

NZS 9201
Chapter 11 : 1972

NEW ZEALAND STANDARD


Model general bylaws

CHAPTER 11

NUISANCES

Metric units

Superseding NZS 791, Part 1


STANDARDS ASSOCIATION OF NEW ZEALAND
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COMMITTEE REPRESENTATION

This chapter of the model general bylaws was prepared under the supervision of the Local Government Sectional Committee (92) for the Standards Council established under the Standards Act 1965. The sectional committee consisted of representatives of the following:

- *Department of Health.
- Department of Internal Affairs.
- Fire Service Council.
- Municipal Association of New Zealand.
- New Zealand Counties Association.
- *New Zealand Institute of County Clerks.
- New Zealand Institute of County Engineers.
- *New Zealand Institute of Town Clerks and Municipal Treasurers.
- New Zealand Institution of Engineers (Municipal Division).

The Health Bylaws Committee (2/8/12) was responsible for the drafting of this chapter, and consisted of representatives of the New Zealand Institute of Health Inspectors and of the organizations marked with an asterisk (*) in the foregoing list.

FOREWORD

NZS 791 Part 11, *Nuisances*, was first published in 1952. This is the first revision.

Several comments received suggested that this model bylaw was redundant, as its provisions are already covered by existing legislation. The committee felt that there were many finer points that could not be covered by the Health Act 1956, and that a bylaw could be more readily kept up to date.

The few alterations that have been made include, in clause 1102.1, the addition of plastics materials, steel, and litter as defined in the Litter Act 1968 to the materials that may not be deposited or accumulated.

Clause 1106 has been amended to control the parking of cattle trucks and other vehicles carrying offensive matter both during the day and overnight.

RELATED LEGISLATION

Health Act 1956
Litter Act 1968

Clause reference
herein
Foreword 1101.1
Foreword

NEW ZEALAND STANDARD
MODEL GENERAL BYLAWS

Chapter 11

NUISANCES

1101 Interpretation

1101.1 In this Part of this bylaw, unless inconsistent with the context—
NUISANCE shall have the meaning assigned to it by section 29 of the Health Act 1956.

OWNER shall have the meaning assigned to it by section 2 of the Health Act 1956.

1102 Deposit of refuse, etc.

1102.1 No person shall deposit, or permit or suffer to be deposited, or to accumulate any refuse or litter as defined in the Litter Act 1968 or rubbish of any description including sawdust, plastics materials, waste paper, shavings, filth, tins, glass, rags, straw, garden refuse, tree cuttings, iron, or steel on any land not being a place set apart for such purpose by the local authority, unless in so doing he takes sufficient precautions to prevent the creation of a nuisance or anything offensive or likely to be injurious to health.

1103 Burial of refuse

1103.1 No person shall bury, or permit or allow to be buried any refuse or offensive rubbish or matter in any garden, or other place not being a place set apart for such purpose by the local authority, unless in so doing he takes sufficient precautions to prevent the creation of a nuisance or anything offensive or likely to be injurious to health.

1104 Deposit of nightsoil

1104.1 No person shall, without the prior permission in writing of the Health Inspector of the local authority, bury, or permit or allow to be buried, any nightsoil or cast or deposit, or allow such nightsoil to flow or enter into any sewer, or into any drain connected therewith, otherwise than by means of an approved sanitary fitting or fixture.

1105 Deposit of manure

1105.1 No person shall deposit or permit or suffer to be deposited within 7 m from any public or private street, or public place, or dwellinghouse, or any premises in which food is manufactured, prepared, packed, refined or stored any dung, manure, fertilizer, or refuse, unless such dung, manure,

fertilizer, or refuse when deposited shall be immediately incorporated with earth for garden purposes, or be satisfactorily covered over to prevent the escape of effluvia therefrom, or the establishment of a breeding place for flies or vermin.

1106 Vehicles containing manure

1106.1 No person shall permit or suffer to remain overnight or for any unnecessary length of time during any part of the day or night in any street or public place or within 30 m of any dwelling, house or place of human habitation, a vehicle containing or which recently contained manure, offal, offensive matter or thing likely to be a nuisance, or offensive to or injurious to health.

1107 Dead animal on private premises

1107.1 No person shall throw or leave, or permit or suffer to remain, any dead animal or vermin on any private property, land, or premises.

1108 Against burning so as to create nuisance

1108.1 No person shall burn, or permit or suffer to be burnt, any matter or thing in such a manner as to be offensive.

1109 All closets other than water closets to be approved privies

1109.1 No person shall use or permit, allow, or suffer to be used, or allow to remain on premises in his occupation any closet for the reception of nightsoil (not being a water closet), unless the same be an approved privy, and unless it be at all times provided with a proper seat and maintained in a flyproof and clean condition.

