities on private land, including the keeping of animals and bees.

1.2 Title

This bylaw is the Hauraki District Council Nuisance Bylaw 2019.

1.3 Enabling enactments

This bylaw is made in accordance with the Local Government Act 2002 and the Health Act 1956.

1.4 Commencement

This bylaw comes into force on 1 July 2019. This bylaw revokes and replaces the relevant clauses of Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw 2007.

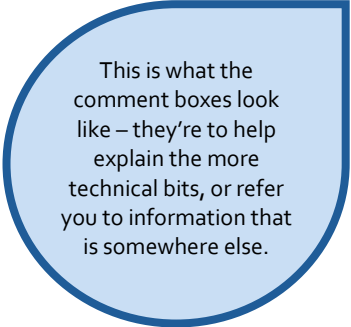
Clauses 3.16.2 – 3.16.4 of this bylaw were included at a later date and came into effect on 1 October 2020.

1.5 Review

The review of this bylaw will be undertaken no later than 10 years after the last review.

1.6 Related information

There is related information in comment boxes in this bylaw. Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.



This is what the comment boxes look like – they're to help explain the more technical bits, or refer you to information that is somewhere else.

2.0 Definitions

For the purposes of this bylaw the following definitions apply:

Animal	means stock, poultry and any other vertebrate animal of any age or sex that is kept in a state of captivity or is dependent upon humans for its care and sustenance.
Authorised officer	means any person delegated, appointed or authorised in writing by the Council to act on its behalf.
Barbed wire	means any wire that contains barbs, spikes, blades, jagged edges or pointed projections along its length and is used to make fences and barriers.
Beach	means the foreshore (including the inter-tidal zone above the mean low water spring) and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine area.
Council	means the Hauraki District Council or any person delegated or authorised to act on its behalf.
District	means the district of the Hauraki District Council.
Low Density Residential Zone	has the same meaning as defined in the Hauraki District Plan.
Nuisance	has the meaning given by section 29 of the Health Act 1956 and its amendments and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.
Occupier	means the inhabitant occupier of any property, and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner.
Poultry	means any bird including, but not limited to domestic fowl, ducks, geese, turkeys, guinea-fowl, pheasants, peacocks and pigeons.
Premises	means any private land that is occupied or unoccupied and includes any dwelling, building, shop, yard, or part of the same.
Public performance	includes public speaking, busking, miming, singing, dancing, acting or the playing of musical instruments.
Public place	<p>is a place under the control of the Hauraki District Council, and</p> <p>is open to, or being used by the public, whether or not there is an admission charge, and includes:</p> <ul style="list-style-type: none"> (i) any road within the district, whether or not the road is under the control of the Council; and (ii) any part of a public place. <p>Examples of a public place include a reserve (including road reserve), public square, cemetery, beach, wharf, footpath, Hauraki Rail Trail.</p>

Urban area	means land within a Residential, Township, Marae Development (Waihi Community Marae only), Town Centre, Industrial and Reserve (Active) Zones as defined in the Hauraki District Plan. For the purpose of this bylaw the term 'Urban area' does not include a Low Density Residential Zone.
Reserve	means any reserve, park, domain or recreational area under the control or ownership of the Council.
Rural area	means land zoned Rural, Coastal, Marae Development (excluding the Waihi Community Marae), Conservation (Indigenous Forest or Wetland), or Karangahake Gorge Zones in the Hauraki District Plan.
Skating device	means roller skates, roller blades, inline skates, skateboard, scooter or other or similar recreational devices but does not include any wheelchair, baby or invalid carriage or bicycles.
Slaughter	means the process of killing, skinning, and dismemberment of any animal, the retention of parts for use, and disposal of the balance and slaughtered and slaughtering shall have a corresponding meaning.
Stock	means cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats, and any other animal farmed, and dependant on humans for their care and sustenance. It does not include pigs, poultry or bees.
Vehicle crossing	means a formed access for vehicles to enter or leave private land from or to a road.

Maps showing the various urban and rural areas in the District can be found on our website:
www.hauraki-dc.govt.nz/our-council/district-plan/dp-maps

3.0 Public places

3.1 Prohibited conduct in public places

A person must not in any public place:

- a) use any item or object, including skating devices, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous, injurious, or cause a nuisance to any person, or damage a public place;
- b) place or leave any material or object, including signage or items for sale or hire, in a way that interferes with or obstructs the free movement of pedestrians or traffic in any way;
- c) solicit any subscription, collection or donation or provide a public performance in a way that does or is likely to create a nuisance.

