



KAIPARA DISTRICT COUNCIL

Attachment C

Kaipara District Council

Draft Consolidated General Bylaw 2020

Statement of Proposal



Kaipara te Oranganui

**KAIPARA
DISTRICT**

Two Oceans Two Harbours

Introduction

A 'Statement of Proposal' (SOP) document is a legal requirement when Council is proposing to make, amend or revoke a bylaw. The SOP is the document that is made available to you as part of the consultation process to provide background information on the proposal to assist you in providing your thoughts to Council on the topic.

Much of the content of this document is legally required. Council has reviewed its Consolidated General Bylaw in accordance with legislative requirements. The Consolidated General Bylaw was last reviewed in 2008.

The General Consolidated Bylaw 2008 (Bylaw 2008) has 17 Parts. A summary of each Part and the changes proposed in the draft Consolidated General Bylaw 2020 (draft Bylaw 2020) are captured below.

This proposal is to revoke the Bylaw 2008 and replace with the new draft Bylaw 2020. The draft Bylaw 2020 contains only 11 of the existing Parts, see Attachment A to this SOP, Attachment B contains the Bylaw 2008. It is considered appropriate to revoke the whole Bylaw 2008 and replace with the new draft Bylaw 2020, due to the number of changes proposed. Particularly for Part 4 Solid Waste and Part 9 Cemeteries and Crematoria.

This SOP contains information on how the new bylaw differs from the existing one, and changes in the different Parts.

Reason for proposal

Council is required to review the Bylaw 2008 every ten years. As a result of this review, Council is proposing to revoke and replace the Bylaw 2008 with the proposed Bylaw 2020. Council is required to consult on the reviewed bylaw regarding any amendments that have been made.

The review has determined that the majority of the Parts of the bylaw do not require any substantive changes to their overall content and context, there are a number of matters that should be addressed, including providing a more simplified plain English version that will:

- reflect legislative and technological change
- remove duplication
- make provisions clearer
- ensure provisions are appropriately located within the bylaw
- include previously missing provisions and powers.

Part 4 Solid Waste and Part 9 Cemeteries and Crematoria are substantially different to the Bylaw 2008, to reflect current legislation and to improve transparency. Changes to these Parts would warrant a new bylaw as opposed to amending the Bylaw 2008. As a consequence, a new bylaw would trigger a five-year review timeframe and would provide the time necessary to assess any

arising issues with the significantly changed Parts. Although Council could trigger a review or an amendment at any time.

Legal Considerations

Before making the decision to consult on revoking the current bylaw and making a new one, Council is required to consider several legislative requirements. The full report on these determinations can be found in the 25 March 2020 report to Council's meeting when they adopted this SOP for public consultation. This section summarises the key aspects of the assessment undertaken.

Is a bylaw the most appropriate way of addressing the perceived problems?

Bylaws can help deter and minimise public nuisances and offensive behaviour. Bylaws are an effective mechanism to regulate activities that may occur in a public space such as solid waste collections and trading. Bylaws are also a mechanism to regulate, manage and protect Council assets such as water systems and cemeteries.

A bylaw is the most effective method for Council to control parking and traffic related behaviour to avoid nuisance, danger and offensive behaviour and to regulate, manage, and protect Council assets.

The difficulty with any voluntary compliance regime is that individuals may not have an adequate incentive to comply.

For the draft Bylaw 2020, Council considers that non-regulatory measures will be insufficient to adequately address the actual, perceived or potential problems present, therefore consider a bylaw the most appropriate way to address the perceived problems.

All reasonable options

When considering if a bylaw is the most appropriate way of addressing the perceived problem we need to consider alternative options and assess the advantages and disadvantages of each. The Kaipara District Council has essentially four reasonably practicable options when deciding whether or not to put in place a new bylaw. They are as follows:

- 1) Do nothing: Allow the bylaw to expire and do not have a bylaw at all.
- 2) Status Quo: Roll over current Bylaw 2008 as is, with no amendments
- 3) To amend the Bylaw 2008.
- 4) To revoke and replace with a new bylaw (draft Bylaw 2020)

There may be other non-regulatory or education measures that Council could consider implementing alongside the bylaw such providing guidance on how people can comply with the bylaw and when they require permissions.

Council staff who work with the bylaws and Council lawyers have confirmed that as a whole the draft Bylaw 2020 addresses actual and perceived problems and provides certainty when issues do arise and allows for proper enforcement of these issues.

Is the proposed bylaw the most appropriate form of bylaw?

The analysis undertaken showed that the current bylaw:

- appears overly prescriptive in some areas
- appears to have gaps in provisions that don't reflect today's issues, legislation or management practices
- misses or is unclear on important powers in other areas
- duplicates powers Council already possesses under other legislation
- contains some provisions which are not appropriately placed within the bylaw
- includes provisions that are difficult to enforce
- does not reflect modern drafting practice nor uses 'plain English'.

The proposed Bylaw 2020 uses modern drafting practice and is not overly prescriptive. Legal advice was sought to ensure the draft Bylaw 2020 is appropriately worded and structured. The proposed bylaw is considered the most appropriate form of bylaw.

Does the proposed bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990?

It is considered that no rights or freedoms are being unreasonably limited by the draft Bylaw 2020. Whilst people may be asked to seek permissions or certain actions restricted under the draft Bylaw 2020, it is considered that the restrictions are fair and reasonable in the interest of public health and safety and to protect Council assets such as the water supply network. Therefore, the draft Bylaw 2020 does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

Summary of the proposed changes

The entire draft Bylaw 2020 has been reviewed and updated to reflect 'plain English' and modern drafting practices. Most of these changes do not impact on the context or content, of the individual clauses but allow for greater clarity and readability.

Two Parts have been modified extensively in terms of context and content, these are Part 4 Solid Waste, and Part 9 Cemeteries and Crematoria. These changes have been made to reflect Council Policy, legislative changes, and to improve transparency. They have also been changed to reflect today's environment around management of perceived issues.

Definitions throughout have been reviewed and updated to also provide for better clarity, with common definitions being held in Part 1, Introductory.

Below provides an overview of each of the Parts provided for in the Bylaw 2008 and provides the reason for why we have each section. The discussion then outlines how they have changed or are addressed in the draft Bylaw 2020.

Some Parts are proposed to be revoked and not replaced as it is considered these matters are better managed through other mechanisms.

Some Parts and clauses have been omitted as they are already provided for in other Parts of the Bylaws of Council or in national legislation. Other clauses have been moved to different parts of the draft Bylaw 2020 as they were not appropriately placed in the Bylaw 2008.

An overview of the proposed changes is provided in the table below.

Part 1 - Introduction	Revoke and replace	Minor changes to scope, additional provisions to fill gaps around application processes and to better connect with the other Parts. Transfer of removal of work and encroachments in a public place to Part 2 Public Places.
Part 2 – Public Places	Revoke and replace	Minor changes to scope, additional provisions to address skateboards, Kaipara Smokefree Policy, fireworks and transfer of provisions from Part 1, Introductory. Transfer of billboard provisions to Part 5 Signs.
Part 3- Trading in Public Places and Trading as a Hawker, Mobile Shop or Itinerant Trader	Revoke and replace	Minor changes, name change to better reflect wording in this Part.
Part 4 – Solid Waste	Revoke and replace	Significant changes to scope, to align with legislation changes and best practice.

Part 5 – Control of Advertising Signs	Revoke and replace	Minor changes, additional provisions from Part 2 Public Places.
Part 6 – Amusement Galleries	Revoke and not replace	There are other ways to address potential issues that may arise from this activity.
Part 7 – Fire in the Open Air		This part has already been revoked.
Part 8 – Keeping of Animals, Poultry, Stock and Bees	Revoke and replace	Minor changes to scope, name change to reflect the provisions within this Part. Additional provision to address nuisance and health and safety aspects to keeping of bees in the rural zone.
Part 9 – Cemeteries and Crematoria	Revoke and replace	Significant changes to improve transparency and certainty
Part 10 – Public Libraries	Revoke and not replace	Council has operational Policies in place. A bylaw is considered to be inappropriate.
Part 11 – Cultural and Recreation Facilities	Revoke and not replace	There are other mechanisms that Council could use. A bylaw is considered to be inappropriate, given the current scope of this Part.
Part 12 - Nuisances	Revoke and replace	Minor changes
Part 13 - Skateboards	Revoke and replace in part	This part will not be replaced. Some of the provisions will be transferred to Part 2 Public Places as it sits better there than in its own Part.
Part 14 – Gin Traps	Revoke and not replace	There is national legislation in place. A bylaw on this topic is considered inappropriate.
Part 15 - Traffic	Revoke and replace	Minor changes to scope additional provisions to enable weight restrictions on bridges as well as roads, and to address U-turns. Removable of schedules and move towards a solutions register to

		capture changes. This is for administration efficiencies.
Part 16 – Water Supply	Revoke and replace	Minor changes, additional provisions to address process for exemptions to water restrictions.
Part 17 – Land Drainage	Revoke and replace	Minor changes

Overview of proposed changes from the Bylaw 2008 to the proposed Bylaw 2020

Part 1 – Introduction

Overview

This part defines the terms and expressions that are used throughout all Parts of the bylaw. This part outlines serving of orders and notices, powers of delegation and entry, suspension, licences (approvals) and revocation of licences, removal of works executed contrary to the bylaw, fees and charges, offences and breaches and penalties for bylaw breaches. This scope has not changed within the draft Bylaw 2020.

Proposed Changes

It is proposed that this Part is revoked and replaced. Changes include rewording for clarity, the addition of new definitions, and consistency with definitions between this and other Parts of the bylaw.

There are new provisions for:

- licences (approvals/permissions/consent) that are not otherwise specifically provided for in other Parts of the bylaw:
- the serving of orders and notices.

These are within scope of this Part.

The penalties for breaches to the bylaw have been updated to reflect the Local Government Act 2002. Two provisions around encroachments in a public place and removing works, have been moved to Part 2, Public Places.

Part 2 – Public Places

Overview

This Part of the bylaw seeks to protect the public from nuisances, minimise the potential for offensive behaviour and to manage public land under the control of Kaipara District Council for the well-being and enjoyment of the public in public places.

Communities need to feel safe and maintain high confidence in their ability to visit and do business in public areas. This scope has not changed within the draft Bylaw 2020, although it does capture some additional subject matters.

Proposed Changes

It is proposed to revoke and replace this Part.

Updates to the clauses on vehicles crossing have been made to ensure a clearer process, including final approvals, are in place. This provides for a more robust bylaw on this subject.

Additions to this Part Include:

- transfer of some provisions from the Bylaw 2008 Part 13 Skateboards;
- giving effect to Kaipara Smokefree Policy on smoking and vaping in a public place;
- encroachment on a public place and removing; works, have been removed from Part 1 to this Part;
- requiring people to seek permission to fly drones in a public place;
- requiring people to gain permission to let off fireworks in a public place;
- Increase distance that people may walk stock from 2km to 5km: and
- transferring provisions around billboards and posters from this part to Part 5 Signs.

The current schedule around where skateboards cannot go are proposed to be set outside the bylaw, the Schedule from Part 13 currently states:

Areas where riding of skateboards is prohibited on footpaths and other public places are as follows:

Central Dargaville Business District (Victoria Street from Edward Street junction to Gladstone Street junction).

Mangawhai Centres

Wood Street from Fagan Place junction to Margaret Street junction. Moir Street from Insley Street to the Molesworth Drive junction.

Maungaturoto business district from Gorge Road to Whaka Road.

Part 3 – Trading in Public Places and Trading as a Hawker, Mobile Shop or Itinerant Trader

Overview

This Part of the bylaw regulates the conduct of persons selling goods on streets, roads, footpaths, door to door and includes the conduct of persons using vehicles to sell goods and services to the general public. This covers both food and non-food goods. This scope for this Part of the bylaw is unchanged.

Proposed Changes

It is proposed to revoke and replace this Part.

Additional definitions have been included to help better interpret this Part of the bylaw. A name change has been made to better reflect the wording within this Part of the bylaw.

Part 4 – Solid Waste

Overview

The current focus on this Part of the bylaw is to control the collection of refuse within the Kaipara District where Council offers such a service and the disposal of refuse. This scope has changed. The scope is now about contributing to the management and minimisation of waste, through regulating the collection, transportation and disposal of waste; the protection of the health and safety of waste collectors, waste operators and the public; and the management of litter and nuisance.

Proposed Changes

It is proposed to revoke and replace this Part of the bylaw.

This Part has been considerably modified to provide clear rules that reflect current management practices, for example Council only operates transfer stations and no longer disposes waste to Council owned landfills. The draft Bylaw 2020 is now considered to better reflect legislative changes since the last review, and is more consistent with Council's Waste Minimisation Plan.

This part of the draft Bylaw 2020 moves to a more robust licencing system to better regulate the collection, transportation and disposal of waste, while ensuring the health and safety of waste collectors, waste operators and the public. This will also help with Council reporting on waste streams under the Waste Minimisation Act.

The draft Bylaw 2020 seeks to provide flexibility to make future management changes easier through enabling provisions for different waste streams, e.g. clean fills, tradewaste, hazardous substances, recycling. This helps Council to be responsive should national direction change.

It seeks to strengthen the current provisions around illegal dumping along with the management of litter and nuisance from solid waste.

Other new provisions propose the requirement for a waste plan for large events on Council land. This places a requirement to be upfront on how solid waste will be managed and disposed of for an event.

Part 5 – Signs

Overview

This Part of the bylaw is to ensure that advertising signs are erected, maintained, and displayed in such a manner that they do not present a hazard or a danger to public safety. The bylaw recognises there is a need to advertise businesses for commerce or promote activities, and events with signage. This scope has not changed.

Proposed Changes

It is proposed to revoke and replace this Part of the bylaw.

Both the District Plan and the bylaw have rules relating to signage. This is due to the nature of what each of the regulatory tools can control. Clauses around billboards and posters have been transferred from Part 2 Public Place into this Part. This is because billboards and posters are considered to be a type of sign.

Part 6 – Amusement Galleries

Overview

This Part allows Council to exercise control over the operation of amusement galleries within the District through a licensing mechanism.

Proposed Changes

It is proposed to revoke and not replace this Part of the bylaw.

There have been no issues with amusement galleries since the last review of the bylaw with no interest shown in establishing such premises. It is considered that the perceived problems relating to amusement galleries are now adequately covered under the District Plan and under national regulations. It is therefore proposed to revoke this Part of the bylaw.

Part 7 Fires in the Open Air

This Part has already been revoked under Council resolution on 26 April 2018 due to the new Fire and Emergency New Zealand Act and associated amendments to the Local Government Act 2002.

Part 8 – Animals

Overview

It is proposed to revoke and replace this Part of the bylaw.

This part of the bylaw outlines the requirements for the keeping of animals, poultry, stock and bees within the urban area. The requirements are deemed necessary for the protection from potential

nuisances and to maintain and promote public health and safety. This scope is largely unchanged. The exception is that with the keeping of bees, certain provisions also apply in the rural zone.

Proposed Changes

It is proposed to revoke and replace this Part of the bylaw.

The draft Bylaw 2020 seeks to both simplify existing provisions as well as include additional definitions. The provisions around bees has been modified to ensure that any nuisance or health and safety issues can be addressed when they occur in the rural zone.

It is proposed to remove the Schedule from the Bylaw 2008. The Schedule was considered to be not fit for purpose as it provided contradictory requirements to other Parts of the bylaw. The Schedule will be replaced with a guidance document to be used by staff when providing decisions on requests under this Part of the bylaw.

Part 9 – Cemeteries

Overview

This Part of the bylaw is to enable Council to control and set standards for the operation of Council's cemeteries and crematoria within the District.

The scope of the bylaw is still the same as above. The Bylaw 2008 does this by way of allow rules to be made. However, this was considered too broad from a legal perspective, and did not provide the appropriate amount of certainty on the controls that Council can put in place.

This Part has completely changed, in order to provide better transparency and certainty on the controls and standards that Council can put in place.

Proposed Changes

It is proposed to revoke and replace this Part of the bylaw.

The draft Bylaw 2020 is sustainably different form the current bylaw. It is more prescriptive in its approach so it is clear and transparent for anyone wanting to know how to comply with Councils requirements.

The draft Bylaw 2020 outlines the key expectations of behaviours and what is required for different types of burials. It also outlines how burial services will be managed within cemeteries and the process to obtain an exclusive right of burial.

The draft Bylaw 2020 also outlines other processes that Council will undertake, such as if a monument needs to be removed for safety reasons.

Part 10 – Libraries

Overview

This Part of the bylaw is to allow Council to exercise control over the operation of public libraries within the District. This Part generally governs the day to day running of the Dargaville Library.

Proposed Changes:

It is proposed that this Part of the bylaw is revoked and not replaced.

Council has policies in place that fulfil the same function, these are considered to be the more appropriate way to govern the day to day running of the library and still achieve the same outcome.

Part 11 – Cultural and Recreational Facilities

Overview

A Council facility means a swimming pool, museum, art gallery, hall, zoo or golf course under the ownership or control of Council. This part of the Bylaw allows for a manager of these facilities to make rules around their use.

Proposed Changes

This Part of the bylaw is proposed to be revoked and not replaced.

The need for a bylaw to manage these facilities is considered unnecessary. These facilities are Council owned assets that are managed by staff, with guidance through approved policies and procedures.

Part 12 – Nuisances

Overview

This Part of the bylaw is to protect the public from nuisance and to promote public health and safety in relation to activities arising from private property, such as smoke nuisances, vermin and flies and offensive smells. This Part does not apply to land designated by the Council to be a refuse tip, landfill or transfer station. The scope has not changed.

Proposed Changes

A new provision relating to dead animals on private property is proposed to address any odour and visual nuisances to neighbours.

Part 13 – Skateboards

Overview

This Part regulates where people may and may not skate either on a skateboard or other skating device and has associated enforcement, including impounding provisions.

Proposed Changes

This Part of the bylaw is proposed to be revoked and not replaced.

Council has not had any issues with skateboards and other skating devices.

Due to the construction and requests for skate parks throughout the District in recent years, it is considered appropriate to keep skateboards and other skating devices away from the central business district of Dargaville, Mangawhai Village and Wood Street shops, and Maungaturoto as already described in the Bylaw 2008.

Three of the Bylaw 2008 eight clauses are considered appropriate to keep, in order to keep skating devices away from the CBD areas where they may cause nuisance or health and safety concerns. The current areas are proposed to remain in place. It is proposed to transfer these provisions in Part 2 – Public Places.

The other five provisions are around the enforcement actions; which Council staff are unlikely to ever use. Therefore, it is appropriate to remove.

Part 14 – Gin Traps

Overview

This Part of the bylaw sets out where gin traps may not be placed and gives Council officers the ability to remove any gin trap in breach of the bylaw.

Proposed Changes

This Part of the bylaw is proposed to be revoked and not replaced.

National legislation governs the use of gin traps and the provisions of the bylaw merely duplicate these, therefore it is proposed that this Part of the bylaw is revoked.

Part 15 – Traffic

Overview

This Part of the bylaw provides for parking and other vehicular controls on roads under the control of Council. This scope has not changed.

Proposed Changes

This Part of the bylaw is proposed to be revoked and replaced.

The key changes to this Part are the inclusion of electric car charging stations and additional provisions for weight restrictions on bridges and roads and providing for u-turns.

An administrative change is to remove the Schedule of restrictions so that updates can be made through Council resolutions, rather than requiring an amendment to the bylaw. This process may or may not require engagement or consultation prior to the resolution of Council.

New provisions around immovable vehicles on road reserve has been included to address potential safety issues pertaining to vehicles being parked up on the side of the road and are unable to be moved without help.

Part 16 – Water Supply

Overview

This Part regulates Council water supplies. This Part sets out regulations on Council provided water supplies such as pipes, as well as metering and charging. It also aims to prevent contamination of, and wastage from, the water supply system. This scope has not changed.

Proposed Changes

This Part of the bylaw is proposed to be revoked and replaced.

Proposed changes include the addition of a provision for exemptions from a restricted water season and clarity around extraordinary supplies.

New clauses have been provided for better clarity between provisions and current management approaches. Provisions have been simplified to make it easier to understand and administer.

Part 17 – Land Drainage

Overview

This Part of the bylaw regulates the use and maintenance of Council drains and stopbanks. This includes outlining when a private drain may connect to a Council drain; what cannot be discharged into a Council drain; requirements for crossings and stopbanks; and requirements for repairs to any damaged drains.

This scope has not changed.

Proposed Changes

It is proposed to revoke and replace this Part of the bylaw. Changes have been limited to improving the language used and the readability of the provisions.

Attachment A – Proposed Consolidated General Bylaw 2020

Attachment B - General Bylaws 2008



KAIPARA DISTRICT COUNCIL

Kaipara District Council

Draft Consolidated General Bylaw 2020

Part 1 - Introduction



Part 1 – Introduction

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~~Part 7 Fire in Open Air Already Revoked~~

Part 8 Keeping of Animals, Poultry and Bees

Part 9 Cemeteries

~~Part 10 Public Libraries Proposed to not be replaced~~

~~Part 11 Cultural And Recreational Facilities Proposed to not be replaced~~

Part 12 Nuisances

~~Part 13 Skate Boards Proposed to not be replaced~~

~~Part 14 Gin Traps Proposed to not be Replaced~~

Part 15 Traffic

Part 16 Water Supply

Part 17 Land Drainage

Relationship between this Bylaw and Acts, regulations, bylaws and Council's District Plan

Compliance with the Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and the Operative Plan of the Kaipara District Council. Where there is any conflict between this Bylaw and any Act or Regulation, the Act or Regulation will take precedence.

Part 1 – Introductory

Purpose

The purpose of this Part is to set out general provisions which may be relevant to more than one Part of the Consolidated General Bylaw. As well as defining some terms and expressions that are used throughout the General Bylaw, this Part also covers the following matters:

- (a) serving of orders and notices;
- (b) powers of delegation;
- (c) powers of entry onto land;
- (d) licences, suspension of licences (approvals) and revocation of licences;
- (e) removal of works executed contrary to the Bylaw;
- (f) fees and charges; and
- (g) offences and breaches and penalties for breach of the Bylaw.

This Part should be read in conjunction with all other Parts of the General Bylaw. If there is a discrepancy with another Part of the Bylaw, the other Part will take precedence. This includes where the other Part of the Bylaw contains more specific provisions dealing with the same subject matter e.g. a licensing regime.

101 Interpretation

- (1) In this Bylaw, unless the context otherwise requires:

Agent of Council

means a person who is not a Council employee who has been delegated or appointed to act on Council's behalf and with its authority.

Animal

means stock, bees, poultry and any other vertebrate and invertebrate animal of any age or sex that is kept in a state of captivity or is dependent upon a human being for its care and sustenance.

<i>Approval or Approved</i>	means approved by Council or by any Authorised Officer.
<i>Authorised Officer</i>	means any Officer or other person appointed or authorised by Council to perform duties required under this Bylaw, irrespective of the designation given to that officer and person; and includes a Police Constable; or a person appointed as an enforcement officer under section 177 of the Local Government Act 2002.
<i>Bylaw</i>	means a bylaw of Council in force, made under the provisions of any Act or authority enabling Council to make bylaws.
<i>Berm</i>	means a raised strip of ground that runs along the side of a road and usually contains a path or/and a strip of grass.
<i>Chief Executive</i>	means the Chief Executive of the Kaipara District Council or a person acting in their capacity.
<i>Council</i>	means the Kaipara District Council or any Committee, Community Board, elected member of Council or Officer to which Council has delegated authority to act.
<i>District</i>	means the Kaipara District.
<i>Dwelling or dwelling house</i>	includes any house, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the soil or not, used in whole or in part for human habitation, and includes any adjacent land associated with the dwelling.
<i>Electronic means</i>	means any means of digital communication including email, text and any other such electronic messaging but does not include social media platforms such as Facebook or Twitter.
<i>Licence</i>	means any written approval, permission or licence from Council or an Authorised Officer.
<i>Licensed</i>	means holding a licence under this Bylaw or under any Act.
<i>Material or Thing</i>	means any material or thing of whatever kind and includes but is not limited to jumbo bins and other containers for waste material, but excludes vehicles.
<i>Motor vehicle</i>	has the meaning in the Land Transport Act 1998, namely: <ul style="list-style-type: none"> (a) means a vehicle drawn or propelled by mechanical power; and (b) includes a trailer; but (c) does not include: <ul style="list-style-type: none"> (i) a vehicle running on rails; or (ii) [Repealed] (iii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or

- (iv) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
- (v) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
- (vi) a pedestrian-controlled machine; or
- (vii) a vehicle that the Agency has declared under s168A of the Land Transport Act 1998 is not a motor vehicle; or
- (viii) a mobility device.

Nuisance

shall include but not be limited to the meaning assigned to it by the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person.

Explanatory note: *Circumstances that may be deemed a nuisance can include noises and odour associated with the keeping of animals.*

Occupier

means a person who inhabits, leases, uses or controls any property or premises, whether as an owner, tenant, licensee or otherwise.

Owner

means, in relation to real property, a registered proprietor, trustee and any person for the time being entitled to receive the rent of the property, land, building, or premises or who would be entitled to the rent if the property were let to a tenant. Where any such person is absent from New Zealand or mentally incapable as defined in section 94 of the Protection of Personal and Property Rights Act 1988, 'owner' includes his or her attorney or agent.

means, in relation to personal property, the person lawfully in charge of the management of the property, whether or not that person possesses or occupies the property.

Offence

includes any act or omission in relation to this Bylaw or any part of it for which any person can be penalised either by prosecution or by issuing an infringement notice.

Person

includes an individual, a corporation sole, a body corporate, and an unincorporated body.

Poultry

means any bird (including domestic fowls, ducks, geese, turkeys, guinea-fowl, pheasants, peacocks, swans and pigeons) that is kept or raised to produce eggs, hatching eggs or poultry products for human consumption, or for the purpose of rearing on behalf of another person.

Prescribed fee

means the fee or fees that may be set by Council from time to time for a certificate, approval, permit, consent, inspection or other matter, including a fee set pursuant to clause 110 of this Bylaw.

<i>Premises</i>	means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises.
<i>Public litterbin</i>	means a refuse container made available by the Council for the placement of litter by members of the public.
<i>Public notice</i>	has the meaning in s5(1) of the Local Government Act 2002.
<i>Publicly notified</i>	means notified by way of a public notice.
<i>Public place</i>	means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place, and includes but is not limited to every reserve, park, domain, beach, and recreational ground under the control of Council.
<i>Reserve</i>	has the meaning in the Reserves Act 1977.
<i>Residential activity</i>	means the use of land and buildings by people for the primary purpose of living accommodation.
<i>Road</i>	shall have the same meaning as in s315 of the Local Government Act 1974 whereby the term street is considered a road and includes all land lying within the boundaries of a road including footpaths and berms.
<i>Rural area</i>	means any land that has been zoned Rural in the Operative Kaipara District Plan.
<i>Sign</i>	means a visual message or notice conveyed to the public and visible from a public place displayed to advertise or identify a product, business, or service, inform or warn the public and includes any frame, supporting device and associated ancillary equipment. It includes but is not limited to any mural, message or notice painted on, affixed to, or otherwise incorporated with a building, structure, site, banner, flag, poster, billboard, sandwich board, wind sock, vehicle, blimp or projection of light to create an advertising image. A bunting that has symbols or messages on it shall also be considered a sign for the purposes of this part of the Bylaw.
<i>Stock</i>	means any cattle, deer, alpaca, llama, sheep, goat, donkey, mule, horse and any other animal kept in captivity, or farmed, and dependent on humans for their care and sustenance, but does not include poultry.
<i>Private road, footpath and private way</i>	have the respective meanings in section 315 of the Local Government Act 1974 .
<i>Urban area</i>	means any area that has been zoned Residential, Commercial or Industrial in the Operative Kaipara District Plan and may include land that is associated with residential activities in other zones.
<i>Vehicle</i>	has the meaning in s2(1) of the Land Transport Act 1998, namely:

- (a) a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include:
 - (i) A perambulator or pushchair;
 - (ii) A shopping or sporting trundler not propelled by mechanical power;
 - (iii) A wheelbarrow or hand-trolley;
 - (iv) A pedestrian-controlled lawnmower;
 - (v) A pedestrian-controlled agricultural machine not propelled by mechanical power;
 - (vi) An article of furniture;
 - (vii) A wheelchair not propelled by mechanical power;
 - (viii) Any other contrivance specified by rules made under the Land Transport Act 1998 not to be a vehicle for the purposes of this definition; and
 - (ix) Any rail vehicle;
 and includes any other contrivance or conveyance specified by Council resolution as a vehicle for the purposes of a Bylaw.

Writing, written or any similar term means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied, including by electronic means.

- (2) Words implying the singular include the plural and vice versa.
- (3) The Interpretation Act 1999 applies to this Bylaw.
- (4) Any explanatory notes and attachments are for information purposes, and do not form part of this Bylaw, and may be inserted, amended or revoked without formality.
- (5) All Council resolutions made under this Bylaw will be publically notified in accordance with section 5(3) of the Local Government Act 2002

Explanatory Note: *For the purposes of 101 (2), every resolution is still required to consider and follow sections 76-81 of the Local Government Act prior to making a resolution.*

102 Powers of Delegation

- (1) In all cases where this Bylaw provides for the issue of any order, notice or licence, such order notice or licence shall be deemed to be issued in compliance with this Bylaw if the same is issued by an Authorised Officer.
- (2) The powers or duties imposed on any Authorised Officer under this Bylaw may be delegated to any other Officer of Council, either generally or particularly and with or without conditions.

- (3) All Authorised Officers appointed by Council under or for the purpose of any repealed or expired Bylaw, and holding office at the time of the coming into operation of this Bylaw, shall be deemed to have been appointed under this Bylaw in relation to any provision of this Bylaw that with or without modification, replaces or that corresponds to a provision of the repealed or expired Bylaw.
- (4) In this bylaw, where any written permission or approval of the Council is required, that approval may be given by the Chief Executive, and the Chief Executive may delegate all or part of that function to any other officer of Council

103 Powers of Entry for Purposes of This Bylaw

- (1) In administering and enforcing the Bylaw, the Council may utilise the applicable powers of entry in the Local Government Act 2002 and any other relevant legislation.
- (2) Every person who obstructs or hinders any such Officer or agent in the exercise of their power of entry under this Bylaw, shall be liable to prosecution for an offence against this Bylaw.