1110 Discharge of chemicals, etc., into any stream

1110.1 No person shall deposit in, or discharge into, any stream, watercourse, gutter, or channel any refuse, chemicals, waste matter, or any other matter or thing which may pollute or be likely to pollute such stream or watercourse or cause any such stream or watercourse to be or become a nuisance.

1111 Pollution of stream

1111.1 No person shall throw, cast, or deposit any nightsoil, carcass, carrion, or offensive matter, or any animal into any stream, watercourse, pond, lagoon, or open drain.

1112 Offensive drainage

1112.1 No person shall cause, permit, or suffer any waste or impure

water or offensive liquid or matter to remain in any cellar or place within any building or premises; or cause, permit, or suffer the contents of any closet, privy, drain, cesspool, or other receptacles to soak therefrom so as to be offensive; or cause, permit or suffer any waste or impure water, or any offensive liquid or matter to run or flow from any closet, privy, drain, cesspool, or other receptacle, or from any building, upon or over any land or premises, or be in any gutter or water channel or on any right of way, carriage or footway, street or other place, whether public or private, otherwise than in an approved manner.

1113 Defective sanitary appliances

1113.1 No person being the owner or occupier of any building or premises, shall permit or suffer any water closet, urinal, bath, lavatory basin, sink, cistern, or any sanitary fitting in connection therewith, to be in such a state or defective condition as to render such appliance incapable of proper and hygienic use.

1114 Creating nuisance

1114.1 No person shall cause, permit, or suffer any drain, water closet, pan closet, receptacle, material or thing, stable, fowlhouse or fowlrun, dog kennel, pigeon house, outhouse, or yard on any land or premises within the district of the local authority to be or become a nuisance, or by any neglect or default on the part of such person to cleanse the same, to cause an offensive smell to be created therein or thereon, or arise therefrom.

1115 Encouraging rats, etc.

1115.1 No person shall —

- (a) Cause, permit, or suffer any refuse, waste matter, material, or thing to remain or be kept in such a manner or for such a time as to afford shelter or likely harbourage for rats, or encourage rats or other vermin to visit and frequent, or be in such building, land, or premises;
- (b) Fail to protect from access of rats or other vermin as far as practicable any article which is or is likely to be food for rats;
- (c) Neglect in any such building, land, or premises where rats or other vermin exist or are harboured, or in which there is evidence of such existence, or harbouring, to destroy rats by poisoning or trapping, or such other means as the Inspector may direct; or
- (d) Fail to remove or obliterate nests, burrows, or habitual haunts of rats in any such buildings, land, or premises.

1116 Flies, mosquitoes, etc.

1116.1 The owner or occupier of any building, land, or premises whereon

exist conditions giving rise, or likely to give rise, to the breeding of flies, mosquitoes, or other insects dangerous to health, shall execute and do such disinfecting, spraying or applying of larvicide, cleansing, screening, removal or destruction of breeding grounds or places, as may be necessary to prevent the breeding of flies, mosquitoes or such other insects.

1117 Requisition of Inspector

1117.1 No person shall fail to keep all such buildings and premises and all cellars, outbuildings, and sanitary conveniences belonging thereto in a cleanly condition or fail, when required by the Inspector or other duly appointed officer of the local authority, and within the time directed, to cause the same or such of them as the Inspector or officer may order, to be effectually cleaned and as far as practicable, cause such house or building to be so repaired, altered or reconstructed as to prevent the ingress or harbourage of rats or other vermin.

1118 Paving of yards, etc.

1118.1 The owner of any premises in connection with which there is any yard or passage or open space shall, where it is necessary for the prevention or remedy of insanitary conditions that all or part of such yard or passage or open space shall be paved forthwith, upon receiving notice from the Inspector so to do, cause the same to be properly paved with concrete, asphalt, or other hard, durable, and impervious materials evenly and closely laid and so sloped to a properly constructed channel and sludge trap, cesspit or other approved drainage system as effectually to carry off all sludge, rain or waste water therefrom.

1119 Subsoil drainage

1119.1 The owner of any land on which is erected any building shall, where in the opinion of the Inspector the dampness of the site renders such a precaution necessary, effectually drain subsoil by approved means so that no water or soakage shall lodge under such building.

1120 Drainage of stagnant water

1120.1 The owner of any land or premises upon which any stagnant water, drainage, or other impure water collects shall cause such land or premises to be effectually drained or filled up so as to prevent the collection of any such stagnant water, drainage, or other impure water thereon.