The Summary Offences Act 1981 enables the Police to deal with graffiti, obstruction, intimidation, disorderly and offensive behaviour or language in public.

3.2 Restricted conduct in a public place

Except with the prior written permission of the Council, a person must not in any public place:

- a) set off any fireworks, flare or other explosive material;
- b) install, construct, or abandon any object, vehicle, material or structure on, over, or under a public place;
- c) obstruct any entrance to or exit from a public place;
- d) allow any gate or door on property neighbouring a public place to swing over or across the public place;
- e) hang an awning, blind or screen from a premises or a structure, or erect or maintain an awning over any public place;
- f) take off or land any aircraft, hot air balloon, hang glider, parachute or similar aircraft except in an emergency;
- g) carry out any work on any motor vehicle, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed;
- h) damage, interfere with, destroy or remove any grass plot, ornamental verge, flowerbed, tree, shrub or plant, or any inscription or label relating to it;

If you want to fly a drone over a public place you need to notify us.
For rules about signs check out our [District Plan](#).

- i) remove any sand, soil or other naturally occurring material found in a public place;
- j) open a drain or sewer on, or disturb or remove the surface of any public place.

Keep Hauraki beautiful!
We can fine up to \$400 for littering in a public place. For more information, see the Litter Infringement Policy on our website.

3.3 Electrical or barbed wire fencing

- a) Except with the prior written permission of the Council, a person must not erect any electrified fencing or barbed wire fencing along the boundary or within one metre of a public place.
- b) Clause 3.3 a) does not apply within a rural area, except when the fence abuts or adjoins a footpath.

3.4 Ban on use of skating devices

The riding of skating devices is prohibited in certain public places in Paeroa, Ngatea and Waihi as contained in the maps in Schedule 1 of this bylaw.

The Land Transport (Road User) Rule 2004 bans the riding of bikes on footpaths. The Police can fine people \$55.

3.5 Encroachment on public places

If any building, structure or object or any part thereof is installed, constructed or placed upon, under, over or across any public place; or

If any vegetation is permitted or allowed to encroach onto or over any public place so as to obstruct or interfere with the free movement of persons using that public place without the permission of the Council, the Council may by notice in writing require the owner of such building, structure, object or vegetation to remove the same or part thereof as specified in the notice.

3.6 Trading in public places

A person must not trade, or provide a service to the public, or display for sale any article or service in a public place, except with the prior written permission of the Council.

To sell goods in a reserve or other public place you need a 'hawkers' licence. See our website for the application form.

3.7 Fires in public places

A person must not light a fire in any public place unless:

- a) the fire is contained in an appliance designed for outdoor cooking provided by the Council, or
- b) the fire is contained in a portable gas barbeque in a Council reserve, or
- c) the Council has given prior written approval.

Check out the Fire and Emergency New Zealand [website](#) for information on fire seasons and whether a fire ban is in place.

3.8 Access to beach

Any person wanting to gain access from a public place to a beach must use a designated access where this is available.

3.9 Horses on beach

A person must not ride a horse on a beach under the control of the Council in a way as to endanger the safety of persons, or be an annoyance or inconvenience to persons, either on the beach or the foreshore.

3.10 Vehicles on beach

3.10.1

A person must not ride, drive, stop, stand, or park a vehicle on Whiritoa Beach except:

- a) when launching or retrieving a boat or Kontiki (long line fishing) from the sea, or other body of water; or
- b) when the vehicle is an emergency vehicle used to save or protect life or health, or serious damage to property, or a vehicle used in an official capacity at the time by an authorised officer; or
- c) the person in control of the vehicle, or a passenger, holds a valid New Zealand mobility parking permit.

3.10.2

A person must not drive a vehicle on a beach under the control of the Council in a way as to endanger the safety of persons, or be an annoyance or inconvenience to persons, either on the beach or the foreshore.

3.11 Animals on public places (excluding dogs)

- a) A person in control of an animal on any public place must ensure that the animal is kept under proper control so as not to create a nuisance or danger for other people using the public place.
- b) A person in control of an animal on any public place must ensure that the animal is kept under proper control to ensure that no damage is caused to the public place or to any object in the public place.
- c) A person in control of an animal on any public place must immediately remove any faeces deposited by that animal.

For rules relating to dogs, like where they are allowed off-lead, see our [Dog Control Policy](#) and [Bylaw](#) on our website.

