

CHAPTER 5 – NUISANCES

The Marlborough District Council hereby makes by Special Order the following Chapter 5 of the Marlborough District Council Bylaw 2010 pursuant to the powers contained in section 145 of the Local Government Act 2002, Section 12 of the Litter Act 1979, and any other Act or authority in any way enabling the Council in that behalf.

Section 1 – Nuisances

This chapter of this Bylaw does not apply to land designated by the Council to be a refuse tip or landfill

501 Deposit of Refuse

501.1 No person may deposit or bury any refuse in such a manner as may result in creation of a nuisance or anything offensive or likely to be injurious to health.

501.2 No person may deposit or allow to be deposited any refuse so as to cause a nuisance to any:

- (i) Neighbouring property; or
- (ii) Private street; or
- (iii) Public place; or
- (iv) Dwelling house; or
- (v) Premises in which food is manufactured, prepared, packed, refined or stored.

501.3 Where manure or refuse is deposited for garden purposes, it must be immediately incorporated within the earth, or be satisfactorily covered to prevent the escape of offensive odours or other discharge, and to prevent the establishment of a breeding place for flies or vermin.

502 Vehicles Containing Manure

502.1 No vehicle may contain any manure, offal or any offensive matter that is likely to be a nuisance or offensive or injurious to health for a period longer than is reasonably necessary to transport that matter.

503 Burning Which Creates a Nuisance

503.1 No person may burn any matter in such a manner as to be offensive or to cause nuisance to neighbouring premises.

503.2 No incinerator, drum or open fire used for burning refuse may be sited closer than 3 metres from any boundary.

503.3 Any person in charge of or in attendance at a fire must immediately extinguish that fire when directed to do so by a Council officer. If the Council determines it is necessary to ask the fire service to extinguish a fire, the owner, occupier, or the person in charge of the fire may be liable for any fee charged by the fire service, and for the costs of extinguishing the fire.

504 Temporary Toilets Not to Cause Nuisance

504.1 No person may allow a temporary toilet, which causes or is likely to cause a nuisance to any person, to remain on any property.

504.2 No temporary toilet may be sited closer than three metres from any boundary or closer than 10 metres from any dwelling on an adjacent property.

505 Creating Nuisances

505.1 No person may allow a nuisance to be caused by any:

- (i) Drain, sanitary convenience or receptacle;
- (ii) Yard, building or premises;
- (iii) Refuse heap.

506 Flies, Mosquitoes and other insects

506.1 The owner or occupier of any premises on which exist conditions giving rise, or likely to give rise to the breeding of flies, mosquitoes or other insects which may be dangerous to health must take such action as directed by the Council to prevent such conditions. That action may include:

- (i) Disinfecting;
- (ii) Spraying or applying of larvicide or insecticide;
- (iii) Cleaning;
- (iv) Screening;
- (v) Removal or destruction of breeding grounds or places as required to prevent breeding taking place,

or other processes as directed by the Council.

507 Sanitary Premises

507.1 The owner and/or occupier of any premises must keep those premises in a clean condition. The Council may direct the owner and/or occupier of any premises to cause any part of such premises to be cleaned, and, as far as is practicable, to be repaired or altered to prevent the entry of vermin.

507.2 The Council may direct an owner or occupier to take such steps as are reasonably necessary to remedy or prevent insanitary conditions.

508 Offences

508.1 Every person who fails to comply with directions issued by the Council under this bylaw commits an offence.

509 Accumulation of Refuse

509.1 No occupier of premises may permit an accumulation of refuse on the premises which is likely to be offensive, or injurious to health, or to permit the breeding of flies or vermin, or to create a fire hazard.

509.2 Where an accumulation of refuse exists on any premises that, in the opinion of the Council, is likely to be offensive, or injurious to health, or to permit the breeding of flies or vermin, or to create a fire hazard, the Council may, by notice in writing, require the occupier to remove and dispose of the refuse within the time specified in the notice.

If such notice is not complied with, the Council may remove the refuse recover the cost from the occupier as a debt.

Section 2 – Removal of Refuse

510 Refuse Collection Service

510.1 The Council may provide a service for the removal of domestic refuse and trade refuse. The Council may prescribe the areas from which it will collect refuse and the days and hours at which it will collect refuse.

