

# NELSON CITY COUNCIL



## BYLAW NO 215

## MISCELLANEOUS MATTERS BYLAW 2008

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## MISCELLANEOUS MATTERS BYLAW NO 215

A bylaw of the Nelson City Council made in pursuance of powers contained within the Local Government Act 2002, the Bylaws Act 1910 and any other authority enabling the Council in that behalf.

### 1. INTRODUCTION

This bylaw shall be known as the “Nelson City Council Miscellaneous Matters Bylaw 2008”.

The bylaw will come into effect as from Monday 9 June 2008

### 2. DEFINITIONS

Approved Receptacle	Means a bag or other container of a type and or size approved by resolution of the Council for use for disposal, via a collection service, of household refuse.
Caravan	Means a wheeled vehicle or device, whether self-propelled or not, which has the purpose of providing sleeping accommodation, and includes any vehicle commonly described as a campervan, or mobile or motor home.
City	Means the territory contained within the City of Nelson as defined in Part 2 Schedule 2 to the Local Government Act 2002.
Household Refuse	Means ashes, sweepings, dust, bones, waste, food, cans, cartons, or other food containers or any other rubbish or refuse arising or resulting from domestic housekeeping operations.
Pet Animals	Means animals normally kept as domestic pets, and include aviary birds, poultry, aquarium specimens, guinea pigs, and all the animals specified in Schedule 5 to the Wildlife Act 1953.
Poultry	Includes turkeys, geese, ducks, and domestic fowls of all descriptions.
Public Place	Means all streets, footpaths, pedestrian precincts, and public carparks within the City owned or controlled by the Council, and all parks and gardens and reserves within the City.
Residential Unit	Means the self-contained residence of a single household.
Stock	Includes any horse, cattle, deer, ass, mule, sheep, pig, or goat of any description.
Trade Refuse	Means any scrap or waste material resulting from the carrying on of any business manufacture, process, trade, market or other undertaking.

Urban Zone Means any area of the City carrying a “Residential”, “Inner City”, “Suburban Commercial” or “Industrial” zoning under the Nelson Resource Management Plan.

### **3 BARBED WIRE FENCES**

No person being the owner or occupier of any land within an urban zone of the City shall erect or cause, or allow to be erected, or to remain erected, any fence composed wholly or partly of barbed wire upon or near the boundary of such land with any street, reserve or other public place, where such fence is in a position or at a height to be accessible to the public.

### **4. CONTROL OF ANIMALS**

a) No person shall keep, or allow to be kept or to remain, on any land or premises within an urban zone of the City, stock or more than three adult rabbits and their immature progeny except with the permission in writing of the Council and then only subject to such conditions as the Council may see fit to impose.

b)

(i) No person shall keep or allow to be kept or to remain on any land within the City, any poultry except in a poultry house or otherwise confined within the owners property.

(ii) No person shall keep more than 12 poultry except with the written permission of the Council and subject to such conditions as the Council may impose.

(iii) No person shall cause, or allow to be kept, or to remain on any land or premises within an urban zone of the City, any rooster.

### **5. SLAUGHTER OF STOCK OR POULTRY**

No person shall slaughter any stock or poultry on any property where such is visible from any public place or neighbouring property, and stock may only be slaughtered on farmland used for grazing purposes (except in such case as may be necessary arising out of accident or some imperative cause).

### **6. STORAGE OF CARCASSES**

No person shall hang or otherwise store any animal carcass in such a position as to be visible from any public place or neighbouring property.

### **7. KEEPING OF ANIMALS**

Every person keeping or having control of any stock, poultry or pet animals on any land or premises within the City shall ensure that any building or other structure or yard in which they are kept is maintained in a clean and sanitary condition to the satisfaction of the Council, and that noise or odours associated with the animal(s) is as far as practicable confined within the land or premises concerned.

### **8. CARAVANS**

No person being the owner or occupier of land within the City shall use or permit to be used any caravan for the time being located on such land for the

purposes of a separate or part of an existing residential unit without the consent of the Council.

Provided that:

- a) On any property containing a residential unit a registered caravan having a current warrant of fitness may be occupied by any member or members of the family, of the owner or occupier of the property as a temporary sleeping place provided that:
  - (i) The occupants of such caravan use the toilet and cooking facilities of the residential unit exclusively for those purposes; and
  - (ii) The caravan is not parked in the front yard of the site as defined in the Nelson Resource Management plan in relation to accessory buildings; and
  - (iii) No part of the caravan is nearer than 1.5 metres to any boundary of the site.
  - (iv) The caravan is not used for such purpose for more than 50 days in any 12 month period without the specific consent of the Council and then only in accordance with any conditions which might be imposed on such consent.
- b) Provided that this shall not apply to any caravan located within a campground subject to a current certificate of registration under the Camping Ground Regulations 1985, and which is utilised as a “temporary living place” pursuant to those regulations.

## **9. REFUSE DISPOSAL**

- i) Public Litter Receptacles
  - a) No person shall deposit or cause or permit to be deposited in any litter receptacle located within any public place:
    - i) Any explosive, hot ashes, or other burning material; or
    - ii) Any highly flammable material or acid or other corrosive material; or
    - iii) Any Household Refuse; or
    - iv) Any Trade Refuse.
  - ii) Collection of Refuse
    - a) Every occupier who wishes to utilise a refuse collection service shall, on the day of such collection, place or cause to be placed in a position convenient for collection, only an approved receptacle.
    - b) No person shall deposit or allow to be deposited in any approved receptacle any refuse other than household refuse of a type approved by the Council.
    - c) The Council may by time to time by resolution publicly notified prescribe the size and type of construction of the “approved receptacle”, the type of household refuse which may be placed therein for collection, and the number of such receptacles which may be put out for collection at any one time.
    - d) No person shall place any refuse for collection, any approved receptacle or any receptacle used in relation to a recyclable collection, in any position in

or on any public place which inhibits or obstructs the free passage of pedestrians over or through that public place.

**10. OFFENCES AND PENALTIES**

- a) Any person who contravenes the provisions of this bylaw or who fails to carry out any action required to be carried out by an authorised officer of <sup>1</sup>the Council, in respect of any contravention, commits an offence and on summary conviction is liable to a fine not exceeding \$20,000.
- c) The penalty outlined in (a) above is in addition to and not in substitution for any action which the Council might take pursuant to any other legislation to address the contravention.
- d) Notwithstanding the above nothing in this bylaw serves to prevent the Council, where it considers it appropriate, from exercising its powers under the Health Act 1956 to abate a nuisance without notice.

**The foregoing bylaw was duly made by the Nelson City Council at the Ordinary Meeting of the Council held on the 29th day of May 2008.**

**The COMMON SEAL of the (**  
**NELSON CITY COUNCIL (**  
**was hereto affixed in the (**  
**presence of: (**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive

\_\_\_\_\_  
<sup>1</sup> 632762