3.12 Slaughter of animals

- a) A person must not slaughter any animals or dismember, handle, process or dispose of the carcass or remains of an animal on any premises which, in the opinion of an authorised officer, causes or is likely to cause nuisance or threat to public safety.

3.13 Reserves

3.13.1

A person must not enter or remain on a reserve that Council has:

- a) restricted or closed access to the public (for example, to protect public safety from unsafe or damaged areas, protect flora from disease, or for maintenance activity); or
- b) set aside for exclusive use of a particular group for the duration of that use, unless that person is part of that group (for example, to allow areas to be temporarily booked for small and large events such as weddings, triathlons, concerts or festivals).

3.13.2

Except with the prior written permission of the Council, a person must not distribute any printed or written material advertising any product, service or public entertainment on a Council reserve.

3.14 Reinstatement on completion of authorised works

A person doing authorised works on a public place must, on completion of the works, reinstate the place to the satisfaction of the Council.

3.15 Road and building identification

- a) The Council may alter the number of a building, complex or property when it is necessary or advisable to do so.
- b) Numbers required are to be maintained by the owner or occupier in such a manner so as to readily identify the property at all times.

3.16 Vehicle crossings

3.16.1

No person shall construct, repair, remove or widen any vehicle crossing without a permit from the Council.

3.16.2

Any permit for works in relation to a vehicle crossing shall be subject to such conditions concerning location, thickness, dimensions, reinforcement and materials as the Council or an authorised officer considers reasonably necessary to:

- a) ensure safe and efficient operation of the vehicle crossing;
- b) protect the road, including any footpath or berm, adjacent to the vehicle crossing;
- c) ensure the vehicle crossing can withstand the weight of vehicles likely to use it;
- d) ensure safe and convenient use of the road and/or footpath by pedestrians and vehicles;
- e) ensure that the vehicle crossing does not have a detrimental effect on the intended drainage flowpaths of the road and berm areas.

3.16.3

Every owner of land to which a vehicle crossing provides access, shall maintain the vehicle crossing in order to meet the requirements of clause 3.16.2. If in the opinion of an authorised officer, any crossing is in a bad or unsafe state of repair, or fails to meet the requirements of clause 3.16.2, the authorised officer may by notice in writing, require the owner of the land to which the crossing provides access, to repair, reconstruct, or renew such crossing to the satisfaction of the Council. Every owner who fails to comply with such a notice within the period specified commits an offence against this bylaw.

3.16.4

If any owner of land is in default in carrying out works as required under clause 3.16.3, the Council may carry out those works itself and recover from the owner the cost of doing so, together with reasonable administrative and supervision charges.

Assessment of your vehicle crossing will be based on both industry best practice and the [Hauraki District Council Engineering Manual](#)

4.0 Nuisance on private property

4.1 Prohibited conduct on private property

On any private property a person must not:

- a) burn, cause, or permit to be burnt, any matter or thing in a way that creates a nuisance,
- b) deposit in or discharge, or cause or permit the deposit or discharge of any litter, animal or other offensive matter or thing into a stream, watercourse, pond, lagoon, open drain, gutter or channel that creates or is likely to create a nuisance,
- c) being the owner or occupier of premises, cause or permit offensive liquid or matter to remain in or on, or flow from those premises in a way that creates, or is likely to create a nuisance,
- d) being the owner or occupier of premises to cause or permit conditions on those premises likely to contribute to the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin.

Under the Litter Act Council can require a person to clean up litter on private property if it 'grossly defaces or defiles' the area.

5.0 Keeping of animals (excluding dogs)

5.1 General nuisance created by animals

Every person keeping an animal on private property must ensure it is kept in a manner that the animal does not create a nuisance to any person, as determined by an authorised officer.

Be a caring owner. This bylaw is in addition to other obligations, such as those in the Animal Welfare Act 1999 and related codes of welfare.

5.2 Keeping of stock in urban areas

- a) A person must not keep any stock on or within any premises in the urban areas of the District, except where the stock is less than 12 months of age and is being kept for participation in a children's agricultural day event.
- b) Clause 5.2 (a) does not apply where the premises is part of a Structure Plan in the District Plan and is not yet subdivided into lots as permitted by the Structure Plan, or where the section is in pasture and rural in nature.

Keeping a calf, lamb or kid for calf club and rural shows is a tradition in our communities. People need to ensure stock do not cause any issues with neighbours.

