



Hutt City Council (Graffiti Removal) Act 2012

Local Act 2012 No 2
Date of assent 21 September 2012
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Hutt City Council (Graffiti Removal) Act 2012.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1
Preliminary provisions****3 Purpose**

The purpose of this Act is to facilitate the removal of graffiti that is on private property and that is visible from a public place within the district of the Hutt City Council.

4 Application

This Act applies to activities in the district of the Hutt City Council.

5 Interpretation

In this Act, unless the context otherwise requires,—

Council means the Hutt City Council

district means the district of the Hutt City Council

graffiti means damage to, or defacement of, any building, structure, road, tree, property, or other thing by writing, drawing, painting, spraying, etching, or otherwise marking it—

(a) without lawful authority; and

(b) without the consent of the occupier or the owner or any other person in lawful control

private land means land other than land belonging to the Crown or a local authority, or to an agency or instrument of the Crown or a local authority

property includes a building, structure, road, paved surface, or object of any kind

public place has the meaning given to it by section 2 of the Summary Offences Act 1981

remove, in relation to graffiti, includes erasing or covering up the graffiti.

Part 2

Council's power to remove graffiti

6 Council may remove graffiti

- (1) If subsection (2) applies, the Council may—
 - (a) enter any private land; and
 - (b) take any action necessary to remove graffiti that is—
 - (i) on any property situated on that land; and
 - (ii) visible from a public place within the district of the Hutt City Council.
- (2) This subsection applies if—
 - (a) a notice under this section was served on the occupier of the land and the owner of the land (if the occupier is not also the owner) at least 10 working days prior to the action being taken; and
 - (b) the occupier or owner on whom the notice was served has not objected, in accordance with the notice, to the action being taken.
- (3) A notice served on an occupier or owner under this section must—
 - (a) be in writing; and
 - (b) give particulars of the action proposed to be taken by the Council; and
 - (c) specify the date on which the Council proposes to take the action; and
 - (d) specify that the action is authorised under subsection (1); and
 - (e) advise the occupier or owner or both (as the case may be) that—
 - (i) the occupier or owner may, prior to the specified date, object to the proposed action by notifying the Council, or a specified agent of the Council, in a manner specified in the notice; and
 - (ii) if an objection is made, the Council will not take the proposed action.
- (4) Nothing in this section imposes a duty on the Council to remove graffiti.

7 Requirements for Council when taking action to remove graffiti under this Act

- (1) In taking action to remove graffiti under this Act, the Council must—
 - (a) take reasonable steps to consult the occupier of the land and the owner of the land (if the occupier is not also the owner) in relation to the manner in which the action is to be taken; and
 - (b) ensure, as far as practicable, that the work is carried out—
 - (i) expeditiously and in a way that avoids unnecessary inconvenience or disruption to the occupier or owner; and
 - (ii) with reasonable care and to a reasonable standard.
- (2) Action to be taken by the Council under this Act may be taken on the Council's behalf by an employee of the Council or by another person authorised by the Council for that purpose.
- (3) Any employee or authorised person taking action on the Council's behalf must—
 - (a) carry proof of identity; and
 - (b) carry a copy of the notice specified under section 6(3); and
 - (c) show the proof of identity or the notice or both to the occupier or owner if requested by the occupier or owner.

8 Service of notices

- (1) A notice or other document required to be served on a person for the purposes of this Act is taken to have been served if it is—
 - (a) delivered personally to the person; or
 - (b) delivered to the person at the person's usual or last known place of residence or business; or
 - (c) sent by post addressed to the person at the person's usual or last known place of residence or business; or
 - (d) sent by fax or email to the person's fax number or email address; or
 - (e) posted to the person's post office box address; or

- (f) left at a document exchange for direction to the person's document exchange box number.
- (2) If a notice or another document is to be served on a body (whether incorporated or not), service on an officer of the body, or on the registered office of the body, in accordance with subsection (1) is taken to be service on the body.
- (3) If a notice or another document is to be served on a partnership, service on any of the partners in accordance with subsection (1) is taken to be service on the partnership.
- (4) If a notice or other document is sent by post to a person in accordance with subsection (1)(c) or (e), it is taken, in the absence of proof to the contrary, to have been received by the person at the time at which the letter would have been delivered in the ordinary course of post.

Legislative history

29 September 2011	Introduction (Bill 334-1)
29 February 2012	First reading and referral to Local Government and Environment Committee
25 July 2012	Reported from Local Government and Environment Committee (Bill 334-2)
15 August 2012	Second reading
29 August 2012	Committee of the whole House
19 September 2012	Third reading
21 September 2012	Royal assent