Explanatory note: *Specific powers of entry are provided to Council under a range of legislation, including under the Local Government Act 2002. Any person exercising a power of entry onto private land is required to provide a written warrant under seal of the Council as evidence of authority to do so.*

104 Licences

- (1) Any person doing or proposing to do anything or cause any condition to exist for which a licence from the Council is required under a Bylaw, shall first obtain such a licence.
- (2) A written consent issued by an Authorised Officer in accordance with any enactment to allow a person to do anything or to cause any condition to exist for which a licence of Council is required under this Bylaw, shall be deemed to be a licence under this Bylaw.
- (3) Every application for a licence or permission shall be accompanied by the relevant prescribed fee.
- (4) No application for a licence, payment or receipt for any fee paid in connection with such application, provides any right, authority or immunity on the person making that application or payment.
- (5) Any licence is deemed to be issued under this Bylaw if it is issued by an Authorised Officer and will be subject to such conditions as may be imposed.
- (6) Unless a Bylaw provides otherwise, every licence or permission and every application for a licence shall be in such a form as may be prescribed by Council.
- (7) Unless a Bylaw provides otherwise, a licence is not transferable and no such licence authorises any person other than the licence holder to act in any way under its terms and conditions.
- (8) If, following a request for payment, any licence fee due remains unpaid, the licence shall immediately cease to be valid.

105 Suspension and Revocation of Licences or Permissions

- (1) Unless otherwise expressly provided for in this Bylaw, should the holder of any licence granted under this Bylaw be subsequently convicted of any offence that the Council considers has an effect on the holder's suitability as a licensee, Council may immediately revoke or suspend the licence for any specified time.
- (2) Council may by notice in writing call upon the licence holder to appear before Council and give reasons why the licence should not be revoked or suspended, if any of the following are brought to the notice of Council:
 - (a) That the licence holder:
 - (i) has acted or is acting in a manner contrary to the purpose and meaning of any bylaw; or
 - (ii) has failed to comply with any of the conditions of the licence; or
 - (iii) is in any way unfit to hold the licence;
 - (b) That the premises for which the licence was issued is being used for any purpose other than that stated in the licence, or is in a state of disrepair contrary to the terms of the licence; or
 - (c) That the Bylaw or the conditions of the licence are not being properly observed.
- (3) Council may, if it considers that any of the circumstances described in clause 105(2) apply, or if there is no appearance by the licence holder:
 - (a) revoke the licence; or
 - (b) suspend the licence for any specified time; or
 - (c) amend the terms and conditions of the licence.
- (4) A person whose licence has been suspended under this clause and any premises for which that licence has been suspended shall, during the period of such suspension, be deemed to be unlicensed.

106 Compliance Waiver

- (1) An application may be made to Council to waive full compliance with any provision of this Bylaw on the basis that it would needlessly cause harm, loss or inconvenience to any person, or the operation of any business, without any corresponding benefit to the community.
- (2) On receipt of an application under clause 106(1), Council may:
 - (a) waive the strict observance or performance of any provision of this Bylaw;
 - (b) impose such other terms or conditions consistent with the intention and purpose of the Bylaw as Council may think fit.
- (3) Except to the extent expressly stated, any waiver granted by Council under clause 106(2) shall only be applicable to the person it is granted to and shall be restricted to the particular issue considered by Council and such waiver shall not constitute a justification for the breach of the provisions of a Bylaw for anything other than the expressed terms of the waiver.

107 Documents

- (1) Council may prescribe the form of any application, certificate, licence, permit or other document, which is required under this Bylaw. These forms may be altered or amended at any time.
- (2) Variation from the exact form prescribed under clause 107(1) shall not render any application, certificate, licence, permit, or other document void. However, Council may reject any document where it considers the non-compliance is of significance and substantially detracts from the required spirit and effect of the document.

108 Fees and Charges

- (1) Council may, by resolution, publically notified:
 - (a) charge a fee for receiving and processing an application and issuing a permit under this Bylaw;
 - (b) prescribe any charges to be paid for the use of a permit issued under this Bylaw;
 - (c) determine situations when permit fees under this Bylaw may be remitted, refunded or waived.
- (2) Council may, by resolution, vary any fee in respect of any matter provided for in this Bylaw.
- (3) Council may require either full or a part payment of any fee or charge payable in respect of this Bylaw before issuing any licence, approval or consent or performing any other action to which the fee or charge relates.
- (4) Where any inspection or service for which a fee has been paid under the provisions of clause 108(1) has not been given or made, Council may refund any such fee or portion thereof as it may determine.

109 Orders, Notices and Service

- (1) Where any notice, order, or other document is required to be served on any person for the purposes of this Bylaw, service may be made by delivering it personally to the person or by sending it by courier or post or fax or by electronic means, to that person's last known residential or business address, or last known contact details.
- (2) If such person is absent from New Zealand the order or notice may be served on that person's agent instead of to such person, in any manner referred to in Clause 109(1).
- (3) If the order, notice, or other document relates to land or buildings, and the owner is not known or is absent from New Zealand, or has no known agent in New Zealand, the order or notice may be:
 - (a) served on the occupier of the land or buildings; or
 - (b) if there is no occupier, put up on some noticeable part of the land or buildings.

It is not necessary to name the occupier or the owner of the land or buildings in that notice.

- (4) An Authorised Officer may require any person who breaches or fails to comply with the provisions of any bylaw or the conditions of a licence issued pursuant to it, to remedy the breach or comply with the same by giving such person notice in writing.
- (5) Any order or notice shall state the time within or date before which any remedial action must be carried out, and may be extended by written authority from an Authorised Officer.

110 Offences and Breaches

- (1) Any person commits a breach of this Bylaw who:
 - (a) Does, or causes to be done, or knowingly permits or suffers to be done anything contrary to the provisions of this Bylaw; or
 - (b) Omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the purpose and meaning of this Bylaw, ought to be done by that person at the time and in the manner provided for by this Bylaw; or
 - (c) Does something which under this Bylaw they are required not to do; or
 - (d) Knowingly permits or suffers any condition or thing/s to exist contrary to any provision/s in this Bylaw; or
 - (e) Fails to comply with any notice or direction given to that person under this Bylaw; or
 - (f) Obstructs or hinders any Authorised Officer in the performance of any duty to be discharged by that Officer under or in the exercise of any power conferred upon them by this Bylaw.
- (2) Where it is suspected that any person has committed a breach of this Bylaw, that person shall, on the direction of an Authorised Officer provide their full name and address.

111 Penalties for Breach of the Bylaw

- (1) Every person who commits an offence against this Bylaw is liable to:
 - (a) The penalty set out in section 242 of the Local Government Act 2002; or
 - (b) Where another enactment specifies the penalty for a breach of the Bylaw, that other penalty.
- (2) In accordance with section 162 of the Local Government Act 2002, Council may apply to the District Court for an injunction to restrain a person from committing a breach of this Bylaw.

Explanatory Note: Pursuant to section 242(5) of the Local Government Act, the penalty upon conviction for an offence under this Bylaw is a fine of up to \$20,000.

Kaipara District Council Proposed Draft Consolidated General Bylaw 2020

Part 2 - Public Places; and Part 3 - Trading in Public Places and Trading as a Hawker, Mobile Shop or Itinerant Trader

Part 2 - Public Places

Part 3 - Trading in Public Places and Trading as a Hawker, Mobile Shop or Itinerant Trader

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Relationship between this Bylaw and Acts, regulations, bylaws and Council's District Plan

Compliance with the Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and the Operative Plan of the Kaipara District Council. Where there is any conflict between this Bylaw and any Act or Regulation, the Act or Regulation will take precedence.

Part 2 - Public Places

Purpose

The purpose of this Part of the Bylaw is to regulate a diverse range of activities for the well-being and enjoyment of the public in public places. Communities need to feel safe and maintain high confidence in their ability to visit and conduct business in public places.

Part 2 seeks to:

- (a) protect the public from nuisances;
- (b) protect and maintain public health and safety;
- (c) minimise the potential for offensive behaviour; and
- (d) manage public land under the control of the Council.

The Bylaw does not duplicate statutory provisions. It seeks to complement existing statutory provisions that may also affect public places such as under the Local Government Act 1974 and 2002, the Resource Management Act 1991 and the Building Act 2004, by addressing specific needs assessed in the community from time to time.

Council shall accept no liability for any damage arising from the activities in any public place and permitted under this Bylaw.

201 Interpretation

- (1) In this Bylaw, unless the context otherwise requires,

<i>Advertising Devices</i>	means a structure or device, which conveys information or directions of any kind and is intended for advertising purposes that is external to a building and visible from a public place, or inside a building and visible from a road.
<i>Amusement Devices</i>	includes any land-borne inflatable devices, fairground rides and any other mechanically-powered unit that is used for rider entertainment.
<i>Busking</i>	means any transient street entertainer performing for donations.

Infrequent

means no more than once a week on an unsealed road and no more than once a fortnight on a sealed road.

Mind-altering substance

means a substance, whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes the substances used for what is commonly known as glue sniffing, but does not include:

- (a) medically prescribed substances ingested by the person for whom they were prescribed;
- (b) substances purchased from a pharmacy without a medical prescription;
- (c) nicotine;
- (d) alcohol as defined in the Sale and Supply of Alcohol Act 2012.

Skating device

means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including roller skates, in-line skates, or similar recreational devices. The definition does not include any bicycle, wheelchair, recognised mobility aid or baby carriage.

Smokefree area

means an area where the smoking of tobacco products, vaping (the use of electronic cigarettes) and the use of heated tobacco products (HTPs) is not permitted.

Stall

means any structure or thing controlled by an organisation or a person occupying any portion of any public place for the purpose of advertising and/or selling any food or refreshments, newspapers, lottery tickets, textiles, hardware or merchandise.

Vehicle Crossing

means a formed vehicle access from the carriageway of any road to a property adjacent to the road and includes any culvert, bridge or kerbing.

Vaping

Is the use of electronic cigarettes and the use of heated tobacco products (HTPs), and *vape* has the equivalent meaning.

202 Public Safety and Nuisances

- (1) Except with the prior written permission of Council or an Authorised Officer and in accordance with any conditions that may be required, a person shall not on any public place:
- (a) place or leave litter or any material, thing or substance that is likely to be hazardous or cause injury to any person, or likely to create a nuisance;
 - (b) drive any vehicle except on a formed road, or in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in the public place;
 - (c) cause or allow any material or thing to be deposited onto a public place or road;
 - (d) dispose of, the body or part of the body of any animal into a public place or into any water body or onto any bank thereof;

- (e) deposit, discharge or leave any offensive or dangerous matter or cause pollution of any river, stream, pond, lake, watercourse, or open drain;
- (f) leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
- (g) cause a nuisance by flying from or land any aeroplane including model aeroplanes, helicopter, drones, hot air balloons or hang-gliders except in an emergency;
- (h) consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
- (i) play any game, use or ride any object including but not limited, to skating devices or similar, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous or cause injury or cause a nuisance to persons in any public place, or damage the public place;
- (n) erect or place any structure on, over or under any public place except in compliance with any other Part of this Bylaw;
- (o) light any fireworks or explosive material near or on any public place as to endanger, annoy or frighten passers-by or cause distress to animals and wildlife.

- (2) An Authorised Officer may give written notice to an owner or occupier requiring them to repair or remove any fence, wall, retaining wall or any other structure encroaching on a public place or posing some danger, if in the Authorised Officer's opinion the said fence, wall, retaining wall, or adjacent land is in a condition that could cause damage or injury to a person.

203 Skating Devices

- (1) Council may by resolution publicly notified:
- (a) designate areas in which the use of skateboards, roller skates, rollerblades or other similar recreational devices is prohibited;
 - (b) add to, amend, or remove areas designated under (a).
- (2) Except with the prior permission of Council or an Authorised Officer, a person shall not use a skateboard, roller skates, rollerblades or any other similar recreational device:
- (a) in an area contrary to a prohibition made under clause 203(1);
 - (b) in any public place, in a manner that may cause damage to any property or is inconsiderate or harmful to others.

Explanatory Note: *A list of the areas which are subject to a resolution made under clause 203(1) is maintained together with this Bylaw.*

204 Designated Smokefree Areas

- (1) Council may, by resolution a publicly notified:
- (a) create designated smokefree areas within a public place;

(b) amend or remove designated smokefree areas within a public place.

- (2) No person shall smoke nicotine and/or vape in any designated smokefree area resolved under this Part of the Bylaw

Explanatory Note: *Prior to Council resolving to establish a smokefree area, it is likely that there will be public consultation in accordance with section 82 of the Local Government Act 2002.*

205 Obstructing Public Places

- (1) No person without the express prior written permission of an Authorised Officer and in accordance with any conditions that are imposed shall in a public place:
- (a) obstruct the entrances to or exits from a public place;
 - (b) place, carry or leave any material or thing, including signage, that could obstruct the public right of passage;
 - (c) allow any gate or door on property abutting or next to a public place, to swing over or across a public place or any part of it;
 - (d) carry out any work on any motor vehicle, unless the work is essential to move the vehicle after an accident or in an emergency;
- (2) Council may require the alteration or removal of any material, building or thing placed on, over or under a public place in contravention of this Bylaw, by giving notice to the owner. The owner shall comply with any notice within the time stated in the notice.

206 Encroachment to be Removed upon Notice

- (1) No person shall construct or place any work or thing, including any material, part of a building or structure on, under, over or across any public place without first obtaining the prior written approval of Council.
- (2) Council may by written notice require the owner to remove any work or thing that has been constructed or placed upon, under, over or across any public place.
- (3) Any notice issued under clause 206(2) may require such precautions to be taken as Council thinks fit for the safety of the public and for the proper securing of such work or thing that may remain after such removal.

207 Removal of Works

- (1) Where a notice served under clause 206(2) has not been complied with in the timeframe specified in the notice, an Authorised Officer may remove or alter any work or thing constructed or placed under, over or across any public place in contravention of this Bylaw.

- (2) Council may recover costs from any person responsible for the construction, or permitting the continued existence of any such work or thing, all costs incurred in connection with any removal or alteration. This includes the cost of debt collection and legal fees.
- (3) The exercise of this authority under clause 207 shall not release any such person of any penalty for erecting or permitting the continued existence of any such work or thing.
- (4) Council may take immediate action and recover all reasonable costs of doing so, if the Council considers that the breach causes a public health or safety concern or there is a risk of consequential damage to Council assets.
- (5) Subject to clause 207(6), on payment of all Council's costs, including storage where applicable, the lawful owner may claim any work or thing removed under clause 207(1) or (4).
- (6) If not claimed within 6 months, Council may notify the owner pursuant to section 168(2) of the Local Government Act 2002 that it intends to dispose of the work or thing. If not claimed within the time period specified in the notice, Council may dispose of any work or thing as it sees fit and apply any proceeds to meet any outstanding costs. The lawful owner shall be entitled to claim any remaining amount.

Explanatory note: The powers to remove, seize and dispose of works under this clause are subject to sections 163 to 168 of the LGA02

208 Damage to Public Places

- (1) Except with the prior approval of Council or an Authorised Officer, and in accordance with any conditions in such approval, a person in a public place shall not:
 - (a) damage, interfere with, destroy or remove any grass plot, flowerbed, tree, shrub or plant growing there or any inscription or label relating to it;
 - (b) pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facility;
 - (c) cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
 - (d) damage or interfere with any natural feature, animal or plant;
 - (e) use any vehicle, any object, or be in control of an animal in any manner so that it damages any part of a public place;
 - (f) drive or park any vehicle in a public place, including footpaths, except in an area set aside for the driving or parking of vehicles;
 - (g) remove any sand, soil or other naturally occurring material found in a public place;
 - (h) remove any metal or gravel placed in a public place by Council or agent of Council;
 - (i) open, damage or obstruct any culvert, drain or sewer on any public place;
 - (j) disturb or remove the surface of, any public place.

- (2) Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an Authorised Officer.

209 Placing of Articles on Public Places

- (1) No person shall place or leave any material or thing, including signage, amusement devices or items for sale or hire, on any public place except:
- (a) if they have written approval by Council or an Authorised Officer and subject to any such conditions as may be imposed; or
 - (b) for the purpose of waste or other collections from the public place authorised by Council; or
 - (c) if they have approval given under any other Part of this Bylaw or any other bylaw.

210 Exposing Articles for Sale

- (1) Except in accordance with any licence having first been obtained from Council or an Authorised Officer and in accordance with any conditions that may be required, a person shall not on any public place:
- (a) Expose for sale any article whatsoever on any footpath, or outside any shop or other business premises, or doorway connected to any public place, so as to encroach onto any public place, or hang or suspend any article over such public place, (refer to Part 3 of this Bylaw in relation to Trading in Public Places, and trading as a Hawker, Mobile shop or itinerant trader);
 - (b) Place any table, trestle, chair, seating, display stand, stall or otherwise display, advertise or sell any goods or services, (refer to Part 3 of this Bylaw in relation to Trading in Public Places, and trading as a Hawker, Mobile shop or itinerant trader);
 - (c) Place or carry any placard, board, flag, screen, frame or other device by way of advertisement or any other sign, including any traffic sign;
 - (d) Park a vehicle or trailer displaying advertising or sales material on any public place including any parking place or transport station. This restriction includes vehicles and trailers that are for sale and mobile billboards.

211 Vehicle Crossings

- (1) Any person wishing to construct, repair, remove, reconstruct or widen any vehicle crossing shall apply to an Authorised Officer for permission and pay such fees as prescribed in Council's Fees and Charges.
- (2) No person shall construct, repair, remove, reconstruct, relocate or widen any vehicle crossing without first having obtained a permit from an Authorised Officer.

- (3) A permit issued by Council under clause 210(2) may be subject to such conditions and standards the Authorised Officer considers reasonably necessary to ensure protection of the road adjacent to the vehicle crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles.
- (4) A permit for the construction, repair, removal, reconstruction, relocation or widening of a vehicle crossing shall be valid for six months, during which time the work shall have been completed, to the satisfaction of an Authorised Officer.
- (5) If construction, repair, removal, reconstruction, relocation or widening of a vehicle crossing has not been completed within six months of the date of issue of the permit, the permit shall be deemed to have expired and the permit holder shall be required to apply for a fresh permit and pay a further fee before construction, repair, removal, reconstruction, relocation or widening can begin or be continued.
- (6) No person shall drive, ride, propel, or wheel any motor vehicle across any footpath or water channel in any public place otherwise than upon a vehicle crossing properly constructed under the provisions of this Bylaw. This does not include driving across a water channel along a beach within the district.
- (7) If in the opinion of an Authorised Officer any vehicle crossing is in a bad or unsafe state of repair, an Authorised Officer may by notice in writing, require the owner of the land to which the vehicle crossing provides access, to repair, reconstruct, or renew such crossing to the satisfaction of an Authorised Officer. Every such owner or occupier who fails to comply with any such notice within the period specified shall be guilty of an offence against this part of this Bylaw.
- (8) Where a vehicle crossing is required and has not been constructed or has not been correctly constructed an Authorised Officer may by notice in writing, require the owner of the land to which the vehicle crossing is required to provide access, to obtain a vehicle crossing permit in accordance with this Part of the Bylaw and to construct the vehicle crossing in accordance with that permit. Every such owner or occupier who fails to comply with any such notice within the period specified shall be guilty of an offence against this Part of this Bylaw.

212 Assembly

- (1) No person shall, without the prior written consent of an Authorised Officer:
 - (a) participate in any assembly or associate with other persons on a public place in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place;

213 Awnings and Blinds

- (1) No person shall erect or maintain, or cause to be erected or maintained, any awning over any public place, or hang any awning, blind, or screen from any portico on any public place except with the permission of an Authorised Officer. In granting such permission an Authorised Officer may set such conditions as are considered appropriate. Any such permission may be revoked at any time by an Authorised Officer.

214 Projections on Public Places Not Permitted

- (1) Except where permitted by any other Part of this Bylaw or by Council consent, no person shall put any portico, projecting window, balcony, wall, lamp, doorstep, cellar door, lamp post, signboard, window shutter, gatepost, or other obstruction or projection of anything whatsoever in, on, over or under a public place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place.

215 Restrictions on Use of Barbed Wire and Electrified Fences

- (1) Except with the written permission of an Authorised Officer:
- (a) no person shall erect or permit to be erected any electrified fencing or barbed wire along, or within one metre of any boundary line between any land or building on the one side, and any public place on the other side;
 - (b) no person shall renew or repair or join, in whole or in part, any existing or future fence, along, or within one metre of any such boundary line as said above, with barbed wire, or electrified wire.
- (2) Clause 214(1) shall not apply within any Rural Area, except when the fence borders on or adjoins a footpath.

216 Road and Building Identification

- (1) Council shall have the exclusive right to paint or affix on a clearly visible part of a building, the name of the road, private road or public place to which it has frontage.
- (2) Notwithstanding that a building or property is identified by other means, the owner or occupier of every building or group of buildings forming part of a complex or of the property shall mark such building or complex with numbers no less than 50mm in height for residential buildings and not less than 150mm in height for all other buildings. Numbers shall be as allocated or approved by an Authorised Officer and displayed in a position so as to be readily visible from the road to which it has frontage.

- (3) Numbers required by clause 215(2) shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.
- (4) Council shall have the power at any time to alter the number of any building where it may be in Council's opinion necessary or desirable to do so.

217 Animals and Stock on Public Places

- (1) No person shall take or allow any animal under their care or control onto any public place if the Council has by resolution or public notice prohibited entry of that type of animal to that public place.
See also Council's Policy on Dogs and Dog Management Bylaw and Part 8 Keeping of Animals, Poultry, Stock and Bees.
- (2) No person shall take or allow stock under their care or control onto a public place except as provided in other statutes, regulations and bylaws.
- (3) Any person having control of stock on any public place shall ensure that the stock are kept under proper control, with consideration for other persons using the public place.
- (4) No person shall drive any stock on any road including a beach during the period between half an hour after sunset and half an hour before sunrise unless sufficient warning is provided and maintained by such person by the use of lights or other effective devices or means to ensure that other persons using such road shall have adequate notice of the presence of such stock on the road.
- (5) No person shall drive any stock along any road including a beach within the district except:
 - (a) in the case of escape or emergency;
 - (b) for the infrequent movement of stock up to five kilometres but not in an urban area;
 - (c) with the prior written permission of an Authorised Officer.
- (6) No person shall move stock along or across a road where they may reasonably move the cattle along private land instead. Where it is not reasonable to move cattle on private land those cattle shall not be moved on a public place unless it is with the prior written consent of an Authorised Officer who may set such conditions as the Authorised Officer considers necessary.
- (7) Council may by resolution publicly notify certain roads to be stock routes and prohibit or restrict the use of any public place or urban area for the driving of stock. Any public notification of a route, prohibition or restriction may be altered or revoked by a further Council resolution publicly notified. This shall not apply to any person who rides or leads a horse under proper control on a road.
- (8) Subject to the requirements of clauses 216(1) to 214(7) every person being the owner or having the care, custody, or control of any animal shall keep and prevent the animal from wandering or being at large without proper control on any public place.
See also Council's Policy on Dogs and Dog Management Bylaw.

218 Vegetation Liable to Obstruct

- (1) No person shall permit or allow vegetation to encroach onto or over any public place so as to obstruct or interfere with the free movement of persons using that public place.

219 Additional Requirements for Reserves

- (1) Subject to the provisions of this Part of this Bylaw every reserve shall be open to the public at all times except during such hours as Council or an Authorised Officer may determine that any reserve shall be closed to the public.
- (2) An Authorised Officer may set aside areas of a reserve, for the exclusive use of particular groups or for particular kinds of recreational activities to take place there for such periods as they think fit. An Authorised Officer may set conditions upon such approvals and Council may charge for the right to have exclusive use of a reserve.
- (3) Council may fix charges for the entry to a reserve or part of it, and it shall be an offence against this Part of the Bylaw to enter a reserve or part of it without having paid the proper charge for entry if a charge is payable.
- (4) An Authorised Officer may close or restrict entry to all of, or any portion of, a reserve at such times as are considered necessary to prevent damage to, or allow maintenance of, the reserve, or for safety reasons. Any closure shall be advertised by signs at the entrance(s) to the reserve. It shall be an offence against this Part of the Bylaw to be found on a reserve at any time when the reserve is closed to public entry.
- (5) Apart from the requirements of any other clause of this Part of the Bylaw a person shall not on any reserve:
 - (a) light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking; subject to any restriction imposed by Council on the lighting of fires;
 - (b) camp in an area not set aside for the purpose of camping. In this context camping shall include the use of any vehicle for sleeping whether or not it is specially set out for sleeping.
- (6) The exercise of any powers in this clause 219 is subject to the Reserves Act 1977".

Part 3 Trading in Public Places and Trading as a Hawker, Mobile Shop or Itinerant Trader

Purpose

The general purpose of this Part of the Bylaw is:

- (a) to regulate the conduct of persons selling goods on public places, roads and footpaths;
- (b) to regulate the conduct of persons using vehicles to sell goods and services to the general public; and

301 Interpretation

(1) In this Part of this Bylaw, unless the context otherwise requires:

Goods

means any product or service.

Hawker

means any person who is a permanent resident in the district, who carries or takes any goods for sale to another person, without invitation to call or any previous request or order for such goods. This only refers to goods carried by a person.

Itinerant trader

means any person who sells goods in the district and:

- (a) is not continuously a resident in the district for at least six months; and
- (b) does not own or lease premises in the district for a period of six months or more.

*Mobile shop
operator*

means the operator of a vehicle, whether self-propelled or not, from which goods, including food are offered, or exposed for sale in a public place, or road reserve, including the carriageway of a road, or from which goods including food may be ordered in a public place, or road reserve, including the carriageway of a road (whether or not in pursuance of any invitation to call with the goods) or from which services are offered for sale in a public place, or road reserve, including the carriageway of a road: but does not include any vehicle used to transport and deliver goods pursuant to a prior order placed for the delivery of the goods.

*Service delivery
vehicle*

means any vehicle being used for the purpose of delivering goods to the premises of any business or organisation and does not involve the sale of the goods to the general public in any public place.

302 Licence Required

- (1) No person shall, without first having obtained a licence, engage in any public place in the sale of goods of any description whatsoever (except as provided in clause 309(1)), whether acting on their own account, or on behalf of another person.
- (2) All Hawkers, Mobile Shop Operators and Itinerant Traders must have a licence to operate.

303 Application

- (1) Every person who wishes to obtain a licence to sell goods in a public place or intending to trade as a hawker, mobile shop or itinerant trader shall make a written application in the prescribed form to the Authorised Officer. The information to be supplied by the applicant may include any of the following, but is not restricted to:
 - (a) name and address of the applicant;
 - (b) name and address of the person(s) selling the goods;
 - (c) location/site;
 - (d) telephone number of the applicant;
 - (e) type of goods for sale;
 - (f) time sought for selling; and
 - (g) type of vehicle(s) and registration numbers if applicable;

304 Licence Details

- (1) The Authorised Officer in granting any licence may impose conditions. The conditions imposed may include, but not be restricted to, any of the following:
 - (a) reason for licence;
 - (b) time and frequency;
 - (c) duration of the licence;
 - (d) location;
 - (e) types of goods for sale;
 - (f) area available for sale;
 - (g) persons entitled to sell;
 - (h) safety and hygiene requirements;
 - (i) use of signage;
 - (j) use of musical chimes or other audible devices for attracting customers;

- (k) litter, cleanliness;
- (l) name and address to be conspicuously displayed; and
- (m) site rental.

- (2) The holder of a licence must comply with the terms and conditions of the licence when trading in the public place.
- (3) Every licence holder shall, notwithstanding the conditions of the licence, upon being requested to do so on reasonable grounds by an Authorised Officer alter his/her site for sales to any other site as indicated by the Authorised Officer.

305 Fees

- (1) Council may by resolution prescribe fees for licences and/or site rentals. Fees may differ for any class of licence as prescribed.

306 Production of Licence

- (1) Every licence holder shall carry the licence granted to them pursuant to clause 304(1) at all times when engaged in the sale of goods and show the licence to any Authorised Officer on demand.

307 Conditions of Licence

- (1) Every person who trades not in conformity with any of the conditions of their licence commits an offence.

308 Licence Not Transferable

- (1) No licence issued under this Part of the Bylaw shall be transferable to any other person or location, or times except with the written permission of Council on payment of a transfer fee.

309 Exemptions

- (1) No licence shall be required under clause 302 for the sale of goods:
 - (a) pursuant to Part 4 of the Fisheries Act 1996.
 - (b) from a Service delivery vehicle including a milk vendor.
 - (c) pursuant to any trade or calling that Council has approved by resolution as not requiring a licence.
 - (d) from any market, stall or stand which has a current approval under any other bylaw, legislation, or specific resolution of Council.



Kaipara District Council
Proposed Draft Consolidated General
Bylaw 2020
Part 4 - Solid Waste



Part 4 - Solid Waste

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Relationship between this Bylaw and Acts, regulations, bylaws and Council's District Plan

Compliance with the Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and the Operative Plan of the Kaipara District Council. Where there is any conflict between this Bylaw and any Act or Regulation, the Act or Regulation will take precedence.

Part 4 - Solid Waste

Purpose

The purpose of this Bylaw is to contribute to:

- (a) the management and minimisation of waste, through regulating the collection, transportation and disposal of waste;
- (b) the protection of the health and safety of waste collectors, waste operators and the public;
- (c) the management of litter and nuisance.

Relevant Acts

Local Government Act 2002

Waste Minimisation Act 2008

Litter Act 1979

Health Act 1956

401 Interpretation

- (1) In this Part of the Bylaw, unless the context otherwise requires:

Approved container

means any mobile bin, plastic bag or multi-wall paper bag or other receptacle from time to time approved by Council for the collection of household waste.

Authorised agent

means any person that has the written authority from the Chief Executive to act as an agent on Council's behalf.

Approved incinerator

is a drum or container with a mesh or solid lid designed to prevent the escape of hot ash or fire, and designed exclusively for incineration.

