

WAITAKERE CITY COUNCIL

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 18 October 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 where an Intruder Alarm does not 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 appointed or authorised by the Council to carry out or exercise the duties of an Authorised Officer under this bylaw.
- (c) “**Council**” means the Waitakere City Council or a Committee of the Council or Officer authorised to exercise the authority of the Council.
- (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.

5.2 The provisions of the Waitakere City Council General Administration Bylaw 2010 apply to this bylaw.

6 Time Limiter on Intruder Alarms

- 6.1 An Intruder Alarm must be fitted with a control mechanism which ensures that when the alarm 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, or cause or permit an Intruder Alarm to remain installed in or on that building or vehicle unless the Intruder Alarm 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 in or on that land, building or vehicle 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 Offences

- 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.
- 8.2 For the avoidance of doubt, every person commits a breach of this bylaw who:
- (a) Knowingly permits or allows anything to be done that is a breach of this bylaw; or
 - (b) Is party to, or incites to be done, anything that is a breach of this bylaw; or
 - (c) Fails to obey a lawful instruction on being requested to do so by an Authorised Officer; or
 - (d) Obstructs or hinders any Authorised Officer of the Council in the performance of his or her duties under this bylaw.

9. Penalties

- 9.1 Without limiting the generality of this clause, Council may disconnect any Intruder Alarm that is causing a nuisance by virtue of sections 163 and 172 of the Act.
- 9.2 The Council may remove or alter a work or thing which has been constructed in breach of this bylaw whether or not that thing is on private land in accordance with sections 164 and 165 of the Act.
- 9.3 If the Council is caused to disconnect an Intruder Alarm, Council may seek to recover the cost of disconnection from the person who owns or occupies the land, building or vehicle pursuant to section 187 of the Act.
- 9.4 Pursuant to section 239 of the Act, every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalties set out in section 242 of the Act.

- 9.5 Pursuant to section 162 of the Act, the Council may apply to the District Court for an injunction restraining a person from committing a breach of this bylaw.
- 9.6 Where an infringement regime is introduced under subpart 3 of part 9 of the Act and bylaws are deemed to infringement offences, an offence against this bylaw is an infringement offence.

10 Dispensing Power

- 10.1 The Council may, on an application in writing for dispensation, grant 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 any person without a corresponding benefit to the community.

Adopted at a meeting of the Waitakere City Council on 6 October 2010 by resolution 1451/2010