

INVERCARGILL CITY COUNCIL

POLICY ON INSANITARY BUILDINGS

ADOPTED: 8 NOVEMBER 2005

INTRODUCTION

The Invercargill City Council, under Section 131 of the Building Act 2004, is required to adopt a policy on insanitary buildings within its district.

Under subsection 1 the Council is required to have completed this process within 18 months of the commencement of this Section i.e. by the end of October 2006.

Subsection 2 requires that the policy must state:

- The approach to be taken by Council.
- The Council's priorities.
- How the policy will apply to heritage buildings.

DEFINITIONS

Section 123 of the Building Act 2004 defines an "insanitary building" as follows:

A building is insanitary for the purposes of this Act if the building –

- (a) *is offensive or likely to be injurious to health because –*
 - (i) *of how it is situated or constructed; or*
 - (ii) *it is in a state of disrepair; or*
- (b) *has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or*
- (c) *does not have a supply of potable water that is adequate for its intended use; or*
- (d) *does not have sanitary facilities that are adequate for its intended use.*

GENERAL APPROACH

1. The Invercargill City Council will be proactive in addressing problems of insanitary buildings.
2. A building will be deemed to be insanitary by the Council when the circumstances of Section 123 apply, and in particular when:
 - Building has no potable water.
 - Building is occupied and has water penetration through exterior claddings or roofing.
 - Building is occupied and has inadequate sanitary facilities for its intended use.

- Building is in a state of disrepair due to lack of maintenance, neglect, fire damage, flood damage, earthquake damage or other form of damage. Note: Building does not need to be occupied to fall into this category.
 - Building is likely to provide harbourage for vermin or contribute to or contain an accumulation of putrescible matter.
3. In determining what is an insanitary building Council staff may consult with other agencies and other Council staff to determine if any or all of the above defects exist.
 4. When a building is deemed to be insanitary, immediate action will be taken.
 5. In addressing problems of insanitary buildings, the Council will follow the procedures set out in the Building Act 2004.
 6. Where, pursuant to the Building Act 2004, the Council undertakes work to address problems relating to an insanitary building, pursuant to either a Court Order or Chief Executive Warrant, the Council reserves the right to appoint any competent contractor.
 7. The Council will hold the owner of any insanitary building liable for the cost of any work required to eliminate the risk posed by the building to its occupants or to the public because it is insanitary.
 8. This policy will apply regardless of whether or not the building is a heritage building. However, Council will consult the New Zealand Historic Places Trust before taking action on any heritage building deemed to be insanitary.

ILLEGAL CLANDESTINE LABORATORIES

A building may be deemed by the Council to be insanitary in accordance with this Policy when the circumstances of Section 123 apply and in particular when the building has been identified by the New Zealand Police as having been used for the illegal production of substances known to have the potential to leave residues in the building harmful to human health, including methamphetamine, or where the Police suspect this may have occurred.

TAKING ACTION ON INSANITARY BUILDINGS

Where a building is deemed by Council to be insanitary, the Council will follow its "Procedure for Remediating Dangerous and Insanitary Buildings" (attached).

INTERACTION WITH OTHER SECTIONS OF THE BUILDING ACT

The Council will be guided by the principles set out in Section 4 of the Act.

Sections 124, 125, 126, 127, 128, 129 and 130 of the Act apply.

The Council intends to act as permitted under these sections whenever a building is classified as insanitary.

SOCIAL, ENVIRONMENTAL, ECONOMIC AND CULTURAL IMPACT OF POLICY

By adopting a proactive approach to its powers with respect to insanitary buildings, the Council hopes to address issues that arise when a building is so neglected that it becomes insanitary.

In so doing, the principles of the Local Government Act are addressed in that:

- Socially cultural well-being issues are considered in consultation with the New Zealand Historic Places Trust for heritage buildings.
- Nuisance and risk to health are addressed promptly.
- Effects on property values of neighbouring properties are minimised.
- Social issues are addressed by removing the potential for illegal occupation and rodent harbourage.

PROCEDURE FOR REMEDYING DANGEROUS AND INSANITARY BUILDINGS