Clean fill material

means waste that:

- (a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and

- (b) is not diverted material; and
- (c) includes natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
 - (i) combustible, putrescible, degradable or leachable components;
 - (ii) hazardous waste;
 - (iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - (iv) materials that may present a risk to human health or the environment; and
 - (v) liquid waste; and
- (d) has less than 2% by volume by load of tree or vegetable matter.

Clean fill site

means the land used for the disposal of clean fill material and other hard fill material.

Council collection point

means a place publically notified by Council as a place where waste and/or recycling may be placed for collection, subject to this bylaw.

Deposit

means to cast, place, throw or drop any waste or diverted material, and *deposited* has the equivalent meaning.

Disposal

has the meaning given by the Waste Minimisation Act 2008, namely:

- (a) the final (or more than short-term) deposit of waste into or onto land set apart for that purpose; or
- (b) the incineration of waste.

Diverted material

has the meaning given by the Waste Minimisation Act 2008, namely:

anything that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded.

Donated goods container

means a container approved by the Council for the collection of donated goods.

Event

means any organised temporary activity that is likely to create litter in a public place including an organised gathering, open air market, parade, protest, festival, film shoot, concert or celebration.

Food waste

means household waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards, and any other similar food waste.

Green waste

means waste that is organic in origin and that results from domestic gardening activities or arboriculture business activities and includes lawn clippings and plant material.

<i>Hazardous waste</i>	<p>means waste that:</p> <ul style="list-style-type: none"> (a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017 under the Hazardous Substances and New Organisms Act 1996; or (b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433:2012 Part 1 & Part 2 Transport of Dangerous Goods on Land; or (c) meets the definition for radioactive material included in the Radiation Safety Act 2016.
<i>Household waste</i>	<p>means waste consisting of refuse, recyclable material or organic matter (food waste and/or green waste) originating from any household and includes but is not limited to cold ashes, sweepings, dust, paper, bottles, bones and waste food, cans, cartons, or other food containers, or any other waste arising or resulting from domestic housekeeping operations.</p>
<i>Illegal dumping</i>	<p>means the placement of any waste onto private or public land where no licence or lawful approval exists to place or accept such waste.</p> <p>This may include but is not limited to small bags of rubbish in an urban environment to larger scale dumping of materials in isolated areas, such as bushland.</p>
<i>Inorganic waste</i>	<p>means waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an approved container, and that is specified by a Council resolution as suitable for:</p> <ul style="list-style-type: none"> (a) collection from a public place by Council; (b) collection from any premises by Council; or (c) delivery to a resource recovery facility.
<i>Litter</i>	<p>means any waste, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste material, or any other similar thing not deposited in an approved container or public litterbin.</p>
<i>Managed fill site</i>	<p>means land used for the disposal of soil with low levels of contamination.</p>
<i>Manager</i>	<p>means a person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.</p>
<i>Mono-fill site</i>	<p>means land used for the disposal or storage of waste of a category specified by Council and that originates from a specified source or location.</p>
<i>Multi-unit building</i>	<p>means a building which contains more than one separate household.</p>

<i>Organic waste</i>	includes green waste and food waste.
<i>Other hard fill material</i>	means materials other than natural hard fill material specified by Council under clause 426 as suitable for disposal at a clean fill site.
<i>Prohibited waste</i>	<p>means waste containing:</p> <ul style="list-style-type: none"> (a) any material capable of causing injury to any person or animal unless it is sufficiently contained to prevent injury; (b) any material capable of causing damage to an approved container or likely to shatter in the course of collection unless it is sufficiently contained to prevent damage to the approved container or to prevent injury; (c) any material that may endanger any person, animal or vehicle that may come into contact with it prior to, during or following collection, transportation or disposal; (d) any liquid or any viscous fluid; (e) any radioactive wastes, excluding domestic smoke detectors; (f) any used oil and lead-acid batteries; (g) any hazardous waste; (h) medical waste (as defined in New Zealand Standard 4304:2002 Management of Healthcare Waste); (i) any material prohibited by Council under clause 420.
<i>Recovery</i>	<p>has the meaning given by the Waste Minimisation Act 2008, namely:</p> <ul style="list-style-type: none"> (a) means extraction of materials or energy from waste or diverted material for further use or processing; and (b) includes making waste or diverted material into compost.
<i>Recyclables</i>	means items which are so designated from time to time by Council and which are either collected, or accepted at any transfer station, by or on behalf of Council.
<i>Recycling</i>	<p>has the meaning given by the Waste Minimisation Act 2008, namely:</p> <p>the reprocessing of waste or diverted material to produce new materials.</p>
<i>Resource recovery facility</i>	means any facility that receives, collects, sorts, stores or processes waste in order to contribute to waste minimisation and a decrease in waste disposal, and includes a commercial composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot.
<i>Reuse</i>	<p>has the meaning given by the Waste Minimisation Act 2008, namely:</p> <p>The further use of waste or diverted material in its existing form for the original purpose of the materials or products that constitute the waste or diverted material, or for a similar purpose.</p>

<i>Trade waste</i>	means any scrap or waste material resulting from the carrying-on of any business (including a commercial business), construction, demolition, manufacture, process, trade, market, or any other undertaking.
<i>Transfer Station</i>	means any land or facility owned, managed, leased or used by Council, or used with the consent of Council, as a site for the recovery, reuse, recycling, collection and transfer of any waste including waste, recyclables and organic waste and includes any, resource recovery facility and any similar facility.
<i>Waste</i>	<p>has the meaning given by the Waste Minimisation Act 2008, namely:</p> <ul style="list-style-type: none"> (a) means anything disposed of or discarded; and (b) includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, inorganic waste or construction and demolition waste); and (c) to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded. <p>It does not include any component of material or thing that has been diverted.</p>
<i>Waste collector</i>	means any person who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste.
<i>Waste operator</i>	means a person who owns or manages a landfill site, clean fill site, managed fill site, mono-fill site or a resource recovery facility.
<i>Waste Management and Minimisation Plan</i>	means the waste management and minimisation plan adopted by Council under section 43 of the Waste Minimisation Act 2008.

- (2)
- (a) Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Waste Minimisation Act 2008.
 - (b) Explanatory notes and attachments are for information purposes only and do not form part of this bylaw.
 - (c) The Interpretation Act 1999 applies to this Bylaw.

402 General Compliance with Bylaw

- (1)
- (a) No person may deposit, discard, dispose of, collect, transport, sort, store or process waste other than in accordance with this Bylaw;
 - (b) To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, and bylaws.

Household Waste

403 Ownership of Waste Stream

- (1) Except with the approval of an Authorised Officer:
 - (a) with respect to any premises, no person other than the occupier may put waste into an approved container for those premises, without the consent of the occupier;
 - (b) no person may remove waste from, or interfere with, any waste deposited in an approved container except the person who deposited the waste.
- (2) The occupier and the manager of any premises is responsible for any waste generated on the premises until it has been collected.

404 Accumulation of Waste

- (1) The owner and manager of any premises must provide adequate areas and receptacles for the storage on the premises of waste from activity on the same premises.
- (2) Where in the opinion of an Authorised Officer an accumulation of household waste exists on any premises that is likely to be:
 - (a) cause injury to health; or
 - (b) harbour vermin;

an Authorised Officer may serve a notice on the occupier requiring them to remove and dispose of the household waste within a specified time. If the occupier of that premises neglects or refuses to comply with such notice, the occupier shall be guilty of an offence.

405 Approved Containers to be Placed Conveniently for Emptying or Removal at Approved Areas

- (1) Approved containers containing waste and recycling shall be placed for collection on the berm outside the premises or at a Council collection point on the day and time notified by Council or an Authorised Officer.
- (2) An Authorised Officer will notify an occupier or owner of an affected premises, of any change to the official collection day, time or Council collection point.
- (3) occupiers shall not leave an approved container on the berm or at the Council collection point earlier than the collection day.
- (4) where an occupier fails to remove an approved container or any waste left at the berm or Council collection point, the Council may remove the approved container. Council may recover the costs of removal of the approved container from the owner or occupier of the premises.

406 Approved Containers

- (1) Council may either directly or by way of private contract, supply approved containers to individual properties.
- (2) Any approved containers supplied in accordance with 406(1) may be registered against specific properties and shall remain at that property.
- (3) Approved containers no longer required must be returned by the owner of the property to Council.

407 Use of Approved Containers

- (1) Where the approved container provided by Council pursuant to clause 406(1) is re-useable:
 - (a) occupiers shall place waste only in a manner that allows the whole of the contents to fall out easily and cleanly when emptied;
 - (b) during collection, the licensed waste collector, or its employees or agents, shall pick up any waste spilled and deposit it into the waste collection vehicle;
 - (c) the licensed waste collector, or its employees or agents shall return approved containers to the berm adjoining the premises or Council collection point but clear of private ways, car parking areas, and placed in such a way to ensure the container does not unduly interfere with the free passage of pedestrians;
 - (d) an approved container must be kept clean and in good repair by the occupier;
 - (e) this clause shall not absolve any contractor from any contractual requirements regarding the provision and maintenance of approved containers.
- (2) Where the approved container provided by Council pursuant to clause 406(1) is single use:
 - (a) the approved container is to be securely sealed and placed for collection at a Council collection point or within a berm side collection area;
 - (b) the contents of the approved container must not weigh more than 15kg.

408 Private Waste Collection and Placement of Approved Containers

- (1) No person shall put out an approved container for private waste collection other than in accordance with a contract between the occupier and a licensed waste collector, and in accordance with the licensed waste collector's conditions.

409 Deposit of Certain Materials in an Approved Container is Prohibited

- (1) No prohibited waste may be deposited in an approved container.

410 Owner of Multi-Unit Building to Manage Waste

- (1) The owner and manager of a multi-unit development or building must ensure that provision is made through a waste management and minimisation plan approved by Council for the management of all waste generated within the property.
- (2) The approved container(s), as stipulated in a waste management and minimisation plan provided in accordance with clause 410(1) must have sufficient storage capacity to hold waste pending collection and ensure that any potential pests are managed so as to not cause a nuisance or health hazard.

Trade Waste

411 Trade Waste General

- (1) No person carrying on a business or other undertaking shall cause or permit an accumulation of trade waste to remain in, or about the premises.
- (2) Perishable waste shall be removed at the cost of the owner or occupier on a daily basis, except where stored in a manner approved by an Authorised Officer.
- (3) Where Council agrees to accept trade waste for disposal, the person disposing of the waste shall take it to the place specified by an Authorised Officer at the appointed time and must pay any charge as Council shall determine by resolution for the disposal of the trade waste.
- (4) To avoid doubt, Council is not obliged to accept for disposal any trade waste, or any particular component or type of trade waste.
- (5) No person shall take to any place of disposal any prohibited waste.

Explanatory note: *The term business includes, commercial business, Industrial business, construction, demolition, manufacture, process, trade, market.*

412 Collection by Council

- (1) No trade waste will be removed or disposed of by Council, unless the waste is contained within an approved container, at an approved location.

413 Prohibited or Hazardous Waste

- (1) All prohibited or hazardous waste is required to be disposed of in a place specifically set aside for the disposal of waste of that type.
- (2) No person shall place any prohibited or hazardous waste in a public place.
- (3) When prohibited or hazardous waste is being disposed of by Council, the generator of the waste shall supply to Council a complete description of the waste including:
 - (a) chemical composition;
 - (b) form (solid, liquid or gas);
 - (c) quantity; and
 - (d) any other information needed to assess the environmental and operational impact of its disposal.
- (4) Council may charge all reasonable costs associated with undertaking the disposal of prohibited or hazardous waste from the generator of the waste, including any pre-treatment costs.
- (5) Prior to acceptance for disposal, Council may require prohibited or hazardous waste to be pre-treated to neutralise and stabilise them.

Explanatory note: *If the disposal method is unknown, the generator should contact Council to identify the best disposal method.*

Recycling

414 Recycling

- (1) Council may arrange for the collection of specified recyclable material.
- (2) Council may by resolution determine the items which are recyclable and that will be either collected by Council or accepted at any Council recycling station.
- (3) Council may supply to occupiers an approved container for the recyclable materials to be placed in. Clause 406 applies to any such containers.
- (4) When an approved container has been placed on any road berm for collection by Council, no person shall interfere with or remove the container or the contents, except in the course of collecting the container or the contents on behalf of Council.
- (5) Where recyclable materials may be received at a Council Resource Recovery Facility, every person using that facility shall adhere to an Authorised Officer's verbal or written directions for the use of that facility.
- (6) No person shall place or leave any non-recyclable materials in any approved container meant for recyclable materials at any Resource Recovery Facility, berm or Council collection point.
- (7) All private recycling operators are required to be licensed in accordance with this bylaw.

Collection and transportation of waste

415 Transport of Waste

- (1) Persons transporting waste in the district shall at all times ensure that waste contained in any vehicle is adequately secured, to prevent the waste falling or escaping from the vehicle.

416 Restrictions on Waste Collection Operations

- (1) All waste collectors require a Waste Collection licence.
- (2) No person shall engage in the collection of household waste, green waste, recyclables, trade waste or donated goods from any roadside or from any land or premises owned by or under the control of Council without first obtaining a licence under this Bylaw and subject to such conditions as the Council may impose.
- (3) Any waste collector who is operating in the district without a licence as at the date that this Bylaw comes into force must apply for a licence within 30 days. If any such waste collector fails to apply for a licence within that time period or if Council refuses the application for a licence, the waste collector must cease operating within the district within 7 days.
- (4) A waste collector holding a licence at the date that this Bylaw comes into force, shall be required to obtain a new licence under this Bylaw when that licence has expired or five years of the Bylaw coming into force, whichever is the earlier.

417 Application for Licence

- (1) Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the prescribed application and processing fees and such further supporting information as Council may require to enable processing of the application.
- (2) The holder of an existing licence may apply to Council for a renewal of that licence.
- (3) Licences may be granted or declined at the discretion of Council, upon such terms and conditions as an Authorised Officer thinks fit.
- (4) A licence is personal to the licence holder and is not transferable.

418 Consideration of Application for Licence

- (1) When considering an application for a licence and the conditions to be imposed under it, Council may take into account matters relating to the suitability of the applicant to hold a licence, including but not limited to the following:

- (a) public health and safety;
- (b) the extent to which the licensed activities will promote the achievement of Council's Waste Management and Minimisation Plan and waste reduction initiatives;
- (c) the applicant's experience, reputation and track record in the waste industry, including any past operational or other issues which may affect, or may in the future affect, the applicant's performance and suitability to hold a licence;
- (d) if the applicant is a past or present licence-holder, the performance of the applicant in carrying out the licensed operations
- (e) the type of waste to be collected or transported;
- (f) the manner of treatment (if any) and disposal of the waste type, and the identity of the resource recovery facility, landfill site, managed fill site, mono-fill site or clean fill site at which it is proposed that treatment or disposal will occur;
- (g) the terms and conditions under which such disposal of waste is permitted and the existence of or need for any statutory approvals, authorisations or consents required to be held or complied with in respect of such disposal;
- (h) the frequency and location (private or public space) of the waste collection, transportation (including routes) or disposal services; and
- (i) the specifications of the vehicles, equipment and approved containers to be used for the collection, transportation or disposal of waste.

419 Conditions of Licences and Use of a Public Place for Collection of Waste

- (1) A licence under clause 416 may be issued subject to such conditions as Council may approve, including but not limited to the following matters in relation to the collection or transportation of waste from a public place:
- (a) the area to which the licence applies;
 - (b) the type, size and construction of approved containers that may be used for the storage and collection of waste and recyclable materials;
 - (c) the categories of recyclable material and waste that may be deposited at or collected from a public place;
 - (d) the conditions applicable to any collection service from a public place, including the placement and retrieval of approved containers for collection, collection times and restrictions on the number and weight of approved containers;
 - (e) requirements to ensure the correct separation of waste and recyclable materials into approved containers;
 - (f) the locations, access times and conditions of use of Council collection points;
 - (g) duration of licence; and
 - (h) any other operational matter required for the safe and efficient operation of a collection service from a public place.

- (2) Any person providing or using a waste collection service in or from a public place must comply with all conditions of any licence relating to that collection.
- (3) The general terms and conditions upon which a licence may be granted include, but are not limited to the following:
 - (a) term – a licence may be granted for a term of up to five years;
 - (b) licence fee – the licensee must pay an annual licence fee in an amount determined by the Council from time to time and publicly notified;
 - (c) bond – Council may require a licence holder to post a bank guaranteed bond;
 - (d) compliance with standards – the licence holder must comply with national and Council's standards and policies for waste collection, transportation or disposal services including, in respect of collection services:
 - i. the collection of any litter within five metres of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation or disposal process;
 - ii. provision of waste collection services within reasonable times specified by Council;
 - (e) provision of information – the licence holder must provide waste data to Council during the term of the licence in the form and at the times specified by Council including the following data:
 - i. waste log books for each vehicle operated in accordance with the licence recording the quantity, composition and destination of each waste type and the point in time when such data was recorded during the waste collection, transportation or disposal process;
 - ii. weighbridge receipts;
 - iii. gate records of waste tonnage; and
 - iv. provision of itemised recycling volume data.
- (4) Further conditions may be imposed relating to:
 - (a) the types of vehicles to be employed in waste collection;
 - (b) the hours and days of waste collection;
 - (c) placement of approved containers before and after collection;
 - (d) suitably qualified vehicle operators; and
 - (e) type and capacity of approved containers collected.

420 Controls for the Collection, Transportation and Disposal of Waste

- (1) Council may specify controls for the following matters in relation to the collection, transportation or disposal of waste:
 - (a) household waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable material or waste;

- (b) maximum allowable limits of any matter that may be disposed of at a mono-fill site or clean fill site;
 - (c) categories and types of waste that may be received, collected, stored, sorted, processed or disposed of at any clean fill site, mono-fill site and material that may be used as cover material at any such site;
 - (d) materials that are suitable for use as natural or other hard fill material at a clean fill site;
 - (e) types of waste originating from a specified single source or location that may be disposed of at a mono-fill site;
 - (f) types of waste that are prohibited;
 - (g) approve containers for use for waste collection;
 - (h) Use and Maintenance of approved containers;
 - (i) Type and amount of waste that may be and may not be deposited in a type of approved container; and
 - (j) The times when approved containers may be placed on or retrieved from a public place.
- (2) Any control specified by Council under clause 420(1):
- (a) must, be made by a Council resolution that is publicly notified; and
 - (b) may:
 - (i) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;
 - (ii) apply to all waste or to any specified category of waste;
 - (iii) apply to Kaipara district or to a specified part of Kaipara district;
 - (iv) apply at all times or at any specified time or period of time;

Explanatory note: *A control under clause 402(1)(b) may relate to collection of inorganic waste.*

Events

421 Waste Management for Events at Council Reserves and Facilities

- (1) Council may require an organiser of an event being undertaken on Council-owned reserve or facility to have a Waste Plan approved for that event.
- (2) Council may require an approved Waste Plan to set out:
 - (a) an estimate of the types and amounts of waste to be generated by the event;
 - (b) how waste generated by the event is to be minimised;
 - (c) the steps that will be taken to maximise the collection and use of recyclables and re-usable material;
 - (d) the equipment to be provided for the storage, collection and transportation of waste and diverted material;
 - (e) the person responsible for the collection and disposal of waste and the methods to be used;
 - (f) a waste analysis following the conclusion of the event.

- (3) The organiser of an event must comply with the approved Waste Plan for that event.

Nuisances, Donated Goods, Litter and Illegal Dumping

422 Nuisance

- (1) No person may:
- (a) allow any accumulation of waste or diverted material on any premises they own, occupy or manage to escape, become offensive, be a nuisance or likely to be harmful to health;
 - (b) use an approved container in a manner that creates a nuisance, is offensive or is likely to be harmful to health;
 - (i) dispose of any waste on any premises except at a Council approved landfill site, clean fill site, managed fill site, mono-fill site.

423 Donated Goods Containers

- (1) Any Person who places or provides a donated goods container for collection of donated goods on:
- (a) a public place; or
 - (b) any privately owned premises where the donated goods are likely to be left within 10 metres of public place.
- must obtain a licence to do so from the Council in accordance with clause 416 of this Bylaw.
- (2) The grant of a licence is at the discretion of the Council, on such terms and conditions as it sees fit.
- (3) The licence holder must comply with any conditions of the licence.
- (4) The licence holder must take all steps to the satisfaction of the Council to prevent the donated goods from:
- (a) being carried from or otherwise escaping from the donated goods container onto a public place; or
 - (b) accumulating on a public place outside of a donated goods container.
- (5) The Council may recover costs from the owner of a donated goods container associated with the removal and disposal of donated goods on a public place in breach of clause 423(4).

424 Litter and Illegal Dumping

- (1) No person may:
- (a) deposit any waste arising from that person's household or that person's domestic or business activities in any public litterbins;
 - (b) remove any waste from any public litterbins, where this results in any waste being deposited outside the approved container unless authorised by Council to do so;

- (c) deposit or attempt to deposit any litter in any public litterbin if:
 - (i) the public litterbin or public recycling litterbin is full; or
 - (ii) the litter is likely to escape.
 - (d) deposit in a public litterbin any waste which is not intended for that bin, for example non-recyclable waste in a public recycling litterbin
 - (e) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any public litterbin or public recycling litterbin; or
 - (f) damage any public litterbin or public recycling litterbin.
- (2) No person may undertake illegal dumping of waste within the Kaipara district.

Other Matters

425 Transfer Stations

- (1) A transfer station must be authorised by Council as a disposal site.
- (2) The delivery and receipt of waste to a transfer station owned or operated by Council shall be subject to such conditions as may be imposed by Council.

Conditions may include:

- (a) the operational hours;
 - (b) the nature of solid waste including recyclables and/or organic waste which may be delivered;
 - (c) any prescribed fees that may be payable;
 - (d) the layout of various disposal options; and
 - (e) any other matter which Council may consider necessary or desirable as determined by any such resolution.
- (3) All persons entering a transfer station shall comply with any relevant rules and requirements of the transfer station and any instructions from an Authorised Officer or manager of the transfer station. Any person who fails to comply with any such rules, requirements or instructions commits a breach of this Bylaw.

Explanatory Note: Conditions imposed may be the result of any consent or approval given under the Resource Management Act 1991 or other legislation and such conditions and policies as Council and/or Council contractors may from time to time impose in respect to access to a [transfer station](#).

426 Establishment and Control of Other Disposal Sites

- (1) A Waste disposal sites must be authorised by Council as a disposal site.
- (2) Any land or premises authorised by Council for the disposal of waste shall be subject to such controls as Council may from time to time by resolution impose in respect of:

- (a) the operational hours;
- (b) the nature of the waste which may be disposed;
- (c) the charges in respect of any such disposal;
- (d) the layout of various disposal options; and
- (e) any other matter which Council may consider necessary or desirable to determine by any such resolution.

- (3) All persons entering a disposal site shall comply with the relevant rules and requirements made in accordance with Clause 426(1) of this Bylaw and as posted at the entrance of such facility. Any person failing to abide by such conditions or who acts contrary to the instruction of an, Authorised Officer or manager of the disposal site shall be deemed to be in breach of this Bylaw.

Explanatory Note: *Conditions imposed may be the result of any consent or approval given under the Resource Management Act 1991 or other legislation and such conditions and policies as Council may from time to time by resolution impose in respect of access to such land or premises.*

427 Removal of Material from Disposal Site

- (1) A person must not enter, loiter at, or disturb any deposit of waste at any land or premises set aside by Council for the disposal of waste, nor remove from such a place any article or material of any kind.

428 Lighting of Fires Not Permitted near Disposal Sites

- (1) A person must not light any fire outside of a building within 150 metres of any waste disposal site without the express permission of Council or within an approved incinerator.

429 Solid Waste Policies

- (1) Council may, by resolution publicly notified, make and amend controls governing the collection of household waste by or for Council, including:
- (a) the weights and contents of containers which will be collected;
 - (b) the placing of containers for collection and such other matters as Council considers relevant; and
 - (c) such policy shall be enforceable as part of this Bylaw.

Upon the making or amendment of such policy Council shall in full give public notice of the policy so made or amended.

Enforcement Powers

430 Non-Compliance with Conditions of a Licence

- (1) Where a licence holder does not comply with the terms and conditions of the licence, Council may take one or more of the following steps:
- (a) Issue a written warning to the licence holder, which may be considered as evidence of a prior breach of a licence condition during any subsequent review of the licence.
 - (b) Review the licence, which may result in:
 - (i) amendment of the licence; or
 - (ii) suspension of the licence; or
 - (iii) withdrawal of the licence.
 - (c) Require a performance bond or security where Council has incurred any cost as a result of the breach of the licence condition, including where Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;
 - (d) Review the amount and nature of the performance bond or security, which may result in:
 - (i) an increase of the amount of the performance bond or security;
 - (ii) a change to the nature of the security that must be provided;
 - (e) Prosecute or issue an infringement notice for any offence that may have been committed under the Litter Act 1979;
 - (f) Prosecute or issue an infringement notice for any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

431 Non-Compliance with Conditions for Collection of Waste from a Public Place

- (1) Where a person does not comply with clauses 405, 406, 407, 409, 413 or 414 the waste collector may:
- (a) Reject (i.e. not collect) the contents of any approved container left out by that person for collection from a public place if the contents or placement of the container is non-compliant;
 - (b) Remove the contents of any approved container left out for collection from a public place, where the contents or placement of the container is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount due for the collection of the largest available size of approved container of waste from that premises;
 - (c) Withdraw or suspend the collection service provided by the waste collector to that person.
- (2) Where a person does not comply with clauses 405, 406, 407, 409, 413 or 414 Council may:
- (a) Prosecute or issue an infringement notice for any offence that may have been committed under the Litter Act 1979;

- (b) Prosecute or issue an infringement notice for any breach of this Bylaw as provided for in the Health Act 1956, Local Government Act 2002, Litter Act 1979 and Waste Minimisation Act 2008.
- (3) If a person places an approved container for waste collection outside of the specified date, time or place for collection of the approved container, any costs incurred by Council for collection of the approved container may be recovered from that person.

432 Non-Compliance with Controls for Council Collection Points

- (1) Where a person does not comply with a control made by Council under clause 420 the Council may:
 - (a) Issue a trespass notice to that person to prevent them from using the Council collection point;
 - (b) Suspend that person's use of any waste collection service provided by or on behalf of Council;
 - (c) Prosecute or issue an infringement notice for any offence that may have been committed under the Litter Act 1979;
 - (d) Prosecute or issue an infringement notice for any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

Offences and Penalties

433 Bylaw Breaches

- (1) A person who fails to comply with this Bylaw commits a breach of this Bylaw and is liable to a penalty upon conviction pursuant to the Waste Minimisation Act 2008, the Local Government Act 2002, Litter Act 1979 and/or the Health Act 1956.

434 Exceptions, Revocation and Saving Provisions

- (1) A person is not in breach of this Bylaw if that person proves that the act or omission was in compliance with the directions of an Authorised Officer.
- (2) A product stewardship scheme accredited under the Waste Minimisation Act 2008 may be exempted from the requirements of this Bylaw.



Kaipara District Council

Proposed Draft Consolidated General

Bylaw 2020

Part 5 - Control of Advertising Signs



Kaipara te Orangahui

KAIPARA
DISTRICT

Two Oceans Two Harbours

Part 5 – Control of Advertising Signs

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Relationship between this Bylaw and Acts, regulations, bylaws and Council's District Plan

Compliance with the Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and the Operative Plan of the Kaipara District Council. Where there is any conflict between this Bylaw and any Act or Regulation, the Act or Regulation will take precedence.

Part 5 - Control of Advertising Signs

Purpose

The purpose of this Part is to ensure that advertising signs visible from a public place are erected, maintained, and displayed in a way that ensures public safety, preserves amenity values and maintains aesthetic standards. The Bylaw recognises there is a need to advertise businesses for commerce or promote activities, and events with signage.

Explanation

This Part of the Bylaw complements rather than duplicates provisions for signs within the Operative Kaipara District Plan. The environmental impacts of signage are considered more fully in the Operative Kaipara District Plan.

501 Application

- (1) Part 5 of the Bylaw does not apply to:
- (a) traffic, direction, information and naming signs erected by or with the approval of the Council;
 - (b) signs indicating hazardous substances used at a hazardous facility;
 - (c) signs erected pursuant to any Act or regulation;
 - (d) signs that have been erected or sited pursuant to a resource consent;
 - (e) place any sandwich board on public land except in accordance with clause 502(2).

502 General Requirements for Siting of Signs

- (1) No person shall:
- (a) display or erect any sign which does not comply with this Part of this Bylaw unless:
 - (i) pursuant to clause 501(1), this part of the Bylaw does not apply to the sign; or.
 - (ii) an exemption to the requirements of this part of the Bylaw has been granted by Council or an Authorised Officer.

- (b) place any poster on any building or structure without the permission of the owner or occupier of that building or structure unless it is a designated display board;
 - (c) erect any sign identified in this part of this Bylaw requiring a building consent before that building consent is issued;
 - (d) place or allow to remain in place any sign which explicitly or implicitly:
 - (i) is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993;
 - (ii) is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993;
 - (iii) is offensive, threatening or insulting; or
 - (iv) incites or counsels any persons to commit any offence.
 - (e) erect or display a sign in any location where, in the opinion of an Authorised Officer, the sign would create a traffic hazard or traffic safety issue. This includes any sign that:
 - (i) obstructs, obscures or impairs the line of sight of any corner, bend, intersection, vehicle crossing, pedestrian crossing, or view of any traffic control device;
 - (ii) obstructs or hinders the safety or movement of persons or vehicles using the footpath or any other part of the road;
 - (iii) resembles, or is likely to be mistaken for, a traffic control device;
 - (iv) is directed at a person driving a vehicle on a road and cannot be read safely by such a person travelling at the legal speed limit of that road;
 - (v) uses any method of illumination that may adversely affect traffic safety, including but not limited to, reflective materials, lasers, flashing or revolving lights.
 - (f) erect or display any sign, including attaching a sign in any way to a pole, fence, street furniture or other public utility structure, in a public place under the control of Council unless approved by an Authorised Officer or by or under any other provision in this Bylaw or by resource consent.
- (2) Council may, by resolution, identify streets or areas of the district where sandwich boards may be placed on public land outside the business to which the sandwich board relates. In approving such streets or areas for this purpose Council may impose conditions including the maximum size of the sandwich boards and their placement. Sandwich boards may only advertise services or products available from the business to which they relate.
- (3) Council may prescribe fees for assessing and determining an application for an exemption for any sign that does not comply with this part of this Bylaw.