5.3 Pig keeping

- a) A person must not keep any pigs on or within any premises in urban areas of the District.
- b) With the prior written permission of the Council, up to four pigs may be kept on a property in the Low Density Residential Zone in the District.
- c) A person must not keep any pigs in a manner that is a nuisance or offensive, in the opinion of an authorised officer.
- d) Except with the prior written permission of the Council, no person is to construct or allow any pigsty to remain, or any pigs to range, less than 50 metres from any boundary of any adjoining property or road.

If more than four pigs are kept on a property it may be classified as intensive pig farming and require a resource consent.

5.4 Poultry keeping

- a) A person must not keep, or permit to be kept, any rooster or cockerel on or within any premises in the urban area and Low Density Residential Zone in Paeroa, Ngatea and Waihi.
- b) A person must not keep more than six head of poultry on or within any premises in urban areas, except with the prior written permission of the Council.
- c) A person must not keep more than twelve head of poultry on or within any premises in the Low Density Residential Zone, except with the prior permission of the Council.
- d) In urban areas and the Low Density Residential Zone all poultry must be kept in a poultry house, to which a poultry run may be attached. Every poultry run shall be enclosed to confine the poultry within the poultry run, with the exception of coops used to keep pigeons, doves and similar birds.
- e) No poultry house or poultry run is to be installed or maintained so that any part of it is within 10 metres of any dwelling or any other building on an adjoining property, whether wholly or partially occupied, or within 2 metres of the boundary of an adjoining property or road.
- f) Every poultry house and poultry run is to be maintained in good repair, in a clean condition free from any offensive smell or overflow, and free from vermin.
- g) A person must not keep on or within any premises in the urban area or Low Density Residential Zone, any noisy poultry which is causing a nuisance, in the opinion of an authorised officer.
- h) If a nuisance is created as a result of any poultry house or poultry run or the keeping of poultry, the Council may serve a notice on the owner or keeper of the poultry house, poultry run or poultry requiring that person to stop the nuisance.

If you live in a rural area you can have up to 25 poultry, including roosters. If you keep more, you may need a resource consent.

6.o Bee keeping

- a) A person must not keep bees or cause or permit bees to be kept on or within any premises in the urban area or Low Density Residential Zone, except with the prior written permission of the Council.
- b) A person must not keep bees or cause or permit bees to be kept at or on any public place, except with the prior written permission of the Council.
- c) When making a decision on the keeping of bees, the Council will consider, amongst other things, the size of the property where the hives and bees are to be kept and the opinions of the owner and occupier of any adjacent property.
- d) Where a bee hive is located in close proximity to an adjacent property or public place the bee hive entrance must face away from the adjacent property or public place and a flyway barrier of at least 1.8 metres in height must be used to ensure the bee flight path is high enough to prevent a nuisance. A flyway barrier could include amongst other things a fence, hedge or shade cloth.
- e) Every person keeping bees or causing or permitting bees to be kept on private property must ensure that:
 - i) the bees do not create, nor are likely to create a nuisance or cause distress to any person; and
 - ii) the bees are not kept in such conditions that create or are likely to create a nuisance or cause distress to any person.

Under law bee keepers are required to register their apiary with the Ministry for Primary Industries to assist with protecting bees from exotic pests & diseases.

It is a good idea to participate in a beekeeping course. Contact Apiculture New Zealand for information.

7.o Fees

Any relevant licence, permit, consent or approval fees are documented in the Council's Schedule of Fees and Charges.

8.o Permits/licences/consent

8.1 Transfer

No licence, permit, consent or approval issued to a person named in that licence, permit, consent or approval is transferable to any other person.

8.2 Revocation

If circumstances change, the Council may revoke the licence, permit, consent or approval or suspend it for as long as the Council thinks fit.

8.3 Appeal

There shall be a right of appeal by the applicant from any decision by an authorised officer to the relevant Group Manager. After consultation with the Chief Executive the Group Manager may refer the appeal to the Council, or relevant Committee of the Council, when in the Chief Executive's opinion this is justified.

9.0 Enforcement

9.1

The Council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this bylaw.

Some enforcement options include removal of works, seizure of property, recovery of costs, requirement to cleanse a property.

9.2

The Council may pull down, remove or alter or cause to be pulled down, removed or altered any work, material or thing erected or being in breach of this bylaw and recover costs of the removal or alteration from the person who committed the breach.

10.0 Offences and penalties

Every person who fails to comply with any part of this bylaw commits an offence and will be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002 and the Health Act 1956.

