

# LONG GRASS AND OVERHANGING VEGETATION BYLAW 2018



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, limiting the growth of vegetation on private sections to the extent it is likely to;

- i. harbour vermin or,
- ii. becomes aesthetically displeasing,
- iii. or the vegetation encroaches onto or over any public place so as to obstruct or interfere with the free movement of persons using that public place in urban areas of the Gore District.

## 1. **Title, purpose and commencement**

This bylaw shall be known as the Gore District Council Long Grass and Overhanging Vegetation Bylaw 2018.

The bylaw shall come into force on 1 September 2018.

## 2. **Repeal**

The Gore District Council Long Grass/Overhanging Foliage Bylaw 2008 is hereby repealed from the date this bylaw comes into force.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:

**Aesthetically displeasing** – means where overgrowth of vegetation on a property may harbour vermin or the grass is longer than 0.5m or is out of context with the existing streetscape.

**Council** – means the Gore District Council.

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

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

**Officer** – means a warranted employee of the Gore District Council.

**Vegetation** – means, but is not limited to, trees, shrubs, grass and weeds.

**Public place** – means any street or road, footpath, grass verge, public right of way or public access way or reserve including any playground.

**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. Property maintenance**

It is an offence under this bylaw for any person to allow any private property under their control to become so overgrown with vegetation that it may harbour vermin or is aesthetically displeasing.

**6. Overhanging vegetation to be controlled**

The occupier of land upon which vegetation is situated and overhangs 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 clearance 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 14 days from the date of the said notice and to the satisfaction of the Officer or Manager:

- (a) Cut down, remove and generally clear the property from all overgrown vegetation and to a height no greater than 0.5 metres;
- (b) trim overhanging vegetation causing an 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 overhanging vegetation causing an obstruction to a public road or any other such public access way.

**8. Powers of the Council on occupiers default**

Where any occupier on whom a notice is served under Clause 7 of this bylaw fails to carry out the work required by the specified date in the notice, they commit an offence and the Council may itself do, have done or complete the work.

**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 occupiers failure to act on a 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.

**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**

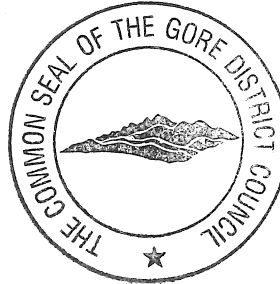
Every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalty set out below.

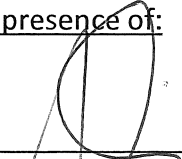
**13. Penalty for breach of Bylaw**

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

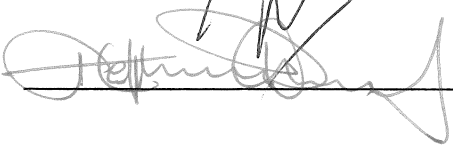
The foregoing bylaw was duly adopted at a meeting of the Gore District Council held on the 7<sup>th</sup> day of August 2018 and ordered to come into force on the 1<sup>st</sup> day of September 2018.

The Common Seal of the Gore District Council was hereunto affixed this 9<sup>th</sup> day of August 2018, in the presence of:



  
\_\_\_\_\_

Mr Tracy Hicks, **Mayor**

  
\_\_\_\_\_

Mr Stephen Parry, **Chief Executive**