503 Requirements for construction and maintenance of signs

- (1) All signs and their supporting structures shall be constructed, fixed, placed and maintained so they do not pose a hazard or danger to property or the public. The sign owner and the owner of the land or building on which the sign is placed shall be responsible for the construction, placement and maintenance of that sign.

504 Exemptions

- (1) Where a sign lawfully existed prior to the coming into force of this Bylaw, it may remain in place and be repaired, altered or maintained, provided that such work does not increase its physical size or the extent of non-compliance with this Bylaw. Every sign shall be removed at the expiry of any time set as a condition of a resource consent or approval under this Bylaw or any other enactment.
- (2) Where an Authorised Officer is satisfied that compliance with any requirements of this Part of the Bylaw would be unreasonable or impracticable, an Authorised Officer may grant an exemption for any clause within this Part of the Bylaw and may include such conditions as are considered appropriate.

505 Removal or Repair of Signs

- (1) An Authorised Officer may by written notice require the owner or lease holder of any unsightly, non-complying, unsafe or unauthorised sign to remove such sign or repair the sign to the standard so as to comply with this Part of the Bylaw, within the period stated in such notice.
- (2) Where any person fails to comply with any requirements to alter or remove any sign an Authorised Officer may have the sign altered or removed. The cost incurred in altering or removing the sign shall be recoverable as a debt against the owner of the sign or the owner of the land on or over which the sign was placed.
- (3) Council may alter or remove any sign that has been placed on:
 - (a) any building or structure without the permission of the owner of that building or structure;
 - (b) any surface, building or structure in a public place in breach of this Bylaw;
 And recover the costs of removal from the persons placing the sign or at whose direction the sign was placed.
- (4) Any sign removed by Council shall be released to the owner upon payment of the costs incurred in its removal and storage.
- (5) Any sign that remains unclaimed for a period exceeding six months or, is not released for a period exceeding six months may be sold or otherwise disposed of by Council. Where such sign is sold, the proceeds of sale shall be applied first towards the payment of the costs referred to above. Any balance shall be paid to the owner on application.

Explanatory Note: *Seizure and disposal of any sign needs to follow the process as applicable that is set out under sections 164 -168 as applicable of the Local Government Act 2002.*

506 Display Boards

- (1) Council or an Authorised Officer may supply or approve the installation of display boards in any public place for the purpose of allowing posters or advertising devices to be displayed announcing forthcoming functions or events, and may impose conditions to such approvals.

- (2) Any person who has displayed a poster or advertising device on a display board in a public place shall remove the poster or advertising device within 24 hours of the event concluding.
- (3) Should a person fail to remove the poster or advertising device when requested, an Authorised Officer or his/her agent may do so, and all expenses incurred by Council in connection with such removal shall be recoverable from those persons.

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Kaipara District Council
Proposed Draft Consolidated General
Bylaw 2020

Part 8 - Keeping of Animals, Poultry, Stock
and Bees

Part 8 - The Keeping of Animals, Poultry, Stock and Bees

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Relationship between this Bylaw and Acts, regulations, bylaws and Council's District Plan

Compliance with the Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and the Operative Plan of the Kaipara District Council. Where there is any conflict between this Bylaw and any Act or Regulation, the Act or Regulation will take precedence.

Part 8 - The Keeping of Animals, Poultry, Stock and Bees

Purpose

This Part of the Bylaw regulates the keeping of animals (excluding dogs), poultry, stock and bees within the urban area unless otherwise specified.

The purpose of this Part of the Bylaw is to protect the public from nuisance and maintain and promote public health and safety.

Explanation

This Part of the Bylaw supplements, rather than duplicates, other animal owner obligations. Dogs are regulated by the Kaipara District Council Policy on Dogs and Dog Management Bylaw.

801 Interpretation

(1) In this Bylaw, unless the context otherwise requires:

Animal

Animal means any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes their young or eggs, but does not include humans or dogs.

Hive

means any receptacle housing a honeybee colony.

Owner

in relation to any animal, means a person who has an animal in their possession or custody, or under that person's care, control or supervision, and includes the parent or guardian of a person under the age of 16 years who:

- (a) owns the animal; and
- (b) is a member of the parent's or guardian's household living with and dependent on the parent or guardian;
- (c) but does not include any person who has seized or taken custody of an animal in accordance with the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987.

- (2) Where there are reasonable grounds to do so an approval granted under this Part of the Bylaw may be cancelled by an Authorised Officer at any time.

802 Obligations of Animal Owners in General

- (1) The owner or person in charge of any animal shall:
- (a) ensure that animal does not cause a nuisance to any other person;
 - (b) ensure that animal does not cause a risk to public health and safety;
 - (c) ensure that animal does not damage any property belonging to any other person.
- (2) Any owner who, in the opinion of an Authorised Officer, fails to comply with these obligations, must act on any request of the Authorised Officer to comply with these obligations, including, if directed, to remove the animal(s) or hive(s) from the property within a specified period.

Explanatory note: Circumstances that may be deemed a nuisance can include noises and odour associated with keeping animals.

803 Pig Keeping

- (1) A person must not keep any pig in an urban area without the prior written approval of an Authorised Officer.
- (2) An Authorised Officer may give written approval subject to the payment of any prescribed fee and subject to any conditions, including, but not limited to, specifying distances from boundaries, maximum number of pigs to be kept and the period for which the approval applies.

804 Stock in Urban Areas

- (1) A person must not keep any stock in an urban area without the prior written approval of an Authorised Officer.
- (2) An Authorised Officer may give written approval subject to the payment of any prescribed fee and subject to conditions, including, but not limited to, specifying distances from boundaries, maximum number of permissible stock and the period for which approval applies.

805 Poultry Keeping

- (1) A person must not keep a rooster on any premise in an urban area.
- (2) Subject to clause 805(5), a person may not keep more than six head of poultry in an urban area.

- (3) Any poultry house located on any premises in an urban area must meet the requirements of 802(1), in the opinion of an Authorised Officer.
- (4) A person may apply to the Council to keep more than six head of poultry in an urban area.
- (5) An Authorised Officer may give written approval subject to payment of any prescribed fee and subject to conditions, including, but not limited to, specifying distances from boundaries, and maximum number of poultry permitted and the period for which approval applies.

806 Bee Keeping

- (1) A person must not keep bees in an urban area without the prior written approval of an Authorised Officer.
- (2) An Authorised Officer may give written approval subject to any conditions and to payment of any prescribed fee.
- (3) For the avoidance of doubt, clauses 802(1) and (2) apply to any keeping of bees in the District, including in a rural area.

807 Cats

- (1) No person may keep more than five cats of an age greater than three months on any property within the urban area without the written approval of an Authorised Officer.
- (2) The Authorised Officer may provide written approval subject to conditions and subject to payment of any prescribed fee.



Kaipara District Council Proposed Draft Consolidated General Bylaw 2020

Part 9 – Cemeteries and Crematoria

Part 9 – Cemeteries and Crematoria

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Relationship between this Bylaw and Acts, regulations, bylaws and Council's District Plan

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Cemeteries

Purpose

Cemeteries play a very important role in our community. Kaipara District Council administers six cemeteries in the Kaipara area. They are old Mt Wesley, new Mt Wesley, Dargaville (Mt Wesley) RSA, Redhill, Arapohue and Tokatoka. All of the cemeteries that Council administers have Historical Significance as they have been going for over a 100 years.

All other cemeteries are administered by Trustees - people who live within the area where the cemetery is located. They are open to the public seven days a week, 52 weeks a year.

The purpose of this Part of the Bylaw is to enable Council to control and set standards for the operation of cemeteries and crematoria within the district.

901 Interpretation

(1) In this Part of the Bylaw, unless the context otherwise requires:

Cemetery means any land vested in or under the control of **Council** from time to time that is held, taken, purchased, acquired, set apart, dedicated, or reserved, under the provisions of any Act, or before the commencement of the Burial and Cremation Act 1964, exclusively for the burial of the dead generally, and, where the context so permits, includes a closed cemetery.

Closed cemetery means a cemetery which has been closed by a closing order.

Concrete Berm Means a load bearing structure fabricated from concrete of prescribed dimensions, set flush with the ground and supplied by the Council, for the purpose of mounting monuments.

Crematorium means appliances and machinery and furnaces for the purpose of cremation that are under the control of Council, and includes any building in which any such appliances, machinery, or furnaces are fixed.

Removal means the removal of any body, or the remains of any body, from its burial place. Exhumation has the same meaning.

Exclusive Right of Burial means the exclusive right of burial referred to in Section 10 of the Burial and Cremation Act 1964

Authorised Officer means any person appointed by Council to control or manage or to assist in the control and management of any cemetery and crematorium under the control of Council and to carry out burials and cremations as provided in this Part of the Bylaw.

- (2) Nothing in this Part of the Bylaw shall derogate from any provision of, or the necessity for, compliance with:
- (a) Burial and Cremation Act 1964;
 - (b) Health Act 1956;
 - (c) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
 - (d) Cremation Regulations 1973; and
 - (e) Health (Burial) Regulations 1946.

General

902 Hours of Burials

- (1) Burials at cemeteries administered by the Kaipara District Council may be held on such days and at such times as the Council shall determine.
- (2) Except to comply with the duties of the Council under Section 86 of the Health Act 1956 relating to the burial of people who have died of an infectious and/or notifiable disease, Council by resolution publicly notified the days and times to which burials may take place.
- (3) No burials shall take place on New Year's Day, ANZAC Day, Good Friday or Christmas Day.
- (4) The Authorised Officer will, after consultation with the funeral director or other person responsible for the management or control of the burial, determine the time of the burial.
- (5) Burials that occur during the weekend will incur additional fees/charges.
- (6) Burials may take place at other times than specified in clause 902(2) by special arrangement with the Council and on payment of the prescribed additional fee.

903 Notice of Burial

- (1) The Authorised Officer shall be given not less than 2 working days' notice prior to any burial.
- (2) If such notice is not given, the burial may be delayed for such reasonable period of time as the Authorised Officer decides to enable the Authorised Officer to make the necessary arrangements.

- (3) Any extra expenses incurred because of late notice shall be the responsibility of the funeral director or other person responsible for the management or control of the burial.
- (4) An additional fee may be charged where notice has been received less than 2 working days prior to burial.

904 Burial of Persons in Financial Need

- (1) Where an application is made to the Council for the interment of a deceased person in financial need, the applicant shall provide a declaration signed by a Justice of the Peace, certifying that:
 - (a) the deceased person has not left sufficient means to pay all the prescribed fees; and
 - (b) all the prescribed fees are not covered by an Accident Compensation or Government entitlement or subsidy; and
 - (c) the deceased person's relatives are unable or unwilling to pay the prescribed fees.
- (2) Additional proof to confirm the declaration may be required by the Council.

Explanatory Note: *Council will work with family or undertaker as appropriate to arrange burial under mutually satisfactory conditions.*

905 Fees

- (1) The Council may by resolution, publicly notified, set fees for all services provided for the operation and maintenance of cemeteries and crematoria.
- (2) Except as provided for in clause 904, burials will only be carried out on payment of all the prescribed fees or suitable financial arrangement acceptable to the Council have been made.
- (3) Out of district fees:
 - (a) An out of district fee shall be payable under the following circumstances:
 - i) where the burial is of a deceased person not permanently residing within the boundaries of the Kaipara District for at least twelve months prior to date of death; or
 - ii) where the deceased person is a child of less than twelve months of age, including stillborn children, unless one of whose parents was a resident or ratepayer of the district for at least six months prior to date of death.
 - (b) Temporary absences of short duration from the district will not detract from the permanency of residence.
 - (c) The Council will determine if payment of the out of district fees are required.

906 Maintenance of memorials

- (1) All memorials, including laminated photographs, shall be kept in proper order and repair by the owner of the plot or their representatives.

- (2) Should a memorial fall into a state of decay or disrepair, it may be at any time be dealt with by Council pursuant to the Burial and Crematorium (Removal of Monuments and Tablets) Regulations 1967.

Explanatory Note: *A photographic record of the memorial will be taken prior to any removal and retained in Cemetery records.*

907 Physical works Associated with Plots or other Work in any Cemetery

- (1) Maintenance or other work, including digging and/or filling any grave in a cemetery, may only be carried out by an employee of the Council, or a person authorised by the Council.
- (2) Any Authorised person undertaking physical works within any cemetery must;
- (a) obtain prior approval from the Council for the works;
 - (b) pay all applicable fees;
 - (c) adequately protect the surrounding plots, memorial and cemetery infrastructure;
 - (d) not use any footpaths or other part of the cemetery for placing or depositing any tools, planks or materials for longer than is reasonably necessary to complete that work.

908 Soliciting Trade

With the exception of the transactions of the Authorised Officer and their staff undertaken in the course of running the cemetery and crematorium, no person may solicit trade or accept orders or goods or services within a cemetery.

909 Display of manufacturer's name

- (1) Notwithstanding clause 908 of this Bylaw, the manufacturer of a monument, other than a tablet, may display their name on the monument in a space no larger than 50mm by 100mm, with the consent of the person entitled to maintain the monument and of the Council.
- (2) The display of the manufacturer's name must be unobtrusive and meet the aesthetic requirements of the Council.

910 Photography

- (1) No person shall take any photograph or make video recordings for commercial or editorial purposes, or for the purpose of publication, at a funeral without prior approval of the funeral director or other person responsible for the management or control of the funeral.
- (2) No person shall take any photograph or make video recordings for commercial or editorial purposes, or for the purposes of publication, of a grave without prior approval from the person entitled to maintain the monument.

Tributes

911 Flowers Placed at Time of Interment

- (1) Only flowers, wreathes, and floral tributes may be placed on graves at the time of interment. After seven days from the date of interment, the Council may remove from any grave any flowers, wreathes, or floral tributes placed there at the time of interment, and level-off the surface of the grave to be sown down in grass.
- (2) In the case of a designated natural burial area, the grave shall be levelled and the area mulched to encourage the planned native vegetation.
- (3) A temporary grave marker made from timber or plastic, not exceeding 800mm in height, may be placed on the concrete berm in a secure manner for up to 12 months following burial.

912 Permitted Floral Tributes

- (1) After a grave has been levelled and sown as described in clause 911, artificial or natural cut flowers may only be placed in the container set in recess in the base of the memorial. Containers may not be placed on the concrete berm or the grave.
- (2) In natural burial areas tributes must be limited to natural cut flowers only and no containers of any kind are to be placed on or near graves.

913 Removal and Disposal of Floral Tributes

- (1) Any object, or artificial or natural cut flowers, placed or remaining on any grave in contravention of clause 912 or which have become unsightly, or any receptacle which has been broken or damaged, may be removed and disposed of by the Authorised Officer.
- (2) The Council shall be under no liability to any person in respect of such removal, destruction or disposal.
- (3) Any fences and rails; any glass, plastic, ceramic or terracotta items; any rocks, stones or pebbles; any wire or other metal-based items may be removed from any grave by the Manager and may be destroyed or disposed of by the Council as it shall see fit.

914 Vegetation

- (1) No vegetation shall be planted on any grave or within the cemetery boundaries without the prior consent of the Council.
- (2) Vegetation planted in any portion of the cemetery may at any time be trimmed, removed or cut down at the discretion of the Council without notice.
- (3) No person shall disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or other vegetation in any cemetery without the consent of the Council.
- (4) No person shall plant, cut down or destroy any tree or shrub in any cemetery without the consent of the Council.

Conduct

915 Vehicles

- (1) Unless authorised by the Council, no person shall take any vehicle of any kind into any cemetery except during the hours of daylight or during such times stipulated by a publicly notified resolution of Council.
- (2) Within cemeteries, vehicles may only be driven on formed roads which are open to vehicular traffic and may only be parked in designated parking areas.
- (3) All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.
- (4) Any person driving a vehicle in a cemetery shall stop or move that vehicle as directed by the Authorised Officer or any other Authorised Officer.
- (5) Any person driving a vehicle in a cemetery shall obey all signs or notices concerning traffic movement and parking displayed in that cemetery.
- (6) No vehicle shall be driven faster than the speed limit indicated by a sign or notice on any road within the cemetery, and in any direction other than that indicated on a sign or notice.
- (7) In the absence of a speed limit sign or notice, no vehicle may be driven at a speed greater than 10 km/h in any cemetery.
- (8) Clause 915(1) to (7) do not apply to an emergency vehicle used at the time to save or protect life or health, or prevent injury or serious damage to property.

916 Animals

- (1) No person shall take any animal into, or allow to remain in, any open cemetery other than during the hours of daylight, subject to the provisions of other Bylaws.
- (2) Any animal in a cemetery must be under the control of the owner at all times.

917 General Conduct

- (1) No person shall:
 - (a) damage, paint, write or carve on any building or monument within a cemetery or crematorium or damage property within any cemetery;
 - (b) unlawfully or improperly interfere with, interrupt or delay the carrying out of any burial, cremation, funeral service or ceremony within any cemetery or crematorium;
 - (c) behave in a manner that creates a nuisance or is offensive or is likely to create a nuisance or be offensive to any other person;

- (d) bring into or exhibit in any cemetery or crematorium any article that is a nuisance or offensive;
- (e) enter or remain in the cemetery between the hours of sunset and sunrise without prior permission;
- (f) conduct themselves in a manner that is unlawful, violent, or improper;
- (g) remove, interfere, or take from any grave in any cemetery, any vase, wreath, plant, flower, shrub or other object, except for the purpose of tidying the grave and surrounding area;
- (h) disturb, damage, or take any cutting or flower from any plant or tree in the cemetery;
- (i) light or allow any fire to be lit in the cemetery; or
- (j) discard household waste in cemetery bins.

Explanatory Note: *In administering and enforcing this clause the Council will, where appropriate, take into account the rights and freedoms contained in the New Zealand Bill of Rights Act 1990.*

Burials

918 Burial Warrants

- (1) No burial shall be made in any cemetery without a burial warrant for that purpose, obtained by the funeral director or other person having the management or control of the burial from the Council and presented to the Authorised Officer as authority for burial.
- (2) A person requiring a burial warrant shall apply to the Council on the approved application form.
- (3) No burial warrant may be issued unless ground conditions are suitable for burial or before suitable financial arrangements acceptable to the Council have been made, for the exclusive right of burial.

Explanatory Note: *Physical works within any cemetery must do so in accordance with clause 908(2).*

919 Burials and Sale of Plots

- (1) Burials may be made in any plot in any cemetery vested in the Council or under its control that is not closed, and in accordance with the terms and conditions determined by the Council and this Part of the Bylaw.
- (2) The Council shall determine the size and location of the plots that may be sold and the allocation of the sold plots.
- (3) Burial plots shall be sold upon the terms and conditions as may be determined by the Council and the exclusive right of burial may be granted for such limited period as the Council determines.

- (4) The Council, upon receipt of the prescribed fees for any exclusive right of burial, shall issue a Certificate of Title to Plot to the applicant, and on request and payment of the prescribed fee the Council may issue a duplicate Certificate of Title to Plot to replace any lost Certificate of Title to Plot.
- (5) Unless the exclusive right of burial has been obtained, a burial shall take place in a plot and in a cemetery determined by the Council.
- (6) No person shall place any monument on a grave until all the prescribed fees have been paid.

920 Exclusive Right of Burial

- (1) The exclusive right of burial shall be granted to the purchaser of a plot once the Council has received the prescribed fees or suitable financial arrangements acceptable to the Council have been made.
- (2) The purchase of the exclusive right of burial excludes the digging and closing of a grave or the opening and closing of the ground for burial.
- (3) The holder of an exclusive right of burial must comply with any conditions imposed by the Council before a burial may take place.
- (4) Burial of any other person than the owner of the exclusive right to be buried within a plot will only take place with the express prior consent of the holder of the right.

921 Physical works Associated with Plots or other Work in any Cemetery

- (1) Maintenance or other work, including digging and/or filling any grave in a cemetery, may only be carried out by an employee of the Council, or a person authorised by the Council.

Explanatory Note: *Physical works within any cemetery must do so in accordance with clause 908(2).*

922 Transfer of Exclusive Right

- (1) The holder of the exclusive right to be buried in a plot in which no burial has yet taken place may sell or transfer that right to any other person with the consent of the Council, subject to the payment of the prescribed fee to the Council.
- (2) The holder of the exclusive right of burial in a plot in which no burial has yet taken place may, if able to prove to Council that they are suffering significant financial hardship or experiencing extraordinary circumstances, sell or transfer that right to the Council on such terms and conditions as the Council may determine, subject to the payment of the prescribed fee to the Council. Plots that have been bought back may be resold by the Council.

Burial Plots and Graves

923 Digging Plots and Graves

- (1) No person other than the Authorised Officer or assistants of the Authorised Officer or any other person authorised by the Council shall dig or fill any grave in or open the ground for burial in any part of a cemetery.
- (2) Extra-depth burials can only occur if the water table permits and ground conditions are suitable.
- (3) A maximum of two (2) people may be buried in any one plot, except if prior consent is given by the Council to bury more than two people.
- (4) No grave may be re-opened for a further burial except with the consent of the person entitled to maintain the monument and consent is given by Council.
- (5) If a casket for a child is too large for a child burial plot, it shall be buried in an adult burial plot subject to the payment of the prescribed fees.

924 Burial of ashes

- (1) With the prior approval of the Council any person may scatter the ashes of a deceased person in a cemetery, as directed by an Authorised Officer.
- (2) With the prior approval of the Council and on payment of the prescribed fees any person may bury a container holding the ashes of a deceased person in any plot, subject to the exclusive right of burial.

Explanatory Note: *Clause 924 also applies to burial of ashes.*

925 Removal

- (1) Where a request for a removal is received by the Council, the removal shall be conducted pursuant to section 51 of the Burial and Cremation Act 1964 and subject to the payment of the prescribed fees.
- (2) The removal and/or reinternment of a body must be conducted with the prior approval of the Council and must take place in the presence of:
 - (a) the Authorised Officer; and
 - (b) a funeral director and staff; and
 - (c) an inspector of the Ministry of Health; and
 - (d) any other person with prior approval of the Council.
- (3) It will be the responsibility of the Council to open the grave only to the extent of exposing the lid of the casket. Removal of the casket from the grave will be the responsibility of the funeral director present.

- (4) No plot from which a removal has taken place will be used for any subsequent burial of another person and no refund of the cost of the original burial or any part of that cost will be made.

Installation, maintenance and removal of monuments

926 Construction and Installation

- (1) Minimum structural design, installation and renovation for all monuments shall be those specified in New Zealand Standard for Headstones and Cemetery Monuments NZS4242:2018.
- (2) Only one tablet or monument will be allowed on any one grave, including extra-depth burial graves, and it shall be placed on the grave in a position approved by the Council. A tablet may be attached to an existing monument. Monuments may cover no more than two plots.
- (3) All monuments shall be constructed of permanent materials. The Council may from time to time by resolution publicly notified determine a list of permanent materials that may be used in the construction of monuments.
- (4) All monuments will be constructed in accordance with sound engineering principles and will meet the aesthetic requirements of the Council.
- (5) Delivery and installation of monuments will be at the expense of the owner and will be carried out at times agreed with the Authorised Officer.
- (6) Any rubble and earth not required in the filling in of the grave or in connection with the levelling will immediately be removed either from the cemetery or to a place within the cemetery approved by the Authorised Officer.
- (7) All monuments must be consistent with the Kaipara District Council Cemeteries and Crematoria Policy.

Explanatory Note: *In administering and enforcing this clause the Council will, where appropriate, take into account the rights and freedoms contained in the New Zealand Bill of Rights Act 1990.*

927 Work Practices

- (1) No person erecting or repairing any monument or carrying out other work in any cemetery shall use any footpaths or other part of the cemetery for placing or depositing there any tools, planks or materials for a longer time than is reasonably necessary to complete the work.
- (2) Any person mixing cement or mortar within a cemetery shall do so on a proper mixing board approved by the Council. Residue shall be removed from the cemetery.
- (3) Any person installing or tending to a monument or carrying out any other work in a cemetery shall withdraw for the duration of an adjoining funeral service. Such person shall also remove tools, planks and other materials which may obstruct access to an adjoining service for the duration of the service.

928 Safety

- (1) The Council may carry out regular audits of all monuments to ensure the health and safety of any persons or property within the cemetery boundaries.
- (2) Any headstone that an Authorised Officer considers to be unsafe may be removed in accordance with clause 907(2).

929 Monumental and Upright Memorial Cemeteries

- (1) Any person wishing to install a monument in any part of a cemetery must apply for Council approval to carry out such work. The applicant must submit details of the monument design, including materials and dimensions, and details of all inscriptions and their positions on the monument and pay the prescribed fee.
- (2) Monumental cemeteries may inter either ashes or full body remains.
- (3) The following criteria are applicable to the construction of monuments in monumental cemeteries:
 - (a) the holder of an exclusive right to burial may enclose the plot or plots allotted to him or her with kerbing. Where the allocated plots are next to each other they may be enclosed as a single unit;
 - (b) the kerbing of the plots in a monumental area will be constructed out of permanent materials approved by the Council and shall not exceed a maximum height of 600mm above ground level;
 - (c) monuments may be erected within the plot boundary;
 - (d) it is preferred that the design of the memorial include one or two recesses for flower vases within the memorial dimensions;
 - (e) once a memorial has been installed, artificial or natural cut flowers may only be placed in the container set in vase recess in the memorial. Containers may not be placed on the concrete berm or the grave.

930 Removal of Monuments

- (1) No person will be allowed to remove from a grave or plot any monument without obtaining the prior written permission of the Authorised Officer.

931 Authorisation

- (1) Maintenance and any other work in a cemetery may only be carried out by a person duly authorised by the Council, or under the supervision of a Council employee.

Explanatory Note: *This excludes monuments which are the responsibility of the exclusive rights person representative in accordance with clause 907(1).*

Types of Cemetery

932 Type of Cemetery

- (1) Council may, by council resolution publically notified, declare any part of a Council Cemetery to be of a particular kind.

933 Lawn Cemetery

- (1) Lawn area cemeteries may inter either ashes or full body remains.
- (2) The Council may provide a continuous concrete berm at ground level approximately 500mm wide for a single row or approximately 1 metre wide for a double row for monuments to be placed on.
- (3) The following conditions and criteria are applicable to lawn cemeteries:
 - (a) plaque/tablet bases will not stand higher than 100mm above the berm and will be a maximum depth front to back of 400mm and 600mm in length (left to right);
 - (b) the base will maintain clear space of 100mm at the front of the berm;
 - (c) plaque/tablet bases may allow for inserts for flower containers where this is required. Flower containers should be embedded below the ground level;
 - (d) no plaque shall be enclosed with any railing or kerbing or similar and no monument except a tablet shall be placed on any concrete berm;
 - (e) no person shall place on any plot any memorabilia except flowers and foliage which shall be placed in the flower containers inserted in the headstone;
 - (f) no grave shall be enclosed with any railing or kerbing or similar and no headstone, memorial, cross, marker or memorial shall be placed on any grave except a memorial plaque, which complies with the stated dimensions.

934 Ash Berm and Ash Garden Berm Areas

- (1) An authorised officer may approve the scattering of ashes within specified designated areas. This may be within a cemetery or on other public land.
- (2) Plaques may be placed on a memorial wall or in the ground after being approved by an authorised officer.

935 RSA and Services Cemeteries

- (1) Eligibility for RSA and Service Cemeteries are as follows:
 - (a) areas of cemeteries may be laid out as Services Cemeteries.

- (b) those eligible for burial there are as defined in the most recent version of the Office of Veterans' Affairs publication, "War Graves and Services Cemeteries Handbook".
 - (c) notwithstanding clause 936(1)(b) the body or ashes of the spouse or partner of a returned service person may at the request of the surviving returned services partner be interred in an extra-depth plot in the Services Cemetery.
- (2) Commemoration shall be as described in the above-mentioned publication, or by other means as agreed with the Office of Veteran's Affairs.
- (3) The Council may waive the prescribed fee payable for the exclusive right of burial in the Services Cemeteries. Other prescribed fees shall be payable.

936 Closed Cemeteries

- (1) As deemed appropriate, the Council may apply to officially close cemeteries under Part 6 of the Burial and Cremation Act 1964.
- (2) The Council shall maintain such cemeteries in perpetuity, subject to conditions as set under Part 6 of the Act.

937 Natural Burial Areas

- (1) In areas that are set aside for natural burials in Council cemeteries, the following conditions shall apply:
- (a) Memorials:
 - (i) No permanent memorials are permitted. Temporary biodegradable markers supplied by the Council will be installed at the time of interment.
 - (ii) A cemetery tracking system will be used to find burial plots once the area has returned to native vegetation, otherwise the burial plot will not be identifiable.
 - (iii) Trees will be selected and planted to be generally in keeping with the cemetery native vegetation restoration plan. In general, there shall be one tree for every few graves.
 - (b) General:
 - (i) Natural burials must comply with all legislative and regulatory requirements.
 - (ii) There is no embalming of the deceased. Certified organic sanitisers are allowable.

(c) Acceptable Caskets:

- (i)** Caskets must be made of biodegradable, chemically untreated material. Pine, macrocarpa, wicker or willow is deemed acceptable. Casket linings and fittings must be biodegradable. Calico, wool and hemp are deemed acceptable.
- (ii)** All items or contents in the casket (including clothing) must be of biodegradable material.

(d) Acceptable Shrouds:

- (i)** Shrouds must be made of natural fibre. Wool, silk or calico are deemed acceptable.
- (ii)** Shrouds must be fastened to a solid base for lowering purposes and made of biodegradable, chemically untreated material.

Crematoria

938 Crematoria

- (1)** The Cremations Regulations 1973 are applicable to all crematoria within the District.
- (2)** Subject to clause 939(3) of this Bylaw access to any crematorium and any cremation process within the District is restricted and general entrance by members of the public is not allowed.
- (3)** Where a cremation takes place in accordance with a religious ceremony that traditionally practices cremation, persons directly concerned with the deceased may at the manager of the crematorium's discretion attend the placing of the coffin in the incineration hall.