11.0 Dispensations

The Council may at its discretion waive any of the requirements of this bylaw except any prescribed by statute if it believes good reason to do so exists.

12.0 Transitional Provisions

Any licence, permit, consent or other form of approval granted under Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw 2007 continues in force but;

- a) expires on the date specified in that approval; or
- b) if no expiry date is specified, it expires on the date 1 month after the commencement of this bylaw;
and
- c) can be renewed only by application made and determined under this bylaw.

Nuisance Bylaw validation

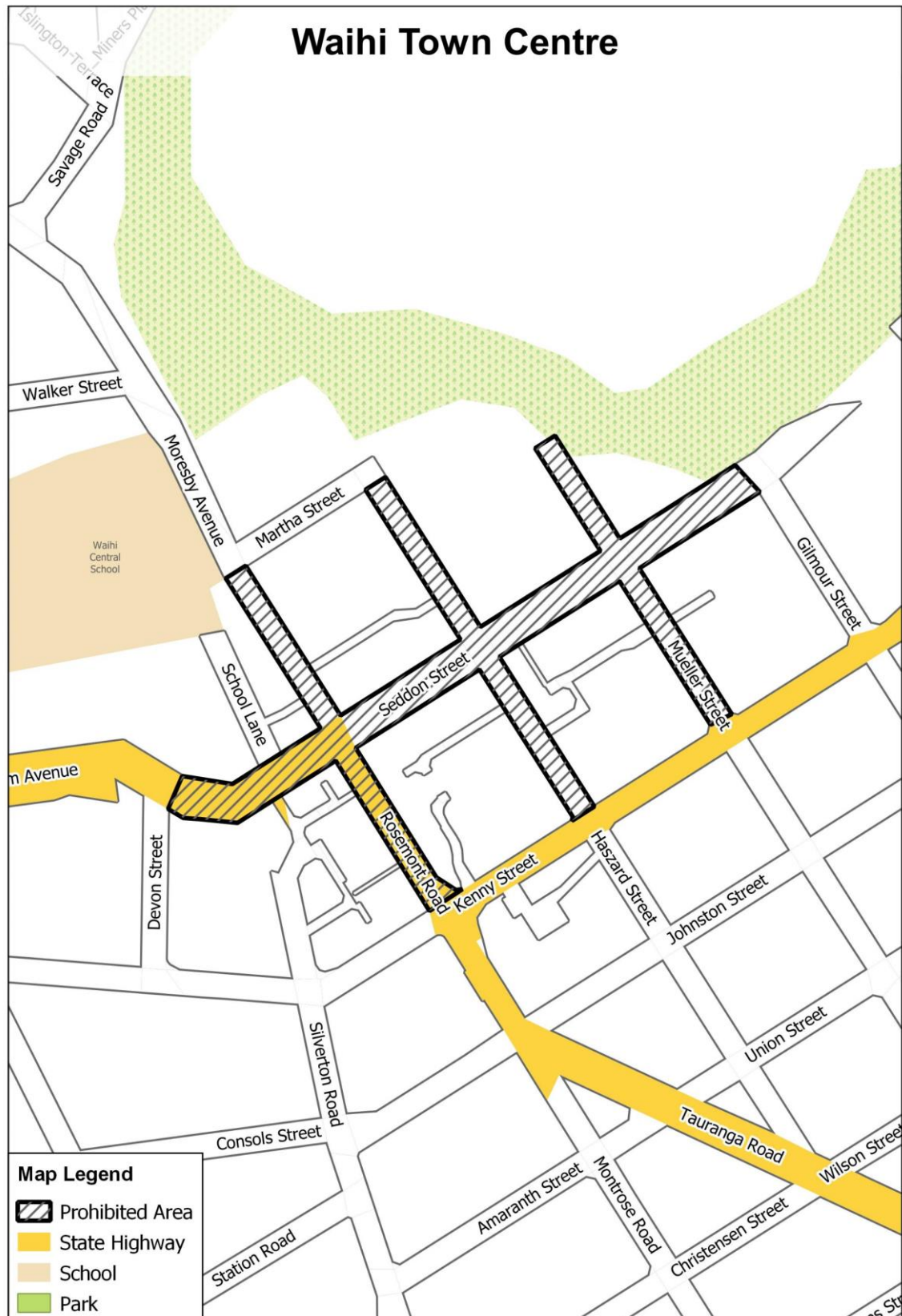
This bylaw was adopted at a meeting of the Hauraki District Council on 26 June 2019, following public consultation. This bylaw was then amended, consulted on, and adopted at a meeting of the Hauraki District Council on 9 September 2020.