511 Obstruction of Refuse Collectors

511.1 No person may obstruct or hinder any person engaged in the Council's refuse collection service.

512 Disposal of Refuse

512.1 Refuse must be disposed of in an approved manner and place, as determined by the Council.

513 Receptacles to be Covered

513.1 Where the Council provides a refuse collection service, refuse may only be deposited for collection in receptacles approved by the Council, which must be kept covered with a close fitting lid, tie or covering except when the receptacle is being filled, emptied, cleaned or repaired.

514 Receptacle's Condition

514.1 Domestic refuse left for collection must be either:

- (i) Packed in an approved receptacle in such a manner that it falls out easily and cleanly when the receptacle is upended; or
- (ii) Contained in an approved refuse bag which is maintained in good condition so that it remains intact and fully encloses the domestic refuse.

515 Deposit of Certain Materials in Receptacles Prohibited

515.1 No person may deposit or permit to be deposited for collection by the Council's refuse collection service:

- (i) Any explosive ammunition, hot ashes, highly inflammable material or infectious matter;
- (ii) Any liquid, acid, poison, printers ink, paint or other viscous fluid;
- (iii) Any broken or unbroken glass unless such items are well wrapped so as to prevent possibility of injury to persons engaged in the collection and disposal of refuse;
- (iv) Any other matter likely to endanger the health of or cause injury to persons engaged in the collection or disposal of refuse.

516 Receptacle to be Placed Conveniently for Emptying or Removal

516.1 Receptacles containing refuse for collection must be placed where they are conveniently accessible to the persons engaged in the collection and removal of refuse.

516.2 Where receptacles other than Council supplied refuse bags are permitted to be used, such receptacles must be removed by the occupier from the roadside as soon as practicable after being emptied.

517 Fees

517.1 The Council may by resolution publicly notified fix a scale of charges in connection with its domestic refuse collection service. Such charge forms part of the rates of the District and will be levied against the owner.

517.2 No person may deposit or permit the deposit of refuse at any landfill or transfer station under the control of the Council unless the required fee has been paid. The fee and its means of payment are determined from time to time by publicly notified Council resolution.

517.3 The fees for deposit of refuse in a landfill or transfer station may be paid either:

- (i) In cash to the landfill attendant; or
- (ii) By the purchase of vouchers at the Council's office; or
- (iii) By way of an account sent from the Council where this has previously been arranged with Council.

The landfill attendant shall, on payment of the fee, issue a receipt.

517.4 All persons using the landfill must, on demand of any employee of the Council or the landfill operator, produce:

- (i) A ticket issued by the landfill attendant; or
- (ii) Council receipt that the fee has been paid.

518 Additional Charges

518.1 The Council may set additional charges for disposal of certain types of rubbish which cannot conveniently be disposed of by normal methods. This may include rubbish or waste which, in the opinion of the attendant or the Council, is required to be buried for health or security reasons.

519 Deposits at Landfills

519.1 All persons depositing refuse, including recyclable refuse, at a landfill must deposit it where directed by the attendant or in accordance with notices at the site.

519.2 For the purposes of recycling, motor vehicle wrecks may be accepted at

the landfill provided that:

- (i) All oil has been removed; and
- (ii) There is no refuse in the vehicle.

519.3 No person may deposit at a landfill any:

- (i) Dangerous or noxious drugs;
- (ii) Toxic wastes;
- (iii) Septic tank sludge;
- (iv) Caustic wastes;
- (v) Oil;
- (vi) Resins or paints;
- (vii) Acids or alkali;
- (viii) Agricultural or industrial chemicals;
- (ix) Flammable goods;
- (x) Health care waste;
- (xi) Tannery wastes;
- (xii) Live animals or animal carcasses
- (xiii) Treated sawdust;
- (xiv) Winery wastes;
- (xv) Other hazardous items.

520 Conditional Disposal of Items

520.1 Asbestos and Offal will only be accepted at landfills when an attendant is present and only as the attendant approves and directs.

521 Activities in the Landfill

521.1 No person may forage, recycle, or remove refuse from any landfill without first obtaining the written consent of the Council. Anything deposited in the landfill is considered refuse.

522 Unauthorised Entrance

522.1 No person may enter any landfill area under the control of the Council except on business associated with the landfill.

523 Hours

523.1 The Council may by resolution fix the hours during which any landfill under its control is open for the reception of refuse. No person may deposit refuse at a time when the landfill is not open, except with the consent of the Council.

524 Penalties

524.1 Every person who breaches this Chapter of this Bylaw commits an offence and is liable to the fines in Chapter 1 of this Bylaw.