General

939 Records

- (1)** The Council will keep plans of the cemeteries it controls, records of all rights of burial granted, and a record of all burials in the cemeteries. Plans and records will be open for inspection by the public at the offices of the Council during normal office hours.

940 Offences and Breaches

- (1)** No person shall do anything or cause any condition to exist for which prior approval from the Council is required under this Bylaw without first obtaining that approval and the failure to do so shall constitute a breach of this Bylaw.

- (2) No application for a prior approval from the Council, and no payment of or receipt for any fee paid in connection with such application or approval, shall confer any right, authority, or immunity on the person making such application or payment.
- (3) Any person commits a breach of this Bylaw who:
- (a) does, or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this Bylaw; or
 - (b) omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done by them at the time and in the manner therein provided; or
 - (c) does not refrain from doing anything which under this Bylaw they are required to abstain from doing; or
 - (d) knowingly permits or suffers any condition of or things to exist contrary to any provision contained in this Bylaw; or
 - (e) refuses or neglects to comply with any notice duly given to him/her under the Bylaw; or
 - (f) obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon them by this Bylaw; or
 - (g) fails to comply with any notice or direction given under this Bylaw.
- (4) Any person commits a breach of this Bylaw who:
- (a) has constructed, affixed or provided, or caused to be constructed, affixed, or provided, any monument or any work or material of any description whatsoever, contrary to, or otherwise than in accordance with the provision of this Bylaw; or
 - (b) has omitted to construct, affix, or provide any work or materials as required thereby, and who does not within a reasonable time after notice in writing has been given to them by the Council or any authorised officer of the Council, fails to carry out the remedial action specified in that notice.
- (5) A notice issued under clause 941(3) or 941(4) shall state the time within which the remedial action is to be carried out, and may be extended from time to time by the Council.

941 Penalties for Breach of Bylaw

- (1) Every person who fails to comply with this Bylaw commits an offence and shall be liable for the relevant penalty as provided for under this Bylaw or in applicable legislation.
- (2) Any person who breaches the following clauses of this Bylaw, will be liable to the maximum fine available in accordance with section 16 (i) of the Burial and Cremation Act 1964:
- (a) Section 908 offences relating to soliciting trade

- (b) Section 915 offences relating to vehicles
 - (c) Section 916 offences relating to animals and dogs
 - (d) Section 1917 offences relating to misconduct
 - (e) Sections 924, 926 offences relating to authorised reopening of graves
 - (f) Sections 931, 932, 933 offences relating to memorials
- (3) The continued existence of any work or object in a state contrary to this Bylaw shall be deemed a continuing offence.
- (4) The Council may in accordance with Section 162 of the Local Government Act 2002 apply for an injunction restraining a person from committing a breach of this Bylaw.
- (5) The Council may in accordance with the Trespass Act 1980, serve a Trespass notice after warning a person to leave or warning to stay off its premises.

942 Removal of works

- (1) The Council may remove or alter any work or thing that is, or has been, constructed in breach of this Bylaw.
- (2) The Council may recover the costs of removal or alteration under clause 943(1) from the person who committed the breach.
- (3) The exercise of this authority shall not relieve any such person from any other liability for breach of the Bylaw.

943 Officers to Continue in Office

- (1) All officers appointed by the Council under or for the purpose of the repealed Kaipara District Council Cemeteries and Crematoria Bylaw 2008, and holding office at the time of the coming into operation of this Bylaw, shall be deemed to have been appointed under this Bylaw.

944 Dispensing Power

- (1) Where in the opinion of the Council full compliance with any of the provisions of this Bylaw would needlessly or injuriously affect any person, or the operation of any business, or be attended with loss or inconvenience to any person without any corresponding benefit to the community, the Council may, on the application of that person, dispense with the full compliance with the provisions of this Bylaw; provided that any other terms or conditions (if any) that Council may deem fit to impose shall be complied with by that person.
- (2) The Council may, after consideration of any representation by affected persons and if in its opinion it is justified, extend, withdraw or amend a dispensation granted under clause 945(1).

- (3) Except if expressly granted otherwise, a dispensation by the Council under clause 945(1) shall only be applicable to the person it is granted to and shall be restricted to the particular issue considered by the Council and such dispensation will not constitute a justification for the breach of the provisions of this Bylaw outside the expressed terms of the dispensation.

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Kaipara District Council Proposed Draft Consolidated General Bylaw 2020

Part 12 – Public Nuisances



Part 12 – Public Nuisances

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Relationship between this Bylaw and Acts, regulations, bylaws and Council's District Plan

Compliance with the Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and the Operative Plan of the Kaipara District Council. Where there is any conflict between this Bylaw and any Act or Regulation, the Act or Regulation will take precedence.

Part 12 - Public Nuisances

Purpose

The purpose of this Part of the Bylaw is to protect the public from nuisance and to promote public health and safety in relation to activities that take place on private property.

This Part of the Bylaw does not apply to land designated by Council to be a disposal site, landfill or transfer station.

1201 Burning

- (1) A person must not burn any material or thing in such a way as to cause a nuisance in an urban area.
- (2) No incinerator, drum or open fire used for burning any material or thing may be situated closer than three (3) metres to any property boundary.

1202 Vehicles

- (1) A person must not stop, in any public place or within thirty (30) metres of any dwelling, a vehicle containing any manure, offal, carcass or offensive material or thing, for longer than 10 minutes.

1203 Vermin and Flies

- (1) The owner or occupier of any land or premises shall not keep any material or thing in such manner as to:
 - (a) be offensive; and/or
 - (b) harbour or be likely to harbour rats or vermin; and/or
 - (c) likely to cause injury to health.

- (2) The owner or occupier of any premises on which there are conditions giving rise, or likely to give rise, to the breeding of flies, mosquitoes or other insects which are capable of causing or transmitting disease, must take such action as directed by an Authorised Officer to prevent such conditions. That action may include:
- (a) disinfecting;
 - (b) spraying or applying larvicide or insecticide;
 - (c) cleaning;
 - (d) screening; or
 - (e) removal or destruction of breeding grounds or places as required to prevent breeding taking place, or other processes as directed by an Authorised Officer.

1204 Offensive Smells

- (1) The owner or occupier of any land or premises shall ensure that no condition exists upon such property which causes or is likely to cause an offensive odour capable of being detected beyond the boundary of the premises.

1206 Dead Animal on Private Premises

- (1) A person must not leave, permit or allow, any dead animal or any vermin on any private premises in such manner as to create a nuisance.



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Part 15 - Traffic

Part 15 - Traffic

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Relationship between this Bylaw and Acts, regulations, bylaws and Council's District Plan

Compliance with the Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and the Operative Plan of the Kaipara District Council. Where there is any conflict between this Bylaw and any Act or Regulation, the Act or Regulation will take precedence.

Part 15 – Traffic

Purpose

The purpose of this Part of the Bylaw is to set requirements for parking and control of vehicular or other traffic on any road under the control of Council within the Kaipara district.

Schedules to this Bylaw may be amended from time to time by Council. Up-to-date register of resolutions are held at the Council office.

Explanatory note: *This Bylaw does not apply to roads under the control of the NZ Transport Agency. Speed Limits have their own bylaw, please refer to the Kaipara District Council Speed Limits Bylaw 2018.*

1501 Interpretation

(1) In this Part of the Bylaw, unless the context otherwise requires:

Berm and grass verge

means any part of the land lying between the formed carriageway of the road and the adjacent road boundary.

Class of vehicle

means a particular grouping of vehicles defined by reference to any common feature and includes:

- (a) vehicles by type, description, weight, size or dimension;
- (b) vehicles carrying specified classes of load by the mass, size or nature of such loads;
- (c) vehicles carrying no fewer than a specified number of occupants;
- (d) vehicles used for specified purposes;
- (e) vehicles driven by specified classes of persons;
- (f) carpool and shared vehicles; and
- (g) vehicles displaying a relevant permit authorised by Council.

Disabled person

has the same meaning as in section 2 of the Disabled Persons Community Welfare Act 1975, namely

any person who suffers from physical or mental disablement to such a degree that she/he is seriously limited in the extent to which she/he can engage in the activities, pursuits, and processes of everyday life.

Enforcement Officer

has the same meaning as in section 2 of the Land Transport Act 1998, namely

(a) a constable:

(b) a Police employee who is not a constable who is authorised for the purpose by the Commissioner:

(c) a person who is appointed to that office by warrant under section 208 of the Land Transport Act 1998 or who holds that office by virtue of that Act.

Emergency vehicle

means a vehicle used for attendance at emergencies and operated:

(a) by an enforcement officer;

(b) by an ambulance service;

(c) as a fire service vehicle;

(d) as a civil defence emergency vehicle;

(e) as a defence force emergency vehicle.

Footpath

means as much of any road or public place that is laid out or constructed by the authority of Council for pedestrian use; and includes the edging, kerbing and channelling thereof.

Goods Service Vehicle

means a motor vehicle used or capable of being used in a goods service for the carriage of goods, but does not include a vehicle specified as an exempt goods service vehicle in regulations or rules made under the Land Transport Act 1998.

Immobile vehicle

means any vehicle that has no effective motor power in or attached to it, or cannot be driven safely, and includes boats, trailers, caravans and the shell or hulk of a vehicle.

Large passenger service

means a passenger service provided in a large passenger service vehicle.

Large passenger service vehicle

means any passenger service vehicle that is designed or adapted to carry more than 12 people (including the driver).

Mobility parking permit

means a disabled person's parking permit or mobility parking permit:

(a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated; or

(b) approved by an Authorised Officer.

Parking and park

means:

- (a) in relation to any portion of a road where parking of the vehicle is permitted but subject to payment of a charge;
- in relation to any other portion of any land or building, the stopping or standing of a vehicle upon that portion of land or building.

Parking place and parking space

means a road or part of a road or any zone or other place, including a building, provided by Council where vehicles, or any class of vehicles, may stop, stand or park.

Parking warden

means any parking warden appointed by Council to hold the office of parking warden under section 128D of the Land Transport Act 1998.

Passenger service

has the same meaning as in section 2 of the Land Transport Act 1998, namely.

(a) means:

- (i) the carriage of passengers on any road for hire or reward by means of a motor vehicle; and
- (ii) the carriage of passengers on any road, whether or not for hire or reward, by means of a large passenger service vehicle; and

(b) includes the carriage of passengers on any road:

- (i) that involves a specific charge on passengers for transport, including part payments to cover fuel and donations (which are expected as a condition of carriage); or
- (ii) by a person or an organisation that is funded by another person or organisation specifically for the provision of transport; or
- (iii) after a connection between a passenger and a small passenger service facilitated by a facilitator; or
- (iv) in which the carriage of passengers is an integral part of, or reasonably necessary to provide, another service or activity (other than a transport service) for which payment is made; or
- (v) in which the carriage of passengers is made using the vehicle provided by one of the passengers and the driver is paid for the carriage; or
- (vi) that involves the letting on hire of a vehicle by a person who drives the vehicle or provides a driver for the vehicle if, during the hiring, the vehicle is used for the carriage of passengers; but

(c) does not include:

- (i) private ambulance services provided by organisations primarily for their employees, being ambulance services that are available to the general public in an emergency only when public ambulance services cannot provide a service; or

- (ii) any service using a vehicle that is specified as an exempt passenger service vehicle in regulations or rules made under the Land Transport Act 1998; or
- (iii) any service specified as an exempt passenger service in such regulations or rules.

Passenger service vehicle

has the same meaning as in section 2 of the Land Transport Act 1998, namely:

- (a) means a vehicle used or available for use in a passenger service for the carriage of passengers; but
- (b) does not include:
 - (i) a vehicle designed or adapted to carry 12 or fewer people (including the driver) provided by one of the passengers being carried; or
 - (ii) a vehicle specified as an exempt passenger service vehicle in the regulations or the rules.

A *passenger service vehicle* includes a taxicab (small passenger service vehicle) and a bus (large passenger service vehicle)

Road

means:

- (a) a street;
- (b) a beach;
- (c) a place to which the public have access, whether as of right or not;
- (d) bridges, culverts, gates and fords forming part of a road or street, or a place referred to in sub clause (c) which is under the control of Council.

Small passenger service

means a passenger service provided in:

- (a) a small passenger service vehicle; or
- (b) a vehicle designed or adapted to carry 12 or fewer people (including the driver) that is provided by one of the passengers being carried; or
- (c) a vehicle designed or adapted to carry 12 or fewer people (including the driver) that is being used in a facilitated cost-sharing arrangement.

Small passenger service vehicle

means any passenger service vehicle that is designed or adapted to carry 12 or fewer people (including the driver)

Transport station

has the same meaning as in s591(6) of the Local Government Act 1974, namely.

a place where transport-service vehicles, or any class of transport-service vehicles, may wait between trips, and includes all necessary approaches and means of entrance to and egress from any such place, and all such buildings, ticket offices, waiting rooms, cloakrooms, structures, appliances, and other facilities as the Council

considers to be necessary or desirable for the efficient use of that place for the purpose for which it is provided and the collection of charges in relation to that use.

- (2) Nothing in this Part of this Bylaw shall derogate from any provision of, or the necessity for, compliance with:
- (a) Land Transport Act 1998 or any Act passed in amendment of or substitution of that Act.
 - (b) Any regulations or rules made under the Land Transport Act 1998 or any regulations or rules made in amendment of or substitution for those regulations or rules.

1502 Resolutions Made Under this Part of the Bylaw

- (1) The power to make a resolution under this Bylaw includes the power:
- (a) to control, restrict or prohibit the matter or thing generally, or for any specified classes of case, or in a particular case;
 - (b) to apply the control, restriction or prohibition to all vehicles or traffic or to any specified class of vehicles or traffic;
 - (c) to apply the control, restriction or prohibition of any specified road or roads or part of a road or roads under the control of Council;
 - (d) to apply the control, restriction or prohibition at any specified time or period of time.
- (2) The power for Council to make a resolution includes the power to amend or revoke the resolution or to revoke it and replace it with another or to reinstate an earlier resolution. In the event of any conflict between resolutions the most recent resolution shall prevail.

1503 Stopping, standing and parking

- (1) Council may, by resolution publicly notified:
- (a) prohibit the stopping, standing or parking of vehicles on any roads;
 - (b) limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class.
- (2) Council may, by resolution publicly notified, prohibit, restrict or control the parking of vehicles in any parking place (including on a reserve) or transport station or any part or parts of such parking place or transport station.
- (3) Every resolution under clause 1503(2) may:
- (a) be made in respect of any specified class of vehicle;
 - (b) prescribe the times, manner and conditions for the parking of the vehicles or classes of vehicle;
 - (c) prescribe:
 - (i) any charges to be paid for the use of the parking place or transport station; and

- (ii) the manner by which parking charges must be paid by the use of parking machines or electronic payment or in any other specified manner.

- (4) In relation to a parking space within a time-limited area, a vehicle first parked then manoeuvred within and parked again in that space shall be deemed to have continuously parked in that location until it has been entirely removed from that parking space.

1504 Mobility Parking

- (1) Council may, by resolution publicly notified, specify any parking space as a mobility parking space, and may prescribe any time limits and parking charges for vehicles parking in the mobility parking space.
- (2) A person must not park a vehicle in a mobility parking space unless:
 - (a) the vehicle is lawfully displaying a mobility parking permit; and
 - (b) the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

1505 Electric Charge Stations

- (1) Council may, by resolution publicly notified, specify any parking space as an electric charging station parking space.
- (2) A person must not stop or park any vehicle on any electric charging station parking space unless the vehicle is an electric vehicle which is in the course of being charged.

1506 Immobile Vehicles

- (1) Except with the written permission of an Authorised Officer given in respect of any immobile vehicle and in compliance with any conditions subject to which permission is given, a person must not park an immobile vehicle on any road or other land under the control or ownership of Council, for a period exceeding seven days. After seven days the immobile vehicle is required to be permanently removed.
- (2) If after seven days, the owner or person in charge of any immobile vehicle referred to in clause 1506(1) cannot be located or refuses to remove the immobile vehicle, subject to sections 356 to 356B of the Local Government Act 1974, section 113 of the Land Transport Act 1998 and any other applicable legislation, Council may take such reasonable steps as it considers appropriate to remove the vehicle from the road or land, and may recover the costs of doing so.

1507 General Parking Restriction

- (1) Except as directed by a police officer, enforcement officer, parking warden, or except in a traffic emergency, a person must not park any vehicle or permit any vehicle to remain parked on any road, parking place, transport station or reserve, or any part or parts of such road, parking place, transport station or reserve contrary to this Part of the Bylaw or a resolution made under this Part of the Bylaw.
- (2) A person must not upon any berm or road reserve in an urban area:
 - (a) drive or park any vehicle;
 - (b) cause or permit any vehicle to be driven or parked.
- (3) A person must not park a vehicle in a parking space so that any part of the vehicle extends beyond the marked space or is not entirely within the space;
- (4) Notwithstanding clause 1507(2), if, because of its size, it is necessary for a vehicle to occupy more than one adjoining parking space, it may do so.
- (5) A person must not park any vehicle in a parking space beyond the maximum time period for parking in that parking space.
- (6) A person must not, without approval from an Authorised Officer, park in a parking space where parking is temporarily prohibited by an Authorised Officer using signs or cones.

1508 Selling Vehicles on the Road

- (1) A person must not use any road or public place for the parking of any vehicle for sale, exhibition, demonstration, advertisement, signage or storage of that vehicle, without prior written approval from an Authorised Officer and in accordance with any conditions placed on any such approval.
- (2) Council may, by resolution publicly notified, specify and identify places where the parking of any vehicle for sale shall be permitted.

1509 Goods Service Vehicles

- (1) A person must not use any goods service vehicle for the purpose of delivering or picking up any parcels or goods to or from the front entrance of any business premises, if there is vehicular access available to the rear entrance of the premises either by service lane, loading docks, private right-of-way, or lane, yard or otherwise.
- (2) Council may by resolution:
 - (a) determine any road or part of a road or any parking space to be a loading zone;
 - (b) specify the class(es) of vehicle that may use the loading zone;
 - (c) prescribe the maximum length of time any vehicle or class of vehicle may park in a loading zone.

- (3) A person must not use a loading zone in contravention of a prohibition or restriction made under clause 1509(2).

1510 Weight Restricted Bridges

- (1) Council may by resolution publicly notified:
- (a) prohibit or restrict any specified classes(s) of vehicles from using any particular bridge under its control within the district;
 - (b) specify weight limits for vehicles that may use a particular bridge that is under the control of Council and the conditions under which vehicles of a particular weight may use that particular bridge.
- (2) A person may apply to Council to use a particular weight restricted vehicle on a particular bridge contrary to clause 1510(1). An Authorised Officer may approve such use and set such conditions as they consider appropriate when allowing any approvals.

1511 One-Way Roads

- (1) Council may by resolution publicly notified prohibit the driving of vehicles or riding of any horse or bicycle along any road except in one specified direction only.
- (2) No person shall drive a vehicle, horse or bicycle other than in the direction specified under clause 1511(1).

1512 Left or right turns and U-turns

- (1) Council may by resolution prohibit:
- (a) vehicles or classes of vehicles on any road from turning to the right or to the left or from proceeding in any other direction;
 - (b) vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.
- (2) A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where Council has prohibited or restricted such movements.

1513 Routes and manoeuvres on roads

- (1) Council may by resolution prescribe for traffic or specified classes of traffic routes that must be followed or any turning movements or manoeuvres that must be undertaken at an intersection, or on a road or cycle path.
- (2) A person must not use a road or cycle path in a manner contrary to a prohibition or restriction made by Council.

1514 Traffic control by size, nature or goods (including heavy vehicles)

- (1) Council may by resolution prohibit or restrict the use of roads as unsuitable for the use of any specified class of traffic or any specified class of motor vehicle due to their size or nature or the nature of the goods carried.
- (2) A person must not use a road contrary to a prohibition or restriction made by Council.
- (3) If in the opinion of Council it is safe to do so, Council may permit a vehicle to use any road in contravention of a prohibition or restriction made under this clause for the purpose of;
 - (a) loading or unloading goods or passengers at any property whose access is by way of the road; or
 - (b) providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or
 - (c) undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or
 - (d) undertaking maintenance of a network utility provider's assets on or near a road from which it has been prohibited and for which alternative access is not available.

1515 Temporary Speed Restrictions

- (1) An Authorised Officer may temporarily restrict the use of or speed limit of, or class of vehicle which may use any part of any road or any other vehicle access way under the jurisdiction of the Council. Any such restriction shall be defined by the display of temporary warning signs in accordance with the Land Transport Act 1998.

1516 Road Works

- (1) Without limiting the Land Transport Act 1998, any vehicle being used for the purpose of maintenance or construction of roading or of any other utility or otherwise with permission of an Authorised Officer, may be driven or parked contrary to any restriction in force under this Part of this Bylaw, so long as that is with due consideration for other road users.

1517 Damage to Signs

- (1) A person must not interfere with, damage or remove any infrastructure associated with land transport and the provision of roading services. This includes the road structure and surface, guardrails and sightrails, streetlights, fences, signs, markers and roadmarking. Council may recover the costs incurred from such damage, interference or removal of its roading infrastructure.

1518 Exemptions and Dispensations

- (1) The driver or person in charge of the following emergency vehicles shall be exempt from the provisions of this Bylaw for a vehicle used under the following conditions:
 - (a) Ambulance
 - (i) An ambulance being used in an emergency response.
 - (b) Fire
 - (i) A fire response vehicle engaged in an emergency response;
- (2) The driver or person in charge of the following vehicles shall be exempt from the parking and no stopping provisions of this Bylaw for a vehicle used under the following conditions:
 - (a) Council
 - (i) On behalf of Council by elected members or employees of Council who are at the time engaged on official Council business and who display the appropriate exemption card in a readily visible position or are driving in a vehicle marked as being the property of Council.
 - (b) Public works

Where any vehicle is engaged in a public work at that place, where:

 - (i) No other practicable alternative is available;
 - (ii) The vehicle is being used with due consideration to other road users; and
 - (iii) The use of the vehicle is reasonably necessary for the purposes of the public work.
 - (c) Bank delivery

Any authorised vehicle engaged in the collection of or delivery of money or other valuable items to any bank.
 - (d) Fire
 - (i) Volunteer firefighters' personal vehicles shall be exempt from parking restrictions where Council has issued permits to allow parking contrary to this Bylaw. Council may impose conditions on the use of the permit, including specifying parking areas or parking spaces where the permit applies. Any permit may be cancelled by Council at any time.

1519 Offences and Penalties

- (1) Without limiting clause 111 of Part 1 of this Bylaw and any enforcement powers under the Land Transport Act 1998, every person commits an offence against this Part of this Bylaw and is liable for the applicable penalty who:
 - (a) commits or causes to be committed, any act contrary to this Part of the Bylaw or any resolution made under this Part of this Bylaw;
 - (b) fails to comply in all respects with any prohibition or restriction or direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed or made or erected on or upon any road, parking place, reserve or other places controlled by Council pursuant to any of the provisions of this Part of this Bylaw or any resolution made under this Part of this Bylaw;

- (c) fails to comply with any condition, duty, or obligation, imposed by this Part of this Bylaw or by any resolution made under this Part of this Bylaw;
- (d) obstructs or hinders any Authorised Officer in the performance of any power or duty conferred upon him or her by this Part of this Bylaw or by any resolution made under this Part of this Bylaw.

1520 Removal of Vehicles and Items in Breach of Bylaw

- (1) Where any item or any vehicle is parked on any public place or any road, berm, footpath parking place or transport station in contravention of this Bylaw, Council may give notice to the owner to immediately remove such item or vehicle to any other place. Where the owner fails to comply with the notice given under this clause, the Council may take such action as it considers appropriate to remove such items at the owners cost, which may include:

- (a) a towage fee for the removal of the item or vehicle;
 - (b) reasonable storage charges on a daily basis until the item or vehicle is collected;
- as specified in any Regulations or Notices made pursuant to the Land Transport Act 1998.

Explanatory Note: *Removal and disposal of vehicles are to be undertaken in accordance with the relevant provisions in the Local Government Act 1974, Local Government Act 2002 and/or Land Transport Act 1998.*

1521 Savings

- (1) Any resolution, approval, permit or other act of authority made under any Traffic Bylaw of the Council, which is current at the time this Bylaw comes into force, remains in force on its terms until amended, replaced or revoked by resolution of Council. These include the previous schedules of the General Bylaws 2008, being:

- Schedule A** **Parts of Carriageway covered by No Stopping Areas**
- Schedule B** **Parts of Carriageway covered by Parking Restrictions**
- Schedule C** **Parts of Carriageway covered by Operation Mobility Carparks**
- Schedule D** **Giveway and Stop Signs**
- Schedule E** **Parts of Carriageway covered by Parking Restrictions – Bus stops/taxi stands**

Explanatory Note: *The Schedules are not themselves part of the Bylaw but are a record of resolutions made by the Council under this Bylaw and former Bylaws.*



Kaipara District Council

Proposed Draft Consolidated General

Bylaw 2020

Part 16 - Water Supply

Part 16 – Water Supply

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Relationship between this Bylaw and Acts, regulations, bylaws and Council's District Plan

Compliance with the Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and the Operative Plan of the Kaipara District Council. Where there is any conflict between this Bylaw and any Act or Regulation, the Act or Regulation will take precedence.

Part 16 - Water Supply

Purpose

The purpose of this Part of the Bylaw is to protect water supplies in the Kaipara district. The Bylaw sets out regulations on Council-provided water supplies such as pipes, as well as metering and charging. It also aims to prevent contamination of, and wastage from, the water supply system.

1601 Interpretation

(1) In this Bylaw, unless the context otherwise requires:

<i>Air gap separation</i>	means a minimum vertical air gap as defined by the Building Code G12 Water Supplies between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.
<i>Air gap separator</i>	means a physical break between a supply pipe and a receiving vessel.
<i>Approved</i>	means approved by an Authorised Officer.
<i>Backflow</i>	means a flow of water or other liquid through any service pipe or supply pipe in a reverse direction to the normal supply flow.
<i>Backflow prevention device</i>	means a testable device that prevents backflow. For the purpose of this Bylaw a backflow prevention device refers to those devices installed at the property boundary.
<i>Check valve</i>	means a valve designed to prevent flow in the reverse direction to normal flow.
<i>Controlled catchment area</i>	means an area under the control of a Council, to which the public and domestic animals are prohibited from entry and from which waters are drawn for a public water supply.
<i>Customer</i>	means a person who has the right to use or direct the manner of use of water supplied by Council to any premises.

<i>Double check valve</i>	means an assembly of two independently acting check valves including gate valves on each side of the check valve assembly with suitable leak-detector drains plus connections available for testing the water tightness of each check valve.
<i>Direct connection</i>	includes any underwater outlet or any arrangement of pipes, hoses, or fittings temporary or otherwise which renders possible back flow into Council's water supply network system.
<i>Domestic</i>	in relation to water supply, means water used for household activities including but not limited to personal cleaning, for cooking, drinking, for washing linen or clothes, for washing or cleansing floors, windows, domestic or other furniture or utensils or any part of the consumer's dwelling house or premises, and for toilets, baths, and urinals except automatic flushing toilets and urinals
<i>Engineering Standards</i>	means the Council document for the time being which sets out the processes and standards that are expected to be followed and met whenever any development project is undertaken in accordance with Council's District Plan.
<i>Extraordinary supply</i>	means any water supplied from the water supply network and not used for the purpose of an ordinary supply
<i>Fire hose reel</i>	means a metal reel, permanently connected to the water supply, on which is wound rubber tubing and, which can be used for first-aid firefighting purposes.
<i>Fire sprinkler system</i>	means a system of pipes fitted with sprinkler nozzles which open by extraordinary rise in temperature to automatically drench an area for the purpose of extinguishing fire.
<i>Hydrant</i>	means a fitting in a street or other public place with a nozzle by which a hose may be attached to public water supply.
<i>Meter</i>	means a device for the purpose of measuring the volume of water consumed.
<i>Ordinary supply</i>	means any water supplied from the water supply network to properties situated within an area served by a public water supply and used for strictly domestic purposes.
<i>Point of supply</i>	means the point as determined by Council where the responsibility for ownership and maintenance of the water supply pipe passes from the Council to customer.
<i>Potable</i>	has the same meaning as in section 69G of the Health Act 1956, namely, in relation to drinking water, water that does not contain or exhibit any

	determinands to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the drinking-water standards.
<i>Public water supply</i>	means a reticulated water system that supplies water to properties and is owned by Council.
<i>quick closing valves</i>	means a kind of pressure reducing valve in which the an automatic process control valve for fluid pressure control is used for unmanned machinery spaces
<i>Reduced-pressure-zone back-flow-prevention device</i>	means a device incorporating an automatically operating differential relief valve located between the two check valves, with two gate valves for isolating the necessary appurtenances for testing.
<i>Service pipe</i>	means the pipe between the street main and the point of supply, and is 250mm distance outside of the consumer's property boundary and includes:- <ul style="list-style-type: none"> (a) the stop tap at the junction of the service pipe with the main; (b) any stop tap fitted at the end of the service pipe; and (c) any stop tap fitted on the service pipe between the end thereof and the main.
<i>Sprinkler</i>	means a revolving spray, sprinkler pipe, or device to distribute water for garden or lawn watering, but does not include a hand-held hose, or a device installed exclusively for the purpose of extinguishing fire.
<i>Stop tap</i>	includes a stopcock, stop valve, and any other device for stopping at will the flow of water in a line of pipes.
<i>Storage tank</i>	means any tank other than a flushing cistern having free water surface under atmospheric pressure from which water supplied by Council is delivered for use.
<i>Supply pipe</i>	means the pipe connecting the service pipe to the customer's premises.
<i>Uncontrolled catchment area</i>	means an area to which the public and domestic animals are not prohibited from entry and from which waters are drawn or likely to be drawn for public consumption.
<i>Vacuum column</i>	means an arrangement of pipes which forms an inverted U extending upwards to a point not less than 10.5 m above the highest point in the service pipe and in which there cannot be excess pressure on the property side of the column.

*Water supply
network*

includes all rivers, streams, lakes, waters, and underground waters, land, watersheds, catchment areas, water collection areas, reservoirs, dams, bores, tanks, and pipes, and all buildings, machinery, and appliances of any kind, vested in Council or acquired or constructed or operated by or under the control of Council for or relating to the purpose of water supply, whether within or outside the district.

