



ANALYSIS

Title	
1. Short Title and commencement	2. Removal of fences, structures, and vegetation

1987, No. 169

An Act to amend the Local Government Act 1974

[17 July 1987]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Local Government Amendment Act (No. 2) 1987, and shall be read together with and deemed part of the Local Government Act 1974 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of August 1987.

2. Removal of fences, structures, and vegetation—The principal Act is hereby amended by inserting, after section 695 (as enacted by section 2 of the Local Government Act 1979), the following section:

“695A. (1) Any officer of a territorial authority authorised in that behalf or any constable may apply to a District Court for an order requiring the occupier of any property to remove or alter any fence, or any structure (whether or not forming part of any dwellinghouse or other building), or any vegetation, and the District Court may make such an order if it is satisfied that the premises are occupied, or regularly used, by persons who have committed, or are committing, or are likely to commit criminal offences, and that the fence, structure, or vegetation—

“(a) Is facilitating or is intended to facilitate—

“(i) The concealment on the premises of goods unlawfully obtained; or

“(ii) The avoidance of detection or arrest of persons believed to have committed offences; or

“(iii) The commission of offences on or from the premises; or

“(b) Is intended to injure any person.

“(2) Every order under this section shall specify a date by which the occupier of the property shall remove or alter the fence, structure, or vegetation that is subject to the order.

“(3) Where any order under this section is not complied with by the date so specified, the territorial authority or the Police may remove or alter the fence, structure, or vegetation, or arrange for its removal or alteration, and recover the costs of doing so from the occupier of the property.

“(4) Nothing in this section shall limit the powers of the territorial authority or any officer or agent of the territorial authority under section 623 or section 692 of this Act or any bylaw.”

This Act is administered in the Department of Internal Affairs.
