

**GORE DISTRICT COUNCIL
LONG GRASS/OVERHANGING FOLIAGE BYLAW 2008**

The Local Government Act 2002 allows the Council to control a public nuisance by introducing a bylaw. This bylaw is made pursuant to Section 145 of the Local Government Act 2002, for the purpose of reducing long grass and noxious plants which are fire hazards, harbour vermin and aesthetically displeasing in specified urban areas of the Gore District.

1. Title, Purpose and Commencement

This bylaw shall be known as the Gore District Council Long Grass/Overhanging Foliage Bylaw 2008.

The bylaw shall come into force on 1 July 2008.

2. Repeal

The Gore District Council (1991) Long Grass/Overhanging Foliage Bylaw and the Gore District Council Long Grass/Overhanging Foliage Bylaw, Amendment No.1 2001, are hereby repealed from the date this bylaw comes into force.

3. Interpretation

In this bylaw, except where repugnant to or inconsistent with the context, or where otherwise expressly provided:

Council – means Gore District Council.

Inspector – means the General Inspector of the Gore District Council.

Noxious Plants – are plants deemed to be noxious in an urban environment taking into account invasive and poisonous characteristics and include the following:

- (a) Broom (cytisis scoparious)
- (b) Boxthorn (lyceum ferocissimum)
- (c) Blackberry (rubus fruticosus and rubus lanciniatus)
- (d) Gorse (ulex spp)
- (e) Hemlock (conium maculatum)
- (f) Sweet Briar (rosa rubiginosa)
- (g) Barberry (berberis glaucocarpa)
- (h) Convolvulus (convolvulus arvensis)
- (i) Californian Thistle (cirsium arvense)
- (j) Foxglove (digitalis purpurea)

- (k) Nightshade (solanum nigrum)
- (l) Docks (rumex, obtusifolius rumex crispus)
- (m) Scotch Thistle (cirsium vulgare)
- (n) Nettle (urtica urens)

Occupier – in relation to any land; means any lessee, licensee, or other occupant of the land and includes the owner or the agent of the owner where there is no apparent occupier.

Officer – means an employee or servant of the Gore District Council.

Manager – means the Parks and Recreation Manager of the Gore District Council.

4. Applicability of Bylaw

This bylaw shall be applicable to the urban areas in the Gore District and as such includes the entire townships of Gore, Mataura, Mandeville, Pukerau and Waikaka.

5. Long Grass and Noxious Plants to be Controlled

Long or dry grass, and noxious plants on all urban land irrespective of whether the land is disused, used, vacant, developed or otherwise must be cut down and removed in order that such grass or plants are no greater in height than 0.5 metres in order that they do not constitute a fire hazard or nuisance to occupiers of surrounding land.

6. Overhanging Shrubs and Trees to be Controlled

Occupiers of land upon which trees or shrubs are situated and overhang and cause obstructions to public rights of way, footpaths, public roads or any other such public access ways must trim the offending trees or shrubs so that there are a minimum of two (2) metres above the public right of way, footpath or public road or any other such public access way.

7. Council May Give Notice to Control Growth

The Council may serve on the occupier of any land a notice in writing requiring the occupier within fourteen (14) days from the date of the said notice and to the satisfaction of the Inspector or Manager:

- (a) Cut down, remove and generally clear the subject land from all long grass, dry grass and noxious plants to a height no greater than 0.5 metres;

- (b) trim shrubs or trees overhanging and causing obstruction to a public right of way, footpath, public road or any other such public access way so that the said shrubs or trees are a minimum of two (2) metres above the public right of way, footpath, public road or any other such public access; and
- (c) remove shrubs or trees overhanging and causing obstruction to a public road or any other such public access way.

8. Powers of the Council on Occupiers Default

If any occupier on whom a notice is served under Clause 7 of this bylaw fails or neglects to do any act or thing specified in the notice before such date or in such manner as may be so specified, the Council may itself do, have done or complete the doing of that act or thing.

9. Recovery of Expenditure by the Council

Where any work is carried out by the Council or its agent on any land as a result of an occupier's failure to act on notice given by the Council, the full cost of undertaking the work including all labour, plant charges and any materials, shall be recovered from the occupier of the affected land and the said cost shall be a charge upon the land concerned.

10. Occupier May Appeal Notice

- (a) Within seven (7) days after service of a notice pursuant to Clause 8 of this bylaw, the occupier may apply to a District Court for an order setting aside the notice. Pending the determination of the application, the notice shall be deemed to be suspended.
- (b) On the hearing of the application, the Court whose decision shall be final shall determine whether the notice should or should not be set aside and in the former case the notice shall be deemed to be void.
- (c) In the case of a notice which is not set aside as aforesaid, if the occupier fails to do any such act in compliance therewith within fourteen (14) days after being notified of the decision of the Court, the Council may enter upon the land and do that act and recover the cost from the occupier as prescribed in Clauses 8 and 9 of this bylaw.

11. Officers Protected from Proceedings

No action or proceedings shall be brought against the Council, or any officer of the council or any person acting under instructions of any officer in respect of any action undertaken for the purpose of carrying out the provisions of this bylaw, where the Council or those persons have acted in good faith and with reasonable care.

12. Offence

Every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalty set out below.

13. Penalty for Breach of Bylaw

Any person convicted of an offence against this bylaw is liable, on conviction, to a fine not exceeding \$20,000.

The foregoing bylaw was duly adopted at a meeting of the Gore District Council held on the 27th day of May 2008 and ordered to come into force on the 1st day of July 2008.

The Common Seal of the Gore
District Council was hereunto
Affixed this day of June
2008, in the presence of:

_____ Mr Tracy Hicks, **Mayor**

_____ Mr Stephen Parry, **Chief Executive**