Wholesome water

has the same meaning as in section 69G of the Health Act 1956, namely, in relation to drinking water:

- (a) being potable; and
- (b) not containing or exhibiting any determinand in an amount that exceeds the value stated in the guideline values for aesthetic determinands in the drinking-water standards as being the maximum extent to which drinking water may contain or exhibit the determinand without being likely to have an adverse aesthetic effect on the drinking water.

1602 Ordinary Supply

- (1) Every property or allotment with one or more dwellings can obtain an ordinary supply connection subject to:
 - (a) the property or allotment being within an area served by a public water supply;
 - (b) any connection restrictions imposed by Council;
 - (c) compliance with this part of the Bylaw;
 - (d) payment of the appropriate charges in respect of the water supply to that property or allotment; and
 - (e) payment of any other charges or costs associated with the supply of water to the subdivision of the property or allotment.
- (2) Where no ordinary supply of water is available to a property or allotment with one or more dwellings, a water supply must be made available by the owner of that property or allotment in accordance with the Building Act 2004.
- (3) Council may determine, by resolution, publicly notified, whether or not any ordinary supply shall be metered.

Explanatory Note: *Any restrictions imposed by Council will be consistent with Councils obligations under section 69S of the Health Act 1956.*

1603 Extraordinary Supply

- (1) Council shall be under no obligation to give or continue an extraordinary water supply.

- (2) For extraordinary supplies, Council may choose to allocate an amount of water for a particular connection and for a particular purpose, and may review or alter that allocation from time to time.
- (3) Council may, by giving written notice where possible, restrict an extraordinary supply if required to maintain ordinary supplies and protect public health and safety.

1604 Use of Ordinary Supply

- (1) Ordinary supply can only be used for domestic purposes.

1605 Use of Extraordinary Supply

- (1) Extraordinary supply may be used for purposes other than domestic purposes.
- (2) No consumer or other person receiving an extraordinary supply for one purpose shall use or allow such supply to be used for any other purpose.
- (3) All extraordinary water supply connections shall have a high hazard testable reduced pressure zone (RPZ) double check valve backflow preventer installed on the connection.

1606 Reclassifying Supply

- (1) Where the Council determines, either at the time of application or subsequently (for example, as a result of monitoring the actual use), that the amount of water used is significantly in excess of an ordinary domestic usage, the Council may, at any time, reclassify the excess supply of water to the premises as an extraordinary supply and charge the customer at the extraordinary supply rate.

1607 Continuity of Supply

- (1) Council does not guarantee the uninterrupted supply of water, and no allowance will be made or compensation given on account of water being shut off, for maintenance, health concerns, or any other purpose or reason.
- (2) Council will take reasonable steps to notify in advance any scheduled interruptions to the supply of water.
- (3) If a customer requires an uninterrupted supply of water, it is the responsibility of that customer to provide any necessary storage, back-up facilities or equipment necessary to ensure effective continuity for their particular purpose.

Explanatory Notes: *Loss of supply or restricted flow may occur due to firefighting activities. Any restriction or interruption in supply will be consistent with Council's obligations under section 69S of the Health Act 1956.*

1608 Pressure

- (1) Council does not guarantee any particular maximum or minimum pressure in its water distribution system and no allowance will be made or compensation given on account of change of pressure in the water supply.

1609 Prohibition or Restriction of Supply

- (1) An Authorised Officer may, by public notice, restrict or prohibit the use of water for any specified purpose, if the Authorised Officer considers special measures are required to conserve the water supply. Any restriction or prohibition may be subject to conditions, may apply to the whole of the district, a portion of the district or any customer or customers within the district, and will remain in place until public notice is given that the restriction is removed.

Explanatory Note: *Conditions that may exist could include but are not limited to drought, contaminated supplies and flooding.*

- (2) No consumer will be entitled to any payment or compensation for any restriction or prohibition put in place in accordance with clause 1609(1).
- (3) It is an offence against this part of this Bylaw for any person to use water in the manner so restricted or prohibited in accordance with clause 1609(1).
- (4) In the case of emergency, an Authorised Officer may prohibit or restrict the use of water for any purpose considered necessary to deal with the emergency, without public notice.

1610 Restricting Water in Other Circumstances

- (1) Water supplied to any customer may be restricted by Council in the event of the customer:
 - (a) failing to pay the appropriate charges by the due date;
 - (b) failing to repair a leak, or willfully allowing water to run to waste or be misused;
 - (c) willfully interfering with the Council supply system or equipment;
 - (d) failing to fit quick-closing valves, non-return valves or other protective devices which Council may require to be fitted to protect the water supply system;
 - (e) failing to fully comply with the requirements of Council's terms and conditions relating to the supply of water or of this Bylaw.

1611 Exemption from Restricted Water Supply

- (1) Customers may apply to Council on the prescribed form for an exemption from a water restriction. An Authorised Officer may approve an exemption and set such conditions as deemed necessary.
- (2) Where an application has been declined, the water restriction will stand for the applicant until such time as the restriction has been removed.

1612 Water Supply before Occupation of Dwelling

- (1) No person shall occupy or permit the occupation of a building for residential purposes or human habitation unless such building is provided with an adequate and convenient supply of wholesome water for domestic purposes with approved pipes and fittings, installed in accordance with Council's Engineering Standards current at the time of installation and in accordance with a building consent.

1613 Change of Ownership

- (1) In the event of premises changing ownership and where premises are metered, the outgoing customer must:
- (a) give Council seven working days' notice prior to the change of ownership to arrange a final reading;
 - (b) where an agreement is in place under clause 1614(9) inform the new owner that they are required to enter into a separate agreement with Council.

1614 Application for Supply

- (1) Any person may apply for:
- (a) an ordinary or extraordinary supply of water in respect of any new connections; or
 - (b) a change to the classification of current water supply; or
 - (c) relocation of the point of supply.
- (2) Any application shall be made on the prescribed form, with the payment of the Council's prescribed fees and charges and any development contribution fee if applicable. The applicant shall provide all the details required by an Authorised Officer, in order for the Authorised Officer to assess the application.
- (3) The applicant must have the authority to act on behalf of the owner of the premises for which the application is sought, and must produce written evidence of this if required.
- (4) On the receipt of an application an Authorised Officer has within 10 working days the discretion to
- (a) approve with or without conditions, or
 - (b) decline the application; or
 - (c) require further information and place the application on hold.
- (5) An approved application for a water supply connection under 1614(4) that has not been actioned within six months of the date of approval will lapse unless an extension of the time to action has been approved.
- (6) In the event an approved application under clause 1614(6) lapses, an applicant will need to reapply and pay the Council's prescribed fees and charges.

1615 Supplies from Standpipes on Hydrants

- (1) An Authorised Officer may approve and set conditions to allow for an extraordinary water supply by means of a stand pipe to be placed upon a specified hydrant. Any application for such supply and for the hire of any stand pipe shall be made in writing on the prescribed form and accompanied by the payment of Council's prescribed fees and charges.
- (2) Unless otherwise permitted by law, no person may take water from a hydrant other than as authorised under this clause.
- (3) Unauthorised use of a stand pipe or a hydrant is a breach of this Bylaw.

1616 Determination of Size of Service

- (1) An Authorised Officer shall have the right to determine the size of mains tapping, the size of meters, and the size of service pipes required for any ordinary or extraordinary water supply.

Connections, Disconnections and Inspections

1617 Work Not to be Commenced without Approval

- (1) A person must not attach or connect or permit to be attached or connected with the water supply network, any pipe, stop tap, or other apparatus, nor alter or repair any existing pipe or fitting connected with the water supply network other than the re-washing of taps, without authorisation.
- (2) An Authorised Officer can approve any work with conditions, if it is carried out by a plumber holding a current practising licence issued under the Plumbers, Gasfitters, and Drainlayers Act 2006 and subsequent amendments or by any other person who has satisfied an Authorised Officer of their ability to carry out such work.
- (3) All work must be carried in accordance with the approval. It is an offence against this Part of the Bylaw to carry out such works without an approval or in contravention of any conditions of an approval.

1618 Disconnections Required

- (1) Where any customer wishes to permanently disconnect any water supply to their premises from the water supply network, the customer must make an application to Council for disconnection. Any such application to Council must be made on the prescribed form and accompanied by any prescribed Council fee or charge.
- .
- Disconnections from the water supply network shall only be made by an Authorised Officer or by a person approved by an Authorised Officer subject to any conditions imposed.

1619 Notice When Supply Not Required

- (1) If a Council water supply is no longer required the owner of the premises must give fourteen days' written notice to Council.
- (2) The owner shall remain liable for all charges until the water supply account has been paid in full and any disconnection fee has been paid.

1620 Non-Payment or Non-Compliance with Notice

- (1) Subject to section 193 of the Local Government Act 2002 and section 69S of the Health Act 1956, Council may restrict a supply of water to any premises if the owner:
 - (a) fails to comply with a notice from the Authorised Officer requiring repair of defective pipes or fittings; or
 - (b) wilfully allows water to run to waste or is misused; or
 - (c) fails to pay any targeted rates for water supply or any other Council prescribed fees and charges payable with respect to the water supply within one month of the due date specified in an invoice issued by Council; or
 - (d) breaches any provision of this Part of the Bylaw.

An unrestricted supply will be restored only when any non-compliance has been remedied to the satisfaction of Council and the re-connection fee, where applicable, has been paid.

Explanatory Note: *As provided for under section 193 of the Local Government Act 2002, Council may restrict the supply of water to any premises where the owner fails to pay any targeted rates that have been assessed on water supplied pursuant to section 19(1) of the Local Government (Rating Act) 2002 within one month of the due date of the rates invoice. Council may also recover all monies owing in any Court of competent jurisdiction as a debt owing to Council. The restriction shall be subject to section 69S of the Health Act 1956.*

The restricted supply must be sufficient not to create unsanitary conditions.

1621 Re-connection Fee

- (1) Whenever the water supply has been disconnected to any premises, the supply will not be turned on again except on payment of any Council prescribed fees and charges for reconnection of the water supply.

1622 Inspection of Installations

- (1) Pursuant to and subject to the requirements of any powers of entry that Council has under the Building Act 2004, Local Government 2002 or any other applicable enactment, an Authorised Officer may enter any premises for inspection of all or any fittings and other apparatus connected

directly or indirectly to the water supply network between the hours of 8.00am and 6.00pm of any day.

- (2) Any person who obstructs an Authorised Officer from undertaking any lawful inspection pursuant to clause 1622(1) commits an offence against this Part of this Bylaw. If an Authorised Officer is obstructed or refused admittance without lawful excuse, Council may restrict the supply of water to that premises.

1623 Point of Supply

- (1) The point of supply to the premises shall be determined by the Council and shall be located at a point that an Authorised Officer considers is as close as is reasonably possible to the property boundary.
- (2) The point of supply shall be a point 250mm outside the premises boundary, unless an Authorised Officer determines otherwise.
- (3) The supply pipe from the building to the point of supply shall be provided by the owner or occupier in accordance with Council's Engineering Standards current at the date of the works and at the owner or occupier's own cost and expense, to the satisfaction and approval of an Authorised Officer.
- (4) In the case of an extraordinary supply requiring metering, the meter may be installed on the supply pipe by prior arrangement between Council and the consumer.

1624 Stop taps to be Provided

- (1) In addition to any stop tap fitted by an Authorised Officer on the service pipe, the owner shall, except in the case of a fire sprinkler system, fit stop taps as follows to the satisfaction of an Authorised Officer:
- (a) where a building is set back from the street boundary, a stop tap shall be fitted on the supply pipe to control all outlets on the premises;
 - (b) where a building is on the property boundary a stop tap shall be provided inside the building as close as possible to the point of pipe entry to control all the outlets on the property;
 - (c) in every building of more than one floor, at every floor level including sub-floor or basement level, one or more stop taps shall be provided to control the supply to all outlets on such floor.

All stop taps shall be kept readily accessible at all times and exterior stop taps shall be protected by strong durable boxes of earthenware, concrete, cast iron, or other approved material.

1625 Only One Point of Supply

- (1) No premises shall be supplied with more than one service pipe, except with the written consent of an Authorised Officer, and under any conditions prescribed.
- (2) Without the prior written approval of an Authorised Officer, no branch fitting shall be connected to the service pipe between the main and the meter.

1626 One Pipe Not to Serve Two Premises

- (1) A supply pipe must serve only one premise unless held under one rating assessment and written consent has been obtained from an Authorised Officer. The customer must not extend the supply pipe by hose or any other device, to any other premises.

Fittings, Materials and Installations

1627 Work in Streets and Public Places

- (1) No person shall carry out work in any road, private road, or public place unless first having obtained written consent from an Authorised Officer and in accordance with any conditions prescribed by an Authorised Officer.
- (2) Any work undertaken shall be reinstated by properly refilling all trenches and by removing all waste materials from each road, private road or public place as soon as possible and to the satisfaction and approval of an Authorised Officer.

1628 General

- (1) All materials, fittings and appliances used for the supply and distribution in any premises of water supplied by Council shall be of such design and quality as to prevent waste, undue consumption, misuse, or contamination of water, or the setting up of a water hammer in any part of the system.
- (2) They shall in every case be of approved design and materials for durability and ready maintenance. All such fittings shall be capable of standing a test pressure of 180 m head of water (1.8MPa) and suitable for working pressure equivalent to 90 m head of water (0.9 Mpa), or other such pressures as the Authorised Officer shall prescribe or in accordance with a building consent if one is required.

Explanatory Note: *Will need to check with Council Officers if a Building Consent will be required for any plumbing work undertaken.*

1629 Pipes for Fire Fighting Purposes

- (1) Any supply pipe that is above ground and is or may be required for firefighting purposes shall not be made of:
 - (a) material mechanically affected by the action of heat; or
 - (b) made of plastics, this includes but is not limited to PVC, polythene, rigid PVC.

1630 Quick Closing Valves Not to be Used

- (1) No quick closing valves of any kind are to be used on any pipe directly connected to the service pipe unless approved by an Authorised Officer.
- (2) Any approval to use a quick closing valve will require the use of a suitable air chamber to be fitted in the supply pipe at the stop tap or next to the fitting and any other conditions stipulated by an Authorised Officer when giving any approval pursuant to clause 1638(1).
- (3) An Authorised Officer may approve the use of a self-closing tap type of valve in some circumstances.

1631 Float Valve Installation

- (1) Every ball valve or float-operated valve fitted to a storage tank is to be:
 - (a) securely and rigidly fixed above the top water line;
 - (b) supported independently of the inlet pipe (unless such inlet pipe is itself rigid and rigidly fixed to the tank);
 - (c) in such a position that no part of the body of the valve would be submerged; and
 - (d) positioned twice the diameter of the supply pipe and in no case less than 25mm above the tank's overflowing level.
- (2) Silencing pipes will be permitted only in break pressure tanks such as flushing cisterns and supply tanks for hot water systems.
- (3) No ball valve shall be fitted directly to any thermal storage electric water heater.
- (4) Where a nuisance, safety issue or hazard is caused by the location of an overflow or discharge pipe, an Authorised Officer may direct the owner of the premises to fix and/or remediate so the nuisance, safety issue or hazard no longer exists.

1632 Flush Valves

- (1) Flush valves may only be installed with the written approval of an Authorised Officer. Any flush valve approval shall require the flush valve to be:
 - (a) of the approved waste-preventing type discharging not more than 13.5 litres per flush;
 - (b) supplied by a separate storage tank;

- (c) incapable of delivering more than 13.5 litres per flush regardless of any manipulation of the operating lever;
- (d) constructed as to seal automatically upon the termination of the prescribed flush, irrespective of the position of the starting lever.

1633 Protection of Ball Valves

- (1) Every stop tap, ball valve or other fitting installed in an exposed position shall be protected against damage by an approved guard and, if considered necessary by an Authorised Officer, shall be fitted in a separate compartment protected by a securely fixed cover.

1634 Watering Troughs

- (1) Every pipe supplying water to a watering trough for animals shall:
 - (a) be fitted with a ball valve or some other effective means of controlling the inflow of water to prevent overflow; and
 - (b) have an air gap as required and specified in clause 1637 of this Bylaw and fixed in a separate compartment and protected by a securely fixed cover.

1635 No Connection to Other Supplies

- (1) In any system of piping supplied with water by Council, no direct connection with any other sources of supply of water shall be made.
- (2) No direct connection shall be made or maintained to any drainage system, or sanitary fitting, or to any fittings or apparatus including steam boilers used for the reception or transportation of any liquid, gas, or drawn water.

1636 Drawn Water Not to be Returned

- (1) No person shall allow any water drawn from Council's water supply system to return into the water supply system of Council.

1637 Minimum Air Gap

- (1) The minimum air gap separation between the outlet of a water supply pipe or fitting which is directly connected to the Council system and the highest possible water level of the fixture or receptacle into which water is drawn or used shall be twice the diameter of the nominal diameter of such supply pipe or fitting but in no case shall it be less than 25 mm.

1638 Priming of Pumps

- (1) No pump shall be equipped with a direct connection for priming or other purposes.

1639 Supply to Shipping

- (1) Each water supply point available to shipping, including fire connections, shall be equipped with an approved backflow prevention device.

1640 Check Valves in Multiple Services

- (1) Where a supply of water to premises from more than one point of supply by Council is permitted and where in the opinion of an Authorised Officer they may be interconnected, the supply at each point shall be through a check valve installed between two isolating gate valves with a bleed valve fitted on the delivery side of the supply isolating valve so that the effectiveness of the check valve may be readily determined.

1641 Protection of Supply Pipes

- (1) No supply pipe or fitting shall be laid or fixed through, in or into any drain, sink, ash pit, or manure pit, nor through, in, or near any place where the water may become contaminated.

1642 Prevention of Backflow

- (1) It is the owner's responsibility (in accordance with the Building Act 2004, and the Health (Drinking Water) Amendment Act 2007), to take all necessary measures on the owner's side of the point of supply to prevent water which has been drawn from Council's water supply from returning to that supply.
- (2) Owners with supplies serving premises not covered by the Building Act and the New Zealand Building Code e.g. stock or horticultural water supplies, must comply with the relevant sections of the Health (Drinking Water) Amendment Act 2007 regarding protection of potable water.

Explanatory Note: *Suitable backflow prevention device includes but is not limited to an air gap separator, double-check valve assembly, reduced-pressure-zone back-flow-prevention device or a vacuum column.*

Prevention of the Waste of water

1643 Waste and Improper Use to be Prevented

- (1) No person shall use, or permit or suffer to be used, the water supply obtained through Council's water supply network system improperly or to an unreasonable extent or in a wasteful manner, or otherwise in any manner contrary to the provisions of this Part of the Bylaw.

Explanatory note: Improper use includes using an extraordinary supply as an ordinary supply.

1644 Overflow Pipes

- (1) Overflow pipes, if fitted to baths and water-using fittings or apparatus other than a handwash basin, shall be arranged to discharge in the open air or in an approved conspicuous position, and they shall not be led into waste pipes or drains.

1645 Fittings to be in Good Repair

- (1) The owner or occupier shall keep all pipes, taps, or other fittings on their premises which are connected with the water supply to be fit for purpose so that no water is wasted, misused, or contaminated, or a water hammer is caused.

1646 Deficient Pipes

- (1) Where an Authorised Officer considers any pipe, cock, appliance, or fitting in connection with any water service on a premise to be:

- (a) deteriorated;
- (b) of inferior quality;
- (c) causing or likely to cause waste of water;
- (d) insufficient for the proper supply of water;

an Authorised Officer may give written notice to the owner or occupier of any premise to carry out any works specified in the notice, and within the timeframe specified.

- (2) Failure to comply with the requirements of such notice within the time specified, is an offence against this Part of the Bylaw.

1647 Sprinklers and Hoses

- (1) Council may by resolution publicly notified, authorise the use of outside sprinklers or hoses to be under the immediate personal care of responsible person at all times when in operation during specified periods as determined by the resolution of Council.

1648 Water Used for Cooling

- (1) Air conditioning or industrial plant using an extraordinary supply of water for cooling purposes shall provide water conservation equipment so that the consumption is limited to that required to make up reasonable losses due to evaporation, wind, flushing, and similar effects. The use of water once through a cooling system that is without the use of recirculating equipment is prohibited without the written approval of an Authorised Officer.

Meters

1649 Installation and Maintenance of Meters

- (1) When a meter is required by Council, the meter will be supplied and installed by Council, at the customer's cost.
- (2) The customer shall pay any Council prescribed fees and charges relating to the supply, installation and maintenance of the meter.
- (3) Any meter installed by the customer, prior to the coming into operation of this Part of the Bylaw, shall be maintained by the customer. If in the opinion of an Authorised Officer, the meter is no longer fit for use, it must be replaced by a Council meter.
- (4) Approved high pressure isolating valves shall be fixed on either side of the meter.

1650 Protection of Meters

- (1) Where required by an Authorised Officer the customer shall:
 - (a) provide an approved site for the meter, within the premises or as close as practicable to the property boundary;
 - (b) take sufficient precaution to protect the meter from damage at all times;
 - (c) enclose the meter in a suitable box or other enclosure;
 - (d) in cases where natural support is absent, provide suitable wall brackets or other support; and
 - (e) ensure that the meter is readily accessible at all times.

1651 Testing of Meters

- (1) A customer may dispute the accuracy of a meter by applying to an Authorised Officer to have the meter tested. If the meter is found to be inaccurate, due to normal wear and tear, Council will not charge for the associated testing costs including removal and replacement of the meter. However, if in the opinion of the Authorised Officer the fault is due to a deliberate act, the customer will be required to pay all testing costs including removal and replacement of the meter.

- (2) If the meter is not found to be inaccurate the Council may require the customer to pay all associated testing costs including any removal and replacement of the meter.
- (3) If an Authorised Officer finds any meter to be broken, or not working, the Officer shall provide written notice to remove the meter and arrange for it to be tested. An Authorised Officer shall obtain a certificate of its accuracy before fixing or re-installing the meter.
- (4) The fee to be paid for testing meters shall be as provided for in Council prescribed fees and charges.

Explanatory Note: *All tests of meters shall be made at Council's workshop. The test will be made by running a measured quantity of not less than 2,000 litres through the meter and the meter shall be deemed to be correct if it registers within 4% either less or more than the measured quantity. In addition, the meter shall be capable of registering small flows from 2% of normal flow upward. The consumer shall have the right of witnessing the test.*

1652 Meter Accounts Adjusted

- (1) Should any tested meter be found to be reading incorrectly an Authorised Officer may make a fee adjustment in accordance with the permissible tolerances and results of the test.
- (2) The customer shall be responsible to ensure their meter is in good working order. Should any meter be defective, have its seal or dial broken or appear to Council to have been tampered with, Council may declare the reading void. In such a case the consumption will be estimated in accordance with clause 1654, and the customer will be liable to pay according to the estimate.
- (3) Any account payable by the customer as a result of any such adjustment shall be paid within the timeframe specified in any invoice issued by Council.

1653 Estimating Consumption

- (1) An Authorised Officer shall estimate the consumption for the previous period based on:
 - (a) the average of the previous four periods charged to the customer;
 - (b) occupancy of the premises and any occupancy changes;
 - (c) seasonal fluctuations; and
 - (d) any other evidence for the purpose of arriving at a reasonable estimate.

Charges

1654 Charges for Service Pipes

- (1) The charges payable by the consumer for tapping into the main pipe and for laying the service pipe, installing a meter, testing a meter where required, keeping such service pipe and meter in good repair and renewing when necessary, disconnection and reconnection where required, and road restoration shall be of such amount as may from time to time be determined by resolution of Council or as may be agreed with any person receiving that supply.

1655 Charges for Ordinary Supply

- (1) Charges for an ordinary supply of water shall be either by water rates, or uniform annual charges, or a charge fixed in accordance with the quantity of water consumed.

1656 Charges for Extraordinary Supply

- (1) Charges for extraordinary supply of water (whether according to the quantity consumed or otherwise) shall be of such amount as may from time to time be fixed by resolution of Council publicly notified, or may be agreed on with any person receiving that supply; minimum charges for such extraordinary supply may likewise be specified in the said resolution or agreement.

1657 Reading of Meters and Accounts

- (1) Meters will be read and accounts rendered at such intervals as Council may resolve from time to time.

1658 Water Supplied by Standpipe

- (1) Where a supply of water is given by means of a standpipe, the customer will be responsible for the full cost of any subsequent repairs found necessary following the use of such standpipe. Water used shall be paid for at normal rates for extraordinary supply or as determined by prior agreement. The customer shall also pay such hire charges as required by Council in the event of using a Council standpipe.

1659 Meter Supply to Non-Rateable Properties

- (1) The charges for water supplied to a non-rateable property shall be by meter and in amounts as may from time to time be fixed by resolution of Council publicly notified, or as may be agreed on with any person receiving that supply; minimum charges for such extraordinary supply may likewise be specified in the said resolution or agreement.

1660 Water Charged at an Annual Charge

- (1) When an extraordinary supply of water is granted to a customer for any purpose at an annual charge, Council may affix a meter to such supply, and the charge shall be determined by the provisions of this Part of this Bylaw relating to the purpose for which the water is being used.

1661 Supplies to Local Authorities

- (1) The charges to be made for water supplied to other local authorities shall be of such amounts as may from time to time be fixed by resolution of Council or as may be agreed on with any local body receiving that supply.

1662 Water for Extinguishing Fires

- (1) Unmetered connections which may be provided for fire protection systems shall be used for no other purpose and shall be independent of any other service connection to the property.
- (2) Where water is likely to be drawn from a fire connection or any part of it for purposes other than firefighting, an Authorised Officer may require a water meter to be installed on the fire connection or any part of it.
- (3) Whenever water has been taken from a metered fire connection for firefighting purposes, an Authorised Officer shall estimate the quantity of water used for firefighting purposes in order to estimate an appropriate charge rate. This charge rate will then be shown as a credit to the meter owner's account.
- (4) A fire sprinkler system shall be constructed and installed and thereafter maintained in good order to the satisfaction of an Authorised Officer, and shall be so designed and fixed that water cannot be drawn for any other purpose.
- (5) In the case of premises outside the district, a connection for a sprinkler system may be provided from a Council main, with the prior consent of Council.
- (6) Fire hose reels may be installed only under conditions prescribed by an Authorised Officer.
- (7) The cost of making, repairing, and renewing the fire connection from the main to the customer's premises shall be paid and borne by the customer.
- (8) An annual licence fee of such amount fixed by resolution of Council shall be paid by the customer to Council in respect of an installation under clause 1663(7).
- (9) Water used for the purpose of extinguishing fires will not be charged for.

Supply Outside Districts

1663 Application of Bylaw

- (1) Where Council supplies water outside the district and in the area of another Council with the consent of that Council, then for that supply all of the provisions of this Part of this Bylaw shall apply equally to all places, persons, and things outside the district as they apply to the same within the district.

1664 Protection of Water Supply

- (1) No person shall pollute or cause to be polluted any water that is part of the water supply network in any controlled catchment area or uncontrolled catchment area, or in any part of the water supply network.
- (2) In any controlled catchment area or any part of the water supply network, no person shall:
- (a) camp;
 - (b) take, depasture, or allow to stray any stock including horses, cattle, sheep, or goats;
 - (c) bathe or wash any linen or other thing; or
 - (d) deposit any dirt, rubbish, foul liquid, or matter of any kind.
- (3) In any controlled catchment area or land held by Council as a water reserve, no person shall, without first obtaining a permit in writing from Council:
- (a) enter;
 - (b) hunt, trap, shoot or fish;
 - (c) light or maintain any fire;
 - (d) take any dog;
 - (e) damage or destroy any trees, shrubs, or other existing cover, or interfere with any property;
 - (f) take any firearm or weapon of any kind which may be used for the destruction of birds and animals; or
 - (g) use any pesticide or toxic substances for any purpose whatsoever.
- (4) In granting any such permit, Council may impose such conditions as it considers appropriate, and every person to whom any such permit shall have been issued who shall fail to comply with every condition thereof commits an offence against this Part of this Bylaw.
- (5) No person shall burn, bury, or otherwise dispose of any refuse or other matter in any catchment that forms part of the water supply network, except with the prior consent of an Authorised Officer and subject to such conditions as are imposed.

1665 Carcasses to be Removed

- (1) Any person who kills any animal on any controlled catchment area or land held by Council as a water reserve shall remove the carcass thereof from such area, or shall dispose of the carcass as directed by and to the satisfaction of the an Authorised Officer.

1666 Permits to be Presented

- (1) No person to whom any permit shall have been issued in clause 1665(3) shall enter or leave any controlled catchment area or land held by Council as a water reserve without presenting such permit for inspection by an Authorised Officer if requested or notifying the Authorised Officer of their intention of entering or leaving such area as the case may be.
- (2) Every person on any controlled catchment area or land held by Council as a water reserve shall upon demand forthwith produce any such permit approved in clause 1665(3) for inspection by an Authorised Officer.
- (3) No permit issued under clause 1665(3) shall be capable of being transferred.
- (4) Council may at any time, by notice in writing delivered to the holder, revoke or suspend any such permit for such time as stated in the notice.

1667 Against Interference and Obstruction

- (1) In any controlled catchment area or any land held by Council as a water reserve:
 - (a) no person, other than an Authorised Officer, whether they are a holder of any permit issued under the provisions of this Part of this Bylaw or not.
 - (b) every person shall upon the request of the custodian or Authorised Officer immediately leave the controlled catchment area or land held by Council as a water reserve, but shall nevertheless be liable also to be prosecuted for the breach of any of the provisions of this Part of this Bylaw, and the failure to leave shall constitute a further offence;
 - (c) no person shall obstruct or hinder any Authorised Officer in the exercise of any powers vested in them under the provisions of this Part of this Bylaw.
- (2) In any restricted or open catchment area or any land held by Council as a water catchment:
 - (a) no person shall commit or cause or permit to be committed any act which may interfere with or be likely to interfere with the free and lawful exercise of any rights vested in any other person in any such area;
 - (b) every person shall upon request of Council immediately leave the restricted or open catchment area or land held by Council as a water catchment, but shall nevertheless be liable also to be prosecuted for the breach for any of the provisions of this Part of this Bylaw, and the failure to leave shall constitute a further offence;
 - (c) no person shall obstruct or hinder any Authorised Officer in the exercise of any powers vested in him under provisions of this Part of this Bylaw.