The Common Seal of the Hauraki District Council was affixed in the presence of:

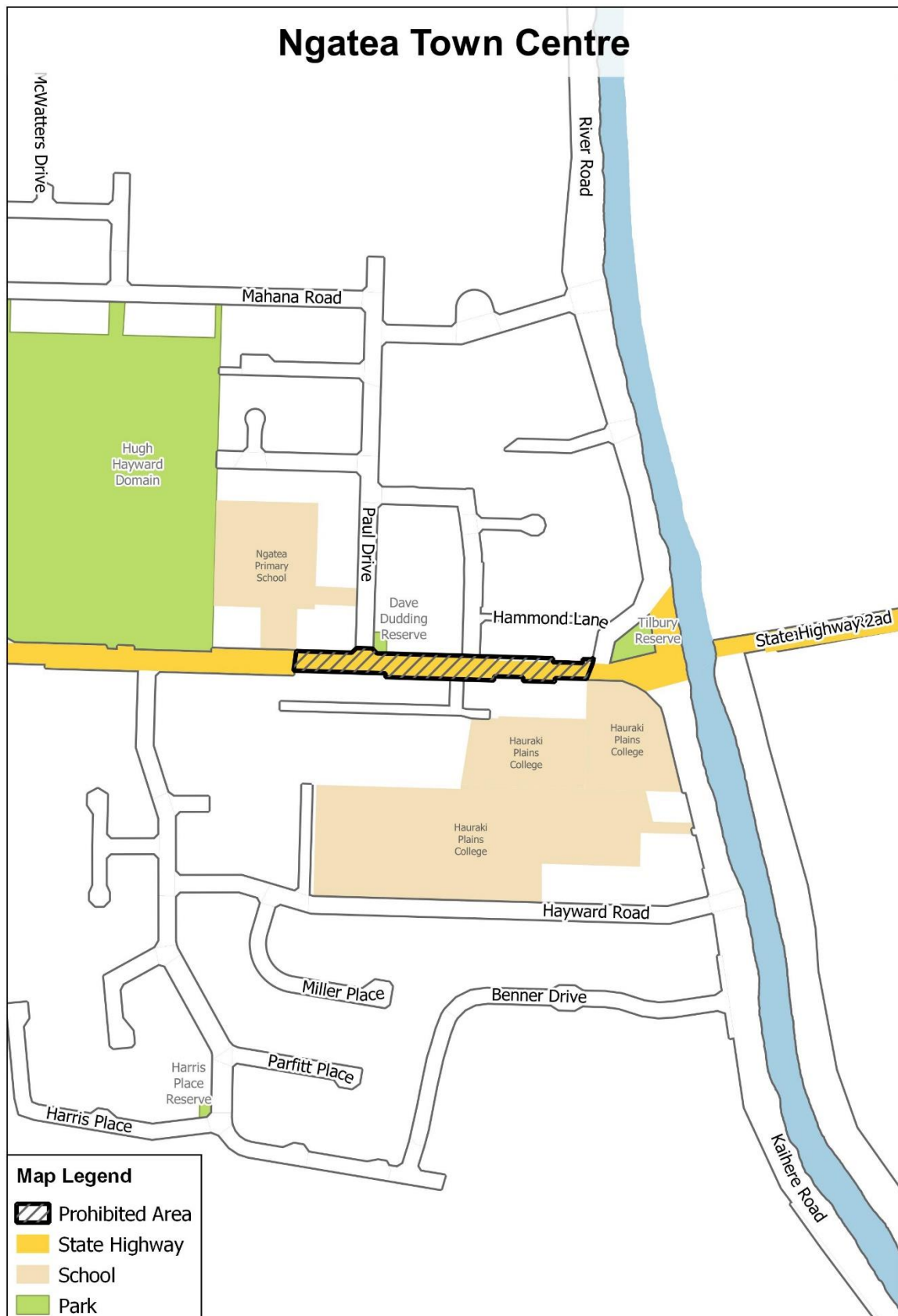
_____ Mr. Toby Adams, Mayor

_____ Mr. Langley Cavers, Chief Executive

Schedule 1: Prohibited areas for skating









For more information:

- **W** www.hauraki-dc.govt.nz
- **E** info@hauraki-dc.govt.nz
- **P** 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road