

**WAITAKERE CITY COUNCIL**

**DRAFT CONTROL OF INTRUDER ALARM SYSTEMS BYLAW 2010**

***Explanatory Note***

The aim of this bylaw is to speedily eliminate the noise nuisance caused by intruder alarm systems that are not programmed to stop after a certain period of time, or are not programmed so as to prevent them from being triggered by non-intruders.

This bylaw empowers the Council to cut the alarm so as to stop the noise if it exceeds reasonable limits.

**1 Citation**

This bylaw may be cited as the Waitakere City Council Control of Intruder Alarm Systems bylaw 2010.

**2 Commencement**

This bylaw comes into force on [13 September 2010] (“the commencement date”)

**3 Revocation**

The Waitakere City Council Bylaw No.4 Chapter 20: 1972 Control of Noise is revoked with effect from the commencement date.

**4 Purpose**

This bylaw is made under section 145 (a) of the Local Government Act 2002. Its purpose is to ensure that:

- (a) Alarms not fitted with an automatic cut-out device are stopped from causing a noise nuisance to surrounding properties and people
- (b) That were such alarms not able to automatically cease emitting noise within 20 minutes of any actual or false intrusion, the Council has the lawful ability to shut off any such alarm system and recover any costs arising from this action from the property owner.

**5 Interpretation**

5.1 In this bylaw unless otherwise stated:

- (a) “**Act**” means the Local Government Act 2002
- (b) “**Authorised Officer**” means any person authorised by the Council to carry out any of the duties provided for in this bylaw.
- (c) “**Council**” means the Waitakere City Council and its successor
- (d) “**Intruder Alarm**” means any audible alarm system in, upon or fixed to any land, building or vehicle.
- (e) “**Vehicle**” has the same meaning as in Section 2 of the Land Transport Act 1998 and means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved and includes a vehicle drawn or propelled by mechanical power.

## **6 Time Limiter on Intruder Alarms**

- 6.1 An intruder alarm must be fitted with a control mechanism which ensures that when the alarm system is activated, it will not sound for a period exceeding 20 minutes, and will not reactivate after this period unless manually reset.
- 6.2 A person who is the owner, occupier, or authorised agent of the owner of any land, building or vehicle shall not cause or permit the installation in or on that land, building or vehicle, any intruder alarm system, or cause or permit an alarm system to remain installed in or on that building or vehicle unless the intruder alarm system complies with clause 6.1
- 6.3 Failure to comply with clause 6 of this bylaw shall constitute a breach of this bylaw.

## **7 Maintenance of intruder alarm systems**

- 7.1 A person who is the owner, occupier, or authorised agent of the owner of any land, building or vehicle shall ensure that the intruder alarm system is adequately maintained to minimise the likelihood of faults occurring
- 7.2 Failure to comply with clause 7 of this bylaw shall constitute a breach of this bylaw.

## **8 Enforcement and Penalties**

- 8.1 Every person commits an offence under the Act and this bylaw who fails to comply with clause 6 or 7 of this bylaw so as to allow a noise nuisance to continue for more than 20 minutes from an intruder alarms system
- 8.2 For the avoidance of doubt, every person commits a breach of this bylaw who:
  - (a) Fails to obey a lawful instruction on being requested to do so by an authorised officer;
  - (b) Is party to, or incites to be done, anything that is a breach of this bylaw;
  - (c) Knowingly permits or allows anything to be done that is a breach of this bylaw; or
  - (d) Obstructs or hinders any authorised officer of the Council in the performance of his or her duties under this bylaw.

- 8.3 Without limiting the generality of clause 8, Council may disconnect any alarm that is causing a nuisance by virtue of sections 163 and 172 of the Act.
- 8.4 If the Council is caused to disconnect any such alarm and Council may seek to recover the cost of disconnection from the person who owns or occupies the land, building or vehicle by pursuant to section 187 of the Local Government Act 2002.
- 8.5 Pursuant to section 239 of the Act, every person who breaches a bylaw, commits an offence and is liable on summary conviction to the penalties set out in section 242 of the Act.
- 8.6 Pursuant to section 162 Act, the Council may apply to the District Court for an injunction restraining a person from committing a breach of this bylaw.
- 8.7 The Council may remove or alter a work or thing which has been constructed in breach of a bylaw whether or not that thing is on private land in accordance with sections 164 and 165 of the Act.
- 8.8 In accordance with section 167 of the Act, where any property is seized under sections 164 or 165 of the Act, the property will be returned upon request to the person from whom it was seized from subject to the payment of any costs incurred by the Council in the seizing of the property.
- 8.9 Where the property is not claimed within 6 months from the date of being seized the Council may dispose of the property in accordance with section 168 of the Act subsequent to giving the owner 14 working day's notice of its decision.
- 8.10 Any costs incurred by the Council, including the costs of storage and legal fees, incurred in the removal or alteration of the property is recoverable from the person who committed the breach in accordance with section 163 of the Act.
- 8.11 Where an infringement regime is introduced under Subpart 3 of Part 9 of Act and bylaws are deemed to infringement offences, an offence against this bylaw is an infringement offence.

## **9 Dispensing Power**

- 9.1 The Council may, on an application in writing for dispensation seek for dispensation from complying with this bylaw (in whole or in part), subject to any other terms or conditions (if any) that the Council may choose to impose, where in the opinion of the Council, full compliance with any of the provisions of this bylaw causes injurious affection to:
- (a) any person, or
  - (b) the operation of any business, or
  - (c) causes inconvenience to any person without any corresponding benefit to the community

**Adopted at a meeting of the Wiatakere City Council on [XXXXXX] 2010 by resolution [xxxxxxxxxx]**