Kaipara District Council

Proposed Draft Consolidated General Bylaw 2020

Part 17 - Land Drainage

Part 17 - Land Drainage

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Relationship between this Bylaw and Acts, regulations, bylaws and Council's District Plan

Compliance with the Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and the Operative Plan of the Kaipara District Council. Where there is any conflict between this Bylaw and any Act or Regulation, the Act or Regulation will take precedence.

Part 17 - Land Drainage

Purpose

This Part of the Bylaw regulates the use and maintenance of Council Drains and stopbanks. The purpose of this Part is to outline:

- (a) circumstances where a private drain may connect to a Council drain;
- (b) what cannot be discharged into a Council drain;
- (c) requirements for crossings and stopbanks; and
- (d) requirements for repairs to any damaged drains.

1701 Interpretation

- (1) In this part of the Bylaw, unless the context otherwise requires:

<i>Act</i>	means the Local Government Act 1974
<i>Board</i>	means a Board of Trustees for a district constituted under the Land Drainage Act 1908.
<i>Crossing</i>	means any means by which any vehicle, livestock, or person may go over, through, or under any drainage channel or water course or defence against water and includes a bridge, culvert or ford.
<i>Council drain</i>	means and includes every drain vested in or under the management or control of Council, and any canal or watercourse vested in, or under the jurisdiction of Council, or incorporated into its drainage system.
<i>Defence against waters</i>	includes any dam, weir, bank, carriageway, groyne, stopbank, or reservoir, and any structure or appliance of whatsoever kind which has or may have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread or subsidence, in or out of a watercourse, of water including flood waters.

<i>Private drain</i>	means any drain constructed by or vested in an owner and not being a Council drain.
<i>Stopbank</i>	means an embankment bordering one or both sides of a drainage channel or watercourse to contain flows of water.
<i>Watercourse</i>	includes all rivers, streams, and channels through which water flows
<i>Watershed</i>	Means the area that drains into a single river.

1702 Private Drains

- (1) The owner of any property must obtain consent from the Council or the Board to:
 - (a) connect a private drain to a Council drain;
 - (b) connect a private drain to a private drain which is connected to a Council drain;
 - (c) extend a connected private drain;
 - (d) enlarge a connected private drain and any branches thereof;
 - (e) add new branch drains thereto;
- (2) Any owner applying for any such consent shall submit to Council or Board such plans and specifications as may be required by Council showing the exact location of the private drain and branches (if any) giving details of length, size and construction and indicating the approximate area sought to be drained.
- (3) An Authorised Officer may impose conditions regarding the connection or continuance of the connection of private drains including the payment to Council of a reasonable fee to cover the cost of inspection and any reporting relating to any such drain.
- (4) Council may impose a charge or annual fee for a contribution to the cost of the construction, maintenance or extension to Council's drainage system, and the construction and maintenance of any associated bridge or crossing.
- (5) The owner of any property for which consent is given under this Bylaw to construct a private drain shall, if required by Council:
 - (a) construct and thereafter maintain a sufficient bridge or crossing over such private drain;
 - (b) ensure that any such bridge or crossing shall be placed to enable Council's workers, or agents and their plant and machinery to pass along the banks of such Council drain for the purpose of cleaning or maintaining the same; and
 - (c) Council may enter into any agreement in respect of any such bridge or crossing as it decides is reasonable.

1703 Access to Council Drains

- (1) Without the prior consent of Council and then only subject to conditions as the Council may impose, no owner of any land on the banks of any Council drain shall;
- (a) plant or permit to grow any tree, shrub or hedge;
 - (b) erect or maintain any fence, building, bridge or other construction; or
 - (c) make any excavation
- in such a position as to interfere with or obstruct the free access of any Authorised Officer, plant or machinery to or along such drain or any part thereof, for a distance of 15 metres from the bank of the drain, or such other distance as Council may specify in respect to any particular drain or part thereof.
- (2) A person must not construct or maintain any road, or access way for the passage of stock, machines or vehicles along the bank of any Council drain or within 15 metres thereof, except pursuant to a consent, and subject to any conditions imposed in the **consent**.

1704 Obstruction to Flow

- (1) A person must not stop, obstruct or interfere with or divert the flow of water in any Council drain or private drain connected with a Council drain without the prior consent of Council.
- (2) A person must not put into any drain, or cause, permit or suffer to be put or to fall therein any material or thing causing or likely to cause obstruction of the drain.
- (3) No owner of the land on either side of any drain shall allow, permit, or suffer to grow therein or on the banks thereof any trees, plants, weeds or growths that may be likely to impede the flow of water in any such drain.
- (4) A person must not permit or suffer any debris, plants, weeds, growths or other cleanings cut or removed from the bottom, side, or banks of any drain to float along such drain or into any other drain or watercourse.
- (5) Any person who breaches clause 1704(4) shall on request by an Authorised Officer remove such obstruction or Council may remove the obstruction and recover the costs of such removal as a debt due to Council.

1705 Use as Waterway

- (1) A person must not without the prior consent of Council, use any Council drain for the purpose of floating any timber, flax, or any other material or thing, or for any purpose of haulage, propulsion, water carriage or navigation. Any consent granted by Council may be subject to any conditions Council considers appropriate, including requiring payment of a charge for use of the Council drain.

1706 Drains through Watersheds

- (1) Without the prior consent of Council, no owner or occupier shall construct or maintain any drain or system of drains if such drain or system of drains passes through any raised level of land or watershed.

Explanatory note: Cannot put in a new drain through a watershed or through raised land without Council consent.

1707 Artesian Overflow

- (1) No owner or occupier shall allow the overflow of any artesian well on property owned or occupied by them to fall, flow or percolate into any Council drain, or any private drain connected with a Council drain, without prior consent from Council.

1708 Artificial Obstruction or Addition of Water Causing Damage

- (1) A person must not in any manner cause, allow or permit any damage to any Council drain or private drain connected with a Council drain to be caused by the release of any water into any such drains other than by natural flow or by the abstraction of water therefrom, without first obtaining the consent of Council and then only upon such conditions and in such manner as Council shall direct.

Explanatory note: The collection and release of water needs to be managed and directed by Council. Water stored then released on mass has the ability to cause catastrophic failure and erosion of the asset.

1709 Alteration to Public Drain

- (1) A person must not make or cause to be made any Council drain wider or deeper than it is at the time, or stop or obstruct the same or alter the course thereof or in any way interfere with any public drain or associated works or structures without the prior consent of the Council.

1710 Pollution

- (1) A person must not discharge, cause, permit or suffer to be discharged into a Council drain or private drain connected with a Council drain, any liquid, gaseous or solid matter which is likely to be a nuisance or cause injury to health or cause damage to the drain.
- (2) No owner or occupier shall permit or suffer any dead stock or any part thereof to be or remain in any drain on their property, and no owner or occupier of the land on either side of any drain shall permit or suffer to be or remain therein any dead stock or any part thereof which has strayed or fallen from their property into such drain.

Explanatory note: For clarity under 1710(1) injurious to health means to the health of people, the environment and to ecosystems.

1711 Maintenance and Repair

- (1) An Authorised Officer may by notice:
- (a) require the owner of the land through which any drain passes to clean, maintain and repair the said drain or any part thereof within such reasonable time as shall be allowed by an Authorised Officer; and
 - (b) if the owner fails to comply with a request pursuant to clause 1711(1), Council may execute the work and recover the cost thereof from such owner.
- (2) Notwithstanding the provisions of clause 1711(1), an Authorised Officer may by notice:
- (a) require the owner of the land through which a drain passes to remove from the banks all obstructions of any kind within such reasonable time as shall be allowed by an Authorised Officer; and
 - (b) execute the work and recover the cost thereof from the owner.

In this clause obstruction shall include earth, stone, timber and materials of all kinds and trees, plants, weeds and growths of all kinds.

1712 Obstruction of Officers

- (1) A person must not, whether on private land or not, obstruct an Authorised Officer in the performance of any duty that the Authorised Officer is empowered to undertake under this part of the Bylaw.

1713 Damage

- (1) A person must not destroy, cause any damage to or interfere with any dam, reservoir, stopbank, headworks or building or other installation connected with Council drainage works, or allow, permit or suffer any stock to damage or destroy the same.

1714 Repairing Damage

- (1) Where any drain is damaged by stock or otherwise an Authorised Officer may:
- (a) require the owner or occupier responsible for such damage to repair such drain to the satisfaction of an Authorised Officer; and
 - (b) may execute the necessary repairs and recover the costs thereof from the said owner.

1715 Defence against Waters

- (1) A person must not erect or cause or permit to be erected any defence against waters without the prior consent of Council and in accordance with such terms and conditions as may be imposed.
- (2) Any owner or occupier upon whose property a stopbank is located whether for the protection of that land or not shall:
 - (a) maintain such stopbank according to the requirements of an Authorised Officer; and
 - (b) not remove it or suffer or permit it to be removed, lowered or breached without the prior consent of Council; and
 - (c) not at any time, plant or suffer to be planted, any trees or other growths thereon or within 15 metres thereof or construct, erect or place any installation, building, roadway, fence or other structure thereon; and
 - (d) not allow, permit or suffer any stock to have access, pass, graze, or trespass thereon without the prior consent of Council and then only upon such terms and conditions as an Authorised Officer may direct.

1716 Crossings

- (1) A person must not cross or pass over a Council drain with any horse or vehicle or drive any stock or convey any implement or machinery or goods or materials over it except at crossings appointed by Council.
- (2) A person must not construct any crossing in, upon or over any Council drain without the prior consent of an Authorised Officer and in accordance with any conditions imposed in the consent.
- (3) A person must not erect, build or maintain any elevated crossing over any Council drain except to such dimensions as will ensure there is no obstruction or danger of obstruction at any time to the free flow of water in the drain and only with the prior approval of an Authorised Officer.
- (4) An Authorised Officer may:
 - (a) require any owner of land which has or adjoins a Council drain to construct, maintain or renew crossings at places and in such manner required by Council; and
 - (b) execute the works required and recover the cost thereof from any such owner.

1717 Watering Places

- (1) No owner or occupier shall construct, maintain or use a watering place for stock in any Council drain without the prior consent of an Authorised Officer.
- (2) An Authorised Officer may impose such conditions for the mode of construction, for fencing and otherwise of a watering place as the Authorised Officer considers appropriate. Consent may be suspended or revoked if the conditions are breached.

- (3) The owner or occupier of any land adjoining any watering place shall ensure that the watering place is used and maintained so that no damage to the Council drain will result from their use. In the event of damage, an Authorised Officer may require the owner or occupier of any land adjoining the watering place to repair the Council drain and if the owner or occupier defaults, Council may execute the work and recover the cost thereof from the owner.

1718 Inspection

- (1) An Authorised Officer shall have the power to inspect any installation set up for the withdrawal or diversion of water from any public or private drain or other watercourse within its district whether that installation has been given prior consent or not and may direct any alteration, improvement to, replacement of, removal or demolition of such installation at any time.

DRAFT



General Bylaws 2008



Kaipara te Oranganui

**KAIPARA
DISTRICT**

Two Oceans Two Harbours

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Relationship of this Bylaw to Statute Acts and Regulations thereto:

To avoid any doubt, where there is any conflict between this Bylaw and the provisions of the Operative District Plan of the Kaipara District Council or any Statute Act or Regulation, the Statutory Act, Regulation or District Plan, shall prevail.

Part 1

General Bylaws

Introductory

Scope

The purpose of the introductory section is to identify those terms and expressions that are used throughout the bylaw document and to clearly interpret those terms and expressions.

Some definitions are contained within various Parts of the Bylaws.

101 Interpretation

101.1 In this Bylaw, unless the context otherwise requires -

Act means Local Government Act 1974 and its amendments and the Local Government Act 2002.

Animal means stock, poultry and any other vertebrate animal of any age or sex that is kept in a state of captivity or is dependent upon human being for its care and sustenance (includes sheep).

Approved means approved by the Council or by any officer authorised on behalf of the Council.

Authorised Officer means any person appointed or authorised by the Council to act on its behalf and with its authority including a Police Constable.

Bylaw means a bylaw of the Council for the time being in force, made under the provisions of any Act or authority enabling the Council to make bylaws.

Council means the Kaipara District Council.

Custodian means any person for the time being appointed by Council to control or manage or to assist in the control and management of any land, building, or premises belonging to or under the jurisdiction of the Council.

District means the district within the jurisdiction and under the control of the Council.

Dwelling or Dwelling house includes any house, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the soil or not, used in whole or in part for human habitation, and includes the land appurtenant to a dwelling.

Licensed means holding a licence under this bylaw or under any statute.

Local Authority means the Council, person, or group of persons authorised by an Act to make bylaws, and which has made this bylaw, and includes the body corporate on behalf of which any such Council, person, or group acts.

Motor Vehicle shall have the meaning assigned to it from time to time by the Transport Act 1962.

Occupier means the inhabitant occupier of any property, and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner as hereinafter defined.

Offence includes any act or omission in relation to this bylaw or any part thereof for which any person can be punished either on indictment or by summary process.

Owner of any property, or as applied to any land, building, or premises, means any person for the time being entitled to receive the rent of such property, or who would be so entitled if the same were let to a tenant at a rack rent; and where any such person is absent from New Zealand, shall include their attorney or agent.

Person includes a corporation sole and also a body of persons, whether corporate or incorporate.

Portico includes every awning, porch, verandah, shed, shade, or covering upon, across, or over any public footway or part of a road, street, private street, or access-way for the purpose of shade or shelter, together with any supports thereof, other than the building against which it shall be.

Poultry means any bird (including domestic fowls, ducks, geese, turkeys, guinea-fowl, pheasants and pigeons) that is kept or raised for the purpose of sale or of producing eggs, hatching eggs or poultry products for human consumption, or for the purpose of rearing on behalf of another person.

Premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises.

Principal Administrative Officer means the principal administrative officer of Council, irrespective of the designation given to that officer, and includes any person for the time being appointed by the Council to perform the duties or a particular duty of the principal administrative officer.

Public Notice shall have the meaning assigned to it from time to time by the Local Government Act 2002.

Public Place means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place, and includes every road, street, public highway, footpath, footway, court, alley, lane, access way, and thoroughfare of a public nature open to or used by the public as of right; and every place of public resort or place to which the public has access, so open or used.

Reserve means any land set aside for any public purpose and shall have the same meaning as in the Reserves Act 1977.

Road shall have the same meaning as in the Local Government Act 1974 and shall where the context requires include a street.

Stock means cattle, deer, alpaca and llama of any age or sex (excludes sheep).

Street, Private Road, Footpath and Private Way shall have the respective meanings assigned to them in the Local Government Act 1974 and shall, where the context requires, include a road.

Vehicle means a contrivance equipped with wheels, tracks, or revolving runners upon which it moves or is moved, but does not include:

- (a) A perambulator or pushchair;
- (b) A shopping or sporting trundler not propelled by mechanical power;
- (c) A wheelbarrow or hand-trolley;
- (d) A child's toy, including a tricycle and a bicycle, provided, in either case, no road wheel (including any tyre) has a diameter exceeding 335mm;
- (e) A pedestrian-controlled lawnmower;
- (f) Any pedestrian-controlled agricultural machinery not propelled by mechanical power;
- (g) Any article of furniture;
- (h) Any invalid wheel-chair;
- (i) Any hovercraft;
- (j) Any other contrivance specified by the Council.

Waterworks shall have the meaning assigned to it from time to time by Section 5 of the Local Government Act 2002.

Writing, Written or any term of like import means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied.

101.2 Words importing the singular number include the plural number, and words importing the plural number include the singular number;

101.3 The headings to the clauses of this bylaw shall not affect the construction thereof.

101.4 Every Schedule to this bylaw shall be deemed to form part of this bylaw provided that any such schedule or policy note may be altered from time to time by Council resolution.

102 Officers to Continue In Office

102.1 All officers appointed by the Council under or for the purpose of any repealed bylaw, and holding office at the time of the coming into operation of this bylaw, shall be deemed to have been appointed under this bylaw.

103 Serving of Orders and Notices

103.1 Except where otherwise expressly provided for in any Act, in any case in which it is provided by this bylaw, that an order may be made upon or notice be given to any person requiring them to do or abstain from doing anything, or any notice is required by this bylaw to be given or sent to any person, such order or notice shall be delivered to such person, and may be delivered to them either personally or by sending the same, by messenger or post or fax, to them at their last-known place of abode or business.

103.2 If such person is absent from New Zealand the order or notice may be sent to their agent instead of to such person, in any manner mentioned in the last preceding subclause.

- 103.3 If such person is not known, or is absent from New Zealand, and has no known agent in New Zealand, and the order or notice relates to any land or building the order or notice, addressed to the owner or occupier of such building or land, as the case may require, may be served on the person in occupation thereof, or left with some individual of his/her abode; or, if there is no person in occupation, may be put up on some conspicuous part of such building or land. It shall not be necessary in such notice to name the occupier or the owner of such land or building.

104 Powers of Delegation

- 104.1 In all cases where this bylaw provides for the issue of any order, notice or licence, such order notice or licence shall be deemed to be issued in compliance with this bylaw if the same be issued by an officer of the council authorised by the Council for that purpose.
- 104.2 Where pursuant to this bylaw any powers or duties are imposed on a Principal Administrative Officer or any Authorised Officer of the Council that officer may with the consent of the Council delegate any of those powers or duties either generally or particularly to any other officer of the Council.

105 Powers of Entry for Purposes of this Bylaw

- 105.1 The Council shall have for the purpose of doing anything that is empowered to do under any bylaw, the power to enter for the purpose of inspection, by its officers or agents, upon;
- (a) any unoccupied land or building; or
 - (b) any occupied land or building after giving to the occupier thereof, and where practicable to the owner if the owner is not the occupier, 24 hours notice of the intended entry.
- 105.2 Where the occupier is not the owner and notice has not been given to the owner as above, notice of any entry shall be given to the owner as soon as practicable.
- 105.3 Every person who obstructs or hinders any such officer or agent in the exercise of their power hereunder shall be liable to prosecution for an offence against this bylaw.

Commentary

Specific provisions are also provided under other legislation.

106 Suspension and Revocation of Licences

- 106.1 Save and except as may be otherwise expressly provided for in any particular case in this bylaw:
- (a) Should the holder of any licence, granted pursuant to this bylaw be convicted of any offence thereunder as a licensee the Council may immediately thereupon revoke such licence or suspend the same for as long as it may think fit.
 - (b) Should it be brought to the notice of Council either by a report from an authorised Officer or otherwise that the holder of any licence granted hereunder has acted or is acting in a manner contrary to the true intent and meaning of this bylaw or that in any way they are deemed to be unfit to hold such licence, then and in any of such cases the Council may cause to be served upon such holder a notice calling upon him/her to appear before Council or a committee thereof and show cause why their licence should not be revoked or suspended, and the

Council may, if it considers the matter proved or if there be no appearance by the holder of such licence revoke such licence or suspend the same for as long as it may think fit.

- (c) Should it be brought to the notice of the Council either by a report from an Authorised Officer or otherwise howsoever that any premises licensed under this bylaw or any part of such premises -
- (1) Have been or are being used for any other purpose than that stated in such licence; or
 - (2) Have fallen into a state of disrepair or are not being kept and maintained in the condition required by such licence; or
 - (3) That in any other manner the bylaw in respect of such premises is not being observed in accordance with its true intent and meaning.

Then and in any such case the Council may cause to be served upon the owner or the occupier of such premises, being the holder of such licence, a notice similar to that provided for in subclause (b) hereof and may hear and determine the matter as provided in the said subclause (b).

- (d) Any person whose licence has been suspended as aforesaid, and any premises in respect of which the licence has been suspended as aforesaid shall, during the period of such suspension, be deemed to be unlicensed.

107 Encroachment to be Removed Upon Notice

107.1 If any building or other structure or any part thereof shall have been erected, constructed or placed upon, under, over or across any public place without the permission of the Council, Council may by notice in writing require the owner of such building or structure to remove the same or such part thereof as specified in the notice.

107.2 Any notice issued under clause 107.1 may require such precautions to be taken as Council thinks fit for the safety of the public and for the proper securing of such building or structure as is to remain after such removal.

108 Removal by Council Of Works Executed Contrary To The Bylaw Or Section 357 Of The Local Government Act 1974

108.1 The Council may authorise any officer thereof to pull down, remove or alter or cause to be pulled down, removed or altered any work material or thing erected or being in contravention of any bylaw of the Council or Section 357 of the Local Government Act 1974.

108.2 The Council may recover from any person responsible for the erection or from any person permitting the continued existence of any such work material or thing all expenses incurred by it, in connection with such pulling down, removal or alteration.

108.3 The exercise of this authority shall not relieve any such person from responsibility for any penalty for erecting or permitting the continued existence of any such work, material or thing.

- 108.4 The officer authorised to pull down, remove, or alter or cause to be pulled down, removed or altered any material, object or thing, erected or placed so as to encroach on a road may, following giving public notice of the intention to do so, offer for sale any material, object, or thing, by way of public tender and the successful tenderer thereby becomes the lawful owner of that material, object or thing.
- 108.5 If at any time prior to the sale by tender, the owner of any material, object or thing, requests the return of the property to his or her custody, then subject to first payment of Council's costs in removing the material, object, or thing from the road and storage, the property shall be returned to its owner.
- 108.6 Where any property is sold, pursuant to Clause 108.4 the successful tenderer thereby becomes the lawful owner of that property.

109 Dispensing Power

- 109.1 Where in the opinion of the Council a full compliance with any of the provisions of this bylaw, would needlessly or injuriously affect any person, or the course or operation of the business of any person without any corresponding benefit to the community, the Council may, on the special application of that person dispense with the full compliance with the provisions of this bylaw.
- Provided that any other terms or conditions (if any) that Council may deem fit to impose shall be complied with by such person as aforesaid.

110 Forms

- 110.1 Wherever throughout this bylaw forms are prescribed, slight deviations therefrom, but to the same effect and not calculated to mislead, shall not vitiate them.

111 Fees and Charges

- 111.1 The Council may from time to time prescribe fees or charges payable for a certificate, authority, approval, permit, or consent from, or inspection by, the Council in respect of a matter provided for in a bylaw made under the Local Government Act 2002, or under any other enactment provided the enactment does not prohibit the Council from charging a fee.
- 111.2 Where any inspection or service for which a fee has been paid (under the provisions of clause 111.1) has not been given or made, the Council may refund any such fee or portion thereof as it may determine.

112 Offences and Breaches

- 112.1 No application for a licence or authority from the Council, and no payment of or receipt for any fee paid in connection with such application, licence, or authority, shall confer any right, authority, or immunity on the person making such application or payment.
- 112.2 Any person commits a breach of this bylaw who -
- (a) Does, or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this bylaw; or
 - (b) Omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done by them at the time and in the manner therein provided; or
 - (c) Does not refrain from doing anything which under this bylaw they are required to abstain from doing; or

- (d) Knowingly permits or suffers any condition of things to exist contrary to any provision contained in this bylaw; or
- (e) Refuses or neglects to comply with any notice duly given to him/her under this bylaw; or
- (f) Obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon him/her by this bylaw; or
- (g) Fails to comply with any notice or direction given under this bylaw.

112.3 Any person commits a breach of this bylaw who -

- (a) Having constructed, affixed or provided, or caused to be constructed, affixed, or provided, any building or any part of a building, or any work, appliance, or material of any description whatsoever, contrary to, or otherwise than in accordance with the provision of this bylaw; or
- (b) Having omitted to contract, affix, or provide any work, appliance or materials as required thereby -

and who does not within a reasonable time after notice in writing has been given to them by the Council or any authorised officer of the Council, carry out the remedial action specified in that notice.

112.4 The notice shall state the time within which the remedial action is to be carried out, and may be extended from time to time by written authority of an Authorised Officer.

112.5 The provisions of this clause shall also apply to any building, part of a building, work, appliance, or material that has, before the coming into force of this bylaw, been constructed, affixed, or provided or omitted contrary to or otherwise than as provided by any provision of any bylaw hereby repealed, but re-enacted, in substance in this bylaw, and notice as aforesaid may be given and renewed in respect of any such building, part of a building, work, appliance or material.

112.6 Where it is suspected that any person has committed a breach of this bylaw, that person shall, on the direction of an Authorised Officer provide his/her full name and address.

113 Penalties for Breach of Bylaws

113.1 Every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalty set out in Section 242(4) or (5) of the Local Government Act 2002 as the case may be:

“Every person who commits a breach of this bylaw is liable to a fine not exceeding \$500.00 and, where the breach is a continuing one, to a further fine not exceeding \$50.00- for every day during which the breach has continued.”

113.2 Pursuant to Section 162 of the Local Government Act 2002 the Council may apply to the District Court restraining a person from committing a breach of this bylaw.,

Part 2

General Bylaws

Public Places

Scope

The Local Government Act 1974 gives authority to the Council to adopt bylaws to regulate the activities that can be carried out in roads. The general bylaw-making powers in section 145 of the Local Government Act 2002 and the specific bylaw-making powers in section 146 of the later Act allow bylaws for the management and regulation of public places and reserves.

This Part of this bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the well-being and enjoyment of citizens, visitors and businesses within the district. In particular this Part controls damage to public facilities such as roads, grass verges, garden areas and reserves. It also controls activities within public places and reserves that may have an adverse effect on other users of these facilities.

Several sections of the Local Government Act 1974 in particular and other relevant Acts outline the powers and requirements of the Council in regard to streets, public places and reserves. Areas of control so prescribed by this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of the Local Government Act 2002 and the Local Government Act 1974 and other Acts should be read in conjunction with it.

201 Interpretation

201.1 In this part of the bylaw, unless inconsistent with the context:

Infrequent means no more than once a week on an unsealed road and no more than once a fortnight on a sealed road.

Material or Thing means any material or thing of whatever kind and includes jumbo bins and other containers for waste material, but excludes vehicles.

Mind Altering Substance means a substance whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes what is commonly known as glue sniffing, but does not include:

- (a) medically prescribed substances ingested by the person for whom they were prescribed;
- (b) substances purchased from a pharmacy without a medical prescription;
- (c) nicotine;
- (d) liquor as defined in the Sale of Liquor Act 1989.

Public Place means as well as those places defined in Part 1 every reserve, park, domain, beach, foreshore, and recreational ground under the control of Council.

Road means as well as that defined in Part 1 all land lying between the boundaries of a road including footpaths and berms.

202 Public Safety and Nuisances

202.1 Except with the prior permission of Council or an Authorised Officer a person shall not on any public place:

- (a) place or leave litter or any material, thing or substance that is likely to be hazardous or injurious to any person, or likely to create a nuisance;
- (b) deposit in or around a public litter receptacle any household or trade refuse;
- (c) interfere with any refuse that is awaiting collection by an authorised collector;
- (d) drive any vehicle except on a formed road, or in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in the public place;
- (e) cause or allow any material or thing to be deposited onto a public place or road;
- (f) leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
- (g) solicit any subscription, collection or donation, preach or undertake any busking;
- (h) distribute any printed or written material advertising any product, service or entertainment;
- (i) fly from or land any aeroplane including model aeroplanes, a hot air balloon or hang glider except in an emergency;
- (j) consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
- (k) play any game or use any object including skateboards, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place; (also refer to Part 13 : Skateboards);
- (l) erect or place any structure on, over or under the public place except in compliance with any other Part of this bylaw.

202.2 Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which in the opinion of an Authorised Officer could cause damage or injury to persons passing, the Authorised Officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land safe.

203 Obstructing Public Places

203.1 A person shall not:

- (a) obstruct the entrances to or exits from a public place;
- (b) place or leave any material or thing, including signage, on a public place that could obstruct the public right of passage, without the permission of an Authorised Officer and then only in accordance with such conditions as may be imposed;
- (c) allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof;
- (d) carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed.

204 Damage to Public Places

204.1 Except with the permission of Council or an Authorised Officer a person shall not in any public place:

- (a) damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant growing thereon or any inscription or label relating to it;
- (b) pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facilities;
Provided that the Council may supply or approve the installation of display boards in any public place for the purpose of allowing posters to be displayed announcing forthcoming functions or events. Posters so displayed shall be removed from display boards immediately after the function or event has taken place;
- (c) cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
- (d) damage or interfere with any natural feature, animal or plant;
- (e) use any vehicle, any object, or be in control of an animal in any manner so that it damages any part of a public place;
- (f) drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
- (g) remove any sand, soil or other naturally occurring material found in a public place;
- (h) open any drain or sewer on, or disturb or remove the surface of, any public place, or make any cellar door or other opening from such public place without having first obtained the permission of Council, and except in accordance with such conditions as may be imposed.

204.2 The person responsible for ensuring compliance with Clause 204.1(b) or for removing any poster displayed in breach of this Part of this bylaw shall be the person who actually displayed the poster, or the organiser or person in charge of that function or event. Should any of these persons fail to remove the poster or advertising device when requested, an Authorised Officer or his/her agent may remove the poster or advertising device, and all expenses incurred by the Council in connection with such removal shall be recoverable from those persons.

204.3 Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an Authorised Officer.

204.4 Any person wishing to gain access to a beach shall use a designated access where this is available.

205 Placing of Articles on, and Damage to Public Places

205.1 A person shall not place or leave or cause or permit to be placed or left any material or thing, including signage, amusement devices or items for sale or hire, on any public place unless:

- (i) such action has first been approved by Council or an Authorised Officer, and then only in accordance with such conditions as he or she may impose; or
- (ii) such action is taken for the purpose of regular refuse or other collections authorised by the Council or is otherwise authorised by law; or
- (iii) such action is permitted pursuant to any other part of this bylaw.

205.2 A person shall not do, cause or permit to be done any act whatsoever by which damage is caused to any public place.

206 Exposing Articles for Sale

- 206.1 Except as provided for by any other part of this bylaw no person shall expose for sale any article whatsoever on any footpath, or outside of any shop, shop window, or doorway abutting on any public place, so as to encroach on or over that public place, without the prior permission of Council, and then only in accordance with such conditions as Council may think fit to impose.

207 Vehicular Crossings

- 207.1 Any person wishing to construct, repair, remove or widen any vehicular crossing shall first obtain a permit from the Council.
- 207.2 A permit issued by the Council under clause 207.1 may be subject to such conditions concerning dimensions and materials as the Council may consider reasonably necessary to protect the road (including any footpath or berm) adjacent to the vehicular crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles.
- 207.3 No person shall drive, ride, propel, or wheel any motor vehicle across any footpath or water channel in any public place otherwise than upon a crossing properly constructed under the provisions of this bylaw.
- 207.4 If in the opinion of the Council any crossing is in a bad or unsafe state of repair, Council may by notice in writing, require the owner of the land which the crossing provides access to, to repair, reconstruct, or renew such crossing to the satisfaction of Council. Every such owner or occupier who fails to comply with any such notice within the period specified shall be guilty of an offence against this part of this bylaw.

208 Assembly

- 208.1 A person shall not, without the prior consent of an Authorised Officer:
- (a) participate in any assembly or associate with other persons on a public place in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place.

209 Awnings and Blinds

- 209.1 No person shall erect or maintain, or cause to be erected or maintained, any awning over any public place, or hang any awning, blind, or screen from any portico on any public place except with the permission of an Authorised Officer. In granting such permission an Authorised Officer may set such conditions as is deemed appropriate. Any such permission may be revoked at any time by an Authorised Officer.

210 Projections on Public Places Not Permitted

- 210.1 Except where permitted by any other part of this bylaw or by Council consent no person shall put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, or other obstruction or projection of anything whatsoever in, on, over or under a public place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place.

211 Restrictions on Use of Barbed Wire and Electrified Fences

- 211.1 Except with the permission of an Authorised Officer:
- (a) no person shall erect or permit to be erected any electrified fencing or barbed wire along, or within 1 metre of any boundary line between any land or building on the one side, and any public place on the other side:
 - (b) no person shall renew or repair or join, in whole or in part, any existing or future fence, along, or within 1 metre of any such boundary line as aforesaid, with barbed wire, or electrified wire.
- 211.2 Subclause 211.1 shall not apply within any area which has a predominantly rural character under the District Plan prepared by Council, except when the fence abuts or adjoins a footpath; provided that Council may from time to time by resolution specify conditions that will apply to temporary electric fences.

212 Road and Building Identification

- 212.1 The Council shall have the exclusive right to cause to be painted or affixed on a conspicuous part of a building, the name of the road, private road or public place to which it has frontage.
- 212.2 Notwithstanding that a building or property is identified by other means, the owner or occupier of every building or group of buildings forming part of a complex or of the property shall mark such building or complex with numbers no less than 50mm in height for residential buildings and not less than 150mm in height for all other buildings. Numbers shall be as allocated or approved by an Authorised Officer and displayed in a position so as to be readily visible from the road to which it has frontage.
- 212.3 Numbers required by clause 212.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.
- 212.4 Council shall have power at any time to alter the number of any building where it may be in Council's opinion necessary or advisable to do so.

213 Animals and Stock on Public Places

- 213.1 No person shall take or allow any animal under their care or control onto any public place if the Council has by resolution or public notice prohibited entry of that type of animal to that public place.
- See also the Dog Control Bylaw/Policy*
- 213.2 No person shall allow stock onto a public place except as provided in other acts, regulations and bylaws.
- 213.2 Any person having control of stock on any public place shall ensure that the stock are kept under proper control, with consideration for other persons using the public place.
- 213.4 No person shall drive any stock on any road during the period between half an hour after sunset and half an hour before sunrise unless sufficient warning is provided and maintained by such person by the use of lights or other effective devices or means to ensure that other persons using such road shall have adequate notice of the presence of such animals on the road.

- 213.5 No person shall drive any stock along any road within the district except:
- In the case of escape or emergency.
 - For the infrequent movement of stock up to two kilometres but not in the urban areas.
 - With the prior written permission of the relevant Council Officer.
- 213.6 No persons shall move dairy cattle along or across a road where they may reasonably move the cattle along private land. Where it is not reasonable to move cattle on private land those cattle shall not be moved unless it is with the prior written consent of the Council Officer who may set such conditions as deemed necessary.
- 213.7 Council may from time to time by resolution declare certain roads to be stock routes and prohibit or restrict the use of any other roads, public places or urban areas for the driving of stock. Any such declaration, prohibition or restriction may from time to time in like manner be altered or revoked. This shall not apply to any person who rides or leads a horse under proper control on a road.
- 213.8 Subject to the requirements of subclauses 213.1 to 213.7 every person being the owner or having the care, custody, or control of any animal shall keep and prevent the same from wandering or being at large without proper guidance on any public place.
See also the Dog Control Bylaw/Policy
- 214 Overhanging Vegetation Liable to Obstruct**
- 214.1 No person shall permit or allow vegetation to encroach onto or over any public place so as to obstruct or interfere with the free movement of persons using that public place.
- 215 Additional Requirements for Reserves**
- 215.1 Subject to the provisions of this Part of this bylaw every reserve shall be open to the public at all times except during such hours as the Council or an Authorised Officer may determine that any reserve shall be closed to the public.
- 215.2 An Authorised Officer may from time to time and for such periods as he or she thinks fit, set aside areas of a reserve, for the exclusive use of particular groups or for particular kinds of recreational activities thereon. Council may charge for the right to have exclusive use of a reserve.
- 215.3 The Council may fix charges for the entry to a reserve, and it shall be an offence against this part of the bylaw to enter a reserve without having paid the proper charge for entry if a charge is payable.
- 215.4 An Authorised Officer may close or restrict entry to all of, or any portion of, a reserve at such times as are considered necessary to prevent damage to, or allow maintenance of the reserve. Such closure shall be advertised by signs at the entrances to the reserve. It shall be an offence against this part of the bylaw to be found on a reserve at any time when the reserve is closed to public entry.
- 215.5 Notwithstanding the requirements of any other clause of this part of the bylaw a person shall not on any reserve:
- (a) light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking; subject to any restriction imposed by Council on the lighting of fires;

- (b) camp in an area not set aside for the purpose. In this context camping shall include the use of any vehicle for sleeping whether or not it is specially set out for sleeping.

216

Ordering Off

Every person committing a breach of the provisions of this part of the bylaw shall, upon request by an Authorised Officer, immediately leave the reserve, and shall be prohibited from appearing on the reserve for such period as the Authorised Officer deems fit. Any person so ordered to leave shall still be liable to be prosecuted for the breach of the bylaw, and any person failing to leave with reasonable speed, to comply with a request to leave, shall be guilty of a further offence.

Part 3**General Bylaws****Trading in Public Places****Scope**

The general purpose of this Part of the bylaw is:

- (a) to regulate the conduct of persons selling goods on streets, roads and footpaths;
- (b) to regulate the conduct of persons using vehicles to sell goods and services to the general public; and
- (c) to ensure that persons who sell goods from house to house are not persons who should be restricted from doing so.

301 Interpretation

301.1 In this Part of this bylaw, unless the context otherwise requires:

Goods means any product or service.

Service Delivery Vehicle means any vehicle being used for the purpose of delivering goods to the premises of any business or organisation and does not involve the sale of the goods to the general public in any public place.

302 Licence Required

302.1 No person, whether acting on his/her own account, or as the servant of another person, shall engage in any public place in the sale of goods of any description whatsoever (except as provided in clause 309.1, Exemptions), without having first obtained a licence from Council.

303 Application

303.1 Every person who wishes to obtain a licence to sell goods in a public place shall make written application to the Authorised Officer of Council. The information to be supplied by the applicant may include any of the following, but not be restricted to:

- name and address of the applicant
- name and address of the person(s) selling the goods
- the location/site
- the telephone number of the applicant
- the type of goods for sale
- the time sought for selling
- the type of vehicle(s) and registration numbers if applicable
- evidence of good character.

304 Licence Details

304.1 The Authorised Officer in granting any licence may impose conditions. The conditions imposed may include, but not be restricted to, any of the following:

- time and place
- duration of the licence
- location

- types of goods for sale
- area available for sale
- persons entitled to sell
- safety and hygiene requirements
- use of signage
- use of musical chimes or other audible devices for attracting customers
- litter, cleanliness
- name and address to be conspicuously displayed
- site rental.

305 Fees

- 305.1 Council may by resolution prescribe fees for licences and/or site rentals. Fees may differ for any class of licence as prescribed.

306 Production of Licence

- 306.1 Every licence holder shall at all times when engaged in the sale of goods, carry a licence and show the licence to any Authorised Officer on demand.
- 306.2 Every licence holder shall, notwithstanding the conditions of the licence, upon being requested to do so by an Authorised Officer alter his/her position for sales to any other position as indicated by the Authorised Officer.

307 Conditions of Licence

- 307.1 Every person shall commit an offence who trades not in conformity with any of the conditions of the licence.

308 Licence not Transferable

- 308.1 No licence issued under this part of the bylaw shall be transferable to any other person except with the written permission of the Council on payment of transfer fee.

309 Exemptions

- 309.1
- 1 Part 4 of the Fisheries Act 1996
 - 2 Service delivery vehicles including milk vendors
 - 3 Any trade or calling that the Council has approved by resolution
 - 4 Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent or specific resolution of Council.

Part 4

General Bylaws

Solid Waste

Scope

The purpose of this Part of the bylaw is to control collection of refuse for most areas where Council offers such a service and the disposal of refuse to Council landfills.

401 Interpretation

401.1 In this Part of this bylaw, unless inconsistent with the context:

Household Refuse means cold ashes, sweepings, dust, paper, bottles, bones and waste food, cans, cartons, or other food containers, or any other refuse arising or resulting from domestic housekeeping operations.

Multi-Unit Building means a building which contains more than one separate household or family.

Official Container means any mobile bin, plastic bag or multi-wall paper bag or other receptacle from time to time approved by the Council.

Recyclables means paper, aluminium cans, tins, bottles, glass jars, small ferrous items and plastic containers coded "1" or "2" and other items that are specifically identified.

Receptacle in relation to household refuse means:

- (a) a Council approved bag that is marked to that effect; or
- (b) any other refuse container of a design approved by Council by resolution from time to time for the collection of household refuse.

All Council approved bags must pass both the impact resistance test and drop resistance test described below.

Impact resistance test

The impact resistance and fold impact resistance of the sample bag shall be determined in accordance with method 306F of BS 2782. The impact resistance (F50 value) shall not be less than 200 grams and the fold impact resistance shall not be less than 160 grams.

Drop resistance test

There shall be no spillage of the contents as a result of rips or tears when the bag is tested by the following method;

- (a) load the bag with 15kg of water saturated wood chips free from sawdust;
- (b) tie the bag as recommended by the manufacturer;
- (c) drop the bag from a height of 3 metres onto a concrete surface so that the bag lands on one face;
- (d) check the bag for rips and tears.

Special Wastes mean any wastes whether from a trade premise or any other source which is hazardous toxic or by its nature requires special disposal because of environmental considerations or landfill operational requirements.

Trade Refuse means any scrap or waste material resulting from the carrying on of any business, construction, demolition, manufacture, process, trade, market, or any other undertaking.

Household Refuse

402 Accumulation of Refuse

402.1 No person being the occupier of any building, land or premises or any portion thereof separately occupied shall permit any accumulation or collection of household refuse to remain or be in, upon or about such building, land, or premises or portion thereof unless contained in a manner hereinafter prescribed, in a receptacle approved by Council.

403 Receptacles to Be Kept Clean and In Repair

403.1 Except as is provided in clause 406 hereof every such occupier shall keep their rubbish receptacle as clean as practicable and shall maintain the same in good repair to the satisfaction of an Authorised Officer.

This clause shall not absolve any contractor from the provision and maintenance of bins in accordance with any contract Council has entered into.

404 Receptacles to be Placed Conveniently for Emptying or Removal

404.1 Every such occupier shall, on the day and not later than the time specified by public advertisement from time to time for removal of refuse, cause the said receptacle or receptacles to be securely sealed and placed for collection in such situation as may be required by an Authorised Officer appointed in that behalf.

404.2 Every refuse receptacle put out for collection shall be an official container.

405 Owner of Multi-Unit Building to Provide Receptacles

405.1 In every multi-unit building where no approved alternative method of refuse disposal is in operation the owner of such building shall provide or cause to be provided for each occupancy an approved refuse receptacle.

405.2 Every such owner shall ensure that no accumulation or collection of refuse, except as is herein provided, is permitted or suffered to remain or be in, on, or about such building or any portion thereof.

405.3 The refuse receptacles provided in accordance with clause 405.1 shall have sufficient storage capacity to hold refuse pending collection.

406 Deposit of Certain Materials in Receptacles Prohibited

406.1 No person shall deposit or cause or permit or suffer to be deposited in any such receptacle as aforesaid -

- (a) Any explosive, hot ashes, highly flammable material, infectious material or any matter, thing or refuse of any kind whatsoever, other than household refuse.
- (b) Any liquid, acid, printer's ink, paint, or any other viscous fluid.
- (c) Any broken bottles, glass, glass articles, broken crockery, china or other such sharp articles or materials unless such sharp articles or materials are wrapped so as to prevent injury to persons engaged on collection or disposal work.
- (d) Provided that if rigid wall receptacles are approved for use by Council, clause 406.1(c) shall not apply.

407 Method of Storage of Refuse in Receptacle

407.1 Except in cases where disposable containers are used, refuse shall not be packed tightly in receptacles, but shall be stored in such a manner that the whole of the contents of the receptacle fall out easily and cleanly when the receptacle is upended.

407.2 The Council may from time to time by resolution, publicly notified, make and amend a set of policy statements governing the collection of household refuse by or for the Council, including the weights and contents of containers which will be collected, the placing of containers for such collection and such other matters as the Council considers relevant and such policy shall be enforceable as part of this bylaw. Upon the making or amendment of such policy the Council shall in full give public notice of the policy so made or amended.

Removal of Trade Refuse**408 Trade Refuse**

408.1 No person carrying on a business, construction, demolition, manufacture, process, trade, market or other undertaking shall cause or permit an accumulation of trade refuse to remain in, or about the premises occupied by that person. Perishable or putrescent refuse shall be removed daily, except where stored in a manner approved by an Authorised Officer.

408.2 No trade refuse will be removed or disposed of by Council, unless the refuse is contained within an official collection container.

409 Disposal of Trade Refuse

409.1 The disposal of Trade Refuse not collected by Council in the official containers is the responsibility of the generator of that refuse.

409.2 Where Council agrees to accept trade refuse for disposal, then such refuse shall be taken to the place appointed and at the time specified by Council and disposed of at such charge as Council shall determine by resolution from time to time. No person shall take to any place of disposal material of anything which has been prohibited by Council.

410 Special Wastes

410.1 Should special trade wastes require disposal by Council the generator shall supply a complete description of the wastes including chemical composition, form, volume and any other information needed to assess the environmental and operational impact of its disposal.

411 Pre-treatment of Special Wastes

411.1 Council may require special wastes to be pre-treated to neutralise and stabilise them before being accepted for disposal.

412 Establishment and Control of Disposal Sites

412.1 The disposal of refuse on any land or premises set aside by Council for the disposal of refuse shall be subject to such conditions as Council may from time to time by resolution impose in respect of the hours of opening and closing, the nature of the refuse which may be disposed of therein, the charges in respect of any such disposal, the position in any such place, in which refuse may be placed, and any other matter which Council may consider necessary or desirable to determine by any such resolution.

413 Against Removal of Material from Disposal Site

413.1 On any land or premises set aside by Council for the disposal of refuse, it shall be unlawful for any unauthorised person to enter, loiter, or to disturb any deposit of refuse, or to remove there from any article or material of any kind.

414 Against Lighting of Fires

414.1 No person shall light any fire upon or near any refuse site without the express permission of Council.

415 Transport of Refuse

415.1 Persons transporting refuse in the district shall at all times ensure that refuse contained in any vehicle is adequately secured, to prevent the refuse falling from the vehicle.

416 Acceptance of Waste

416.1 The Council reserves the right not to accept certain wastes.

417 Official Containers

417.1 Council may either directly or by way of private contract, supply official containers to individual properties.

417.2 Any individual official containers supplied in accordance with 417.1 may be registered against specific properties and shall remain at that property. Mobile containers no longer required shall be returned to the Council.

Recycling**418 Recycling**

418.1 The Council may arrange for the collection of specified recyclable material from:

- (a) outside the premises on a property; or
- (b) outside of the boundary of each property on road reserve in a position that is readily accessible for collection; or
- (c) the road frontage of each property in a kerbside position.

418.2 The Council may supply to occupiers a specially marked container or containers for the recyclable materials to be placed in.

418.3 When a Council provided container has been placed on any road for collection by the Council, no person shall interfere with or remove the container or the contents, except in the course of collecting the same on behalf of the Council.

418.4 Where recycling stations have been established, recyclable materials will be received from the public and every person using that station shall obey instructions displayed on a sign for the use of that station.

418.5 No person shall place or leave any non-recyclable materials in any recycling container as described in clause 418.3 or any recycling station.

419 Restrictions on Refuse Collection Operations.**419.1 Licence Required**

No person shall engage in the collection of (trade or household) refuse from any road or from any land or premises owned by or under the control of the Council except pursuant to a licence issued pursuant to this clause and subject to such conditions as the Council may from time to time impose in any particular case. Without limiting the generality of the foregoing, conditions may be imposed relating to:

- (a) the types of vehicles to be employed in refuse collection
- (b) the hours and days of refuse collection
- (c) placement of refuse containers before and after collection
- (d) suitably qualified vehicle operators
- (e) type and capacity of refuse containers collected.

419.2 Provision of Information

All licensed person shall provide to the Council at regular intervals as specified in the licence written records detailing:

- (a) the name of the licensee
- (b) an address for service
- (c) the quantities, source (on a ward basis or such other basis as determined by Council), type and destination (as specified in the licence) of household refuse collected by the licensee from premises in the Council district.
- (d) the quantities, source, type and destination (as specified in the licence) of waste and hazardous waste collected by the licensee from industrial, rural and commercial premises in the Council's district.

419.3 Works performance bond

The licence may require the provision of a works performance bond.

419.4 Licence fees

The Council shall from time to time by resolution, publicly notified, determine the fees payable per tonne of waste collected by the licensee. Licence fees will be payable by the licensee to the Council quarterly in advance or on such other basis as the Council specified in the licence.

420 Ownership of Waste Stream

Except with the prior permission of Council or an Authorised Officer, no person, other than the occupier of the property from which the waste has come, shall on any public place interfere with or remove any waste which is awaiting collection by a licensed collector.

Part 5

General Bylaws

Control Of Advertising Signs

Scope

The purpose of this Part of the bylaw is to ensure that advertising signs are erected, maintained, and displayed in such a manner that they do not present a hazard or a danger to public safety. The bylaw also seeks to maintain aesthetic standards.

501 Interpretation

501.1 In this part of the bylaw, unless inconsistent with the context -

Sign means a visual message or notice conveyed to the public and visible from a public place displayed to advertise, identify a product, business, or service, inform or warn the public and any frame, supporting device and associated ancillary equipment. It includes but is not limited to any mural, message or notice painted on, affixed to or otherwise incorporated with a building, structure, or site, banner, flag, poster, billboard, sandwich board, wind sock, blimp or projection of light to create an advertising image. A bunting that has symbols or messages on it shall also be considered a sign for the purposes of this part of the bylaw.

501.2 This bylaw does not apply to traffic, direction, information and naming signs erected by or with the approval of the Council, signs indicating hazardous substances used at a hazardous facility, signs erected pursuant to any statute or regulation, or to signs that require a resource consent. This bylaw does not affect any conditions placed on signs by a resource consent.

502 General Requirements for Sitting of Signs

502.1 No person shall

- (a) display or erect any sign visible from a public place which does not comply with this part of this bylaw and with any provisions set out in the District Plan under the Resource Management Act 1991, except:
 - (i) where a resource consent has been granted for that sign, or
 - (ii) where an exemption to the requirements of this part of the bylaw has been granted by the Council or an Authorised Officer, or
 - (iii) where the sign is exempted by clause 501.2 of this part of this bylaw.

The Council may prescribe fees for the assessment of any sign that is required to, but does not comply with this part of this bylaw.

- (b) place any poster on any building or structure without the permission of the owner or occupier of that building or structure unless it is a designated poster board;
- (c) erect any sign identified in this Part of this bylaw as requiring a building consent before that building consent is issued;
- (d) place or allow to remain in place any sign which explicitly or implicitly:
 - (i) is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993;

- (ii) is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993;
- (iii) is offensive, threatening or insulting; or
- (iv) incites or counsels any persons to commit any offence.

502.3 The Council may nominate streets or areas of the district where one sandwich board may be placed on public land outside the business to which the sandwich board relates. Sandwich boards shall only advertise services or products available from the business to which they relate. In approving areas or streets on which sandwich boards may be placed the Council shall nominate the maximum size of the sandwich boards and their correct placement.

503 General Requirements for Constructions and Maintenance of Signs

503.1 All signs and their supporting structures shall be constructed, fixed, placed and maintained in a manner so they do not pose a danger to property or the public. This shall be the responsibility of the sign owner and the owner of the land or building on which the sign is placed.

503.2 The following signs and their supporting structures require a building consent prior to their erection:

- (a) free standing signs where the maximum height is 3.0 metres or more above ground level, or where the sign area exceeds 2 square metres;
- (b) signs suspended clear of any building where the total weight of the sign and supports exceeds 50kg or where the sign area exceeds 2.0 square metres
- (c) signs attached to the face of any building where the total weight of sign and supports exceeds 50kg;
- (d) verandah signs where the total weight of signs and supports exceed 50kg but is less than 250kg or is supported at less than four locations;
- (e) all banners with a surface area exceeding 12 square metres;
- (f) all flags with a surface area exceeding 4.5 square metres.

Note that supporting structures may also require a resource consent in terms of the Council's District Plan.

504 Signs on Parked Vehicles

504.1 No person shall display any advertising material on a vehicle whether stationary or moving on a road, where that vehicle is being used primarily for the purpose of exhibiting advertising material thereon.

505 Exemptions

505.1 Where a sign lawfully existed prior to the coming in to force of this part of the bylaw, but it does not comply with the performance standards of this part of the bylaw it may remain in place and be repaired, altered or maintained, provided that such work does not increase its physical size or the extent of its non compliance with this part of the bylaw. Every sign shall be removed at the expiry of any time set as a condition of a consent.

505.2 A sign that does not comply with the requirements of this Part of the bylaw shall be removed or otherwise made to comply within six months of the coming into force of the clause of this part of the bylaw with which the sign does not comply.

505.3 Where the Council or an Authorised Officer is satisfied that compliance with any requirements of this part of the bylaw would be unreasonable or impracticable, having regards to the circumstances of the case a dispensation may be granted in whole or in part, with such modifications or conditions as are appropriate in the circumstances.

506 Removal of Signs

506.1 The Council may, by notice in writing require the owner or lessee of any unsightly, non-complying, unsafe or unauthorised sign to repair or remove such sign within a period stated in such notice.

506.2 Where any person fails to comply with any requirements to pull down, alter or remove any sign the Council may have the sign pulled down, altered or removed. The cost incurred in pulling down, altering or removing the sign shall be recoverable as a debt against the owner of the sign or the owner of the land on or over which the sign was placed.

506.3 Any sign removed by the Council shall be released to the owner upon payment of the costs incurred in its removal and storage.

506.4 Any sign that remains unclaimed for a period exceeding one month or, is not released for a period exceeding one month may be sold or otherwise disposed of by the Council. Where such sign is sold, the proceeds of sale shall be applied first towards the payment of the costs referred to above. Any balance shall be paid to the owner on application.

506.5 The Council may pull down, alter or remove any poster that has been placed on:

- (a) any building or structure without the permission of the owner of that building or structure;
- (b) any surface, building or structure in a public place not being a designated poster site; and recover the costs of removal from the persons placing the post or at whose direction the poster was placed.

Part 6

General Bylaws

Amusement Galleries

Scope

The purpose of this Part of the bylaw is to allow Council to exercise control over the operation of amusement galleries within the district.

It is an offence against the bylaw not to comply with a direction of an Authorised Officer or not to comply with clauses of the bylaw.

601 Interpretation

601.1 In this bylaw, unless the context otherwise requires:

“**Amusement Gallery**” means any premises offering public entertainment by the playing of pinball machines, video games, electronic machines such as space invaders and the like, whether for payment or not, provided that premises with less than five machines shall not be deemed to be an amusement gallery.

602 Licensing of Premises - Amusement Galleries

602.1 No person shall use or operate or permit to be used or operated any premises as an amusement gallery unless that person has applied for and obtained a licence from the Council for that purpose.

602.2 Any applications for a licence made under clause 602.1 shall specify whether the premises are to be used for a video amusement gallery or some other purpose.

603 Consideration of Licences

603.1 Without limiting section 686 of the Local Government Act 1974, but subject to the express provisions of that section, in considering whether to grant or refuse any application for a licence to operate an amusement gallery, the Council shall have regard to the following matters:

- (a) the suitability of the applicant to hold a licence for the premises and the suitability of the people to be employed by the applicant;
- (b) the suitability of the premises proposed as an amusement gallery;
- (c) the manner in which the applicant has conducted any other amusement gallery as manager or employer or as director or shareholder in any company which has operated any amusement gallery;
- (d) the likelihood of the public congregating on the footpath outside the proposed premises;
- (e) the likelihood of surrounding buildings or vehicles being damaged by the public;
- (f) provision of sanitary accommodation for staff and the public.

604 Conditions of Licence

604.1 When the Council decides to grant a licence under clause 603.1, the Council may impose conditions relating to the following:

- (a) the days and hours during which the amusement gallery can be opened;

- (b) the minimum age of the public to be admitted to the amusement gallery;
- (c) the number of occupants to be admitted to the amusement gallery at any one time;
- (d) the amount of clear floor space around any amusement game and the number of video amusement games proposed in any video amusement gallery;
- (e) the construction of any proposed shooting gallery and the steps to be taken to prevent danger from the use of firearms in any shooting gallery;
- (f) controls upon noise and other measures to protect the amenities, owners and occupiers of neighbouring land or premises.

605 Fees and Duration of Licence

- 605.1 Subject to clause 606.1, every licence shall remain in force from the date of issue of the licence until the 30th of June in the next succeeding year.
- 605.2 For every licence, there shall be paid to the Council before the issue of the licence, such fee as the Council may determine by resolution from time to time.

606 Revocation or Suspension of Licence

- 606.1 The Council may suspend or cancel a licence for the operation of an amusement gallery in accordance with section 686 of the Local Government Act 1974.

Part 7

General Bylaws

Fires In The Open Air

Scope

The purpose of this Part of the bylaw is to allow Council to exercise control over burning in residential areas of the district and prevent smoke from fires in the open causing a nuisance.

It is an offence against the bylaw not to comply with a direction of an Authorised Officer or not to comply with clauses by the bylaw.

Council has a further avenue of control over smoke nuisance in the Nuisances provisions of the Health Act 1956 and persons responsible for causing a smoke nuisance may be prosecuted under the provisions of either the Health Act or the bylaw.

701 General

Nothing in this part of this bylaw shall be regarded as derogating from the provisions of the Forest and Rural Fires Act 1977 and Rural Fires Regulations 1979.

702 Interpretation

702.1 In this part of this bylaw, unless inconsistent with the context or where otherwise expressly provided:

Acceptable Means of Fire Suppression means a hose connected to a reticulated water supply or an alternative means of fire suppression approved in writing in a particular case by the Authorised Officer.

Barbecue means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.

Ethnic Cooking Fire means any hangi, umu or similar fire in the open air and used for the preparation of food using ethnic cooking methods.

Fire Permit means a permit to light a fire in the open air granted in accordance with clause 704.3 of this Part of this bylaw.

Incineration means an incinerator constructed to New Zealand Standard 5202 and subsequent amendments or

- (a) an oil drum covered over the top with a heavy gauge steel wire mesh or 3 cm²
- (b) an oil drum fitted with a flue and cowl and a lid
- (c) a pumice copper fitted with a flue and cowl and a lid
- (d) a masonry or concrete incinerator commercially produced placed on a concrete slab base and fitted with a fire box and heavy gauge steel wire mesh cover of 1.5 m²
- (e) a masonry or concrete incinerator commercially produced placed on a concrete slab base and fitted with a fire box flue and cowl and a lid
- (f) any other type of incinerator approved by the Principal Rural Fire Officer.

Incinerator Fire means a fire within an incinerator.

Open Air means in the open whether on or above ground level.

Open Fire Season means a period of time, whether fixed or indefinite during which the lighting of fires in the open air is not restricted either under this bylaw.

Prohibited Fire Season means the period of time, whether fixed or indefinite during which the lighting of fires in the open air is prohibited in accordance with clause 705.1 of this Part of this bylaw.

Prohibited Season Permit means a permit to light a fire during a prohibited fire season granted in accordance with clause 706.3 of this Part of this bylaw.

703 Fires in the Open

- 703.1 No person shall in any restricted or prohibited fire season, light any fire other than a barbecue, ethnic cooking fire, or incinerator fire, in the open air, or being the occupier of premises allow such a fire to remain alight on those premises, except pursuant to and in accordance with the conditions of a fire permit.
- 703.2 Nothing in clause 703.1 permits the lighting of a fire in contravention of clause 703.3.
- 703.3 Notwithstanding the provisions of clause 703.1, no person shall light any fire in the open air (including barbecue, ethnic cooking fire, or an incinerator fire) or, being the occupier of premises shall allow any such fire to be lit or allow to continue to burn on those premises, in the open air at any time:
- (a) where the location, wind, or other conditions cause or are likely to cause the fire to become:
 - (i) a danger to any person or property; or
 - (ii) out of control or spread beyond the limits of the premises on which it is lit; or
 - (iii) a smoke or ash nuisance to any person;
 - (b) within three metres of any part of a building, tree, hedge, fence or other combustible material; or
 - (c) between sunset on one day and sunrise the following day without first obtaining the written approved of the Principal Rural Fire Officer; or
 - (d) without continuous supervision being maintained at all times; or
 - (e) without an acceptable means of fire suppression being available where the fire is located on residential premises, or land adjoining such premises.

704 Fire Permits in a Restricted or Prohibited Fire Season

- 704.1 Any person wishing to obtain a fire permit shall apply in writing to the Principal Rural Fire Officer.
- 704.2 The Principal Rural Fire Officer may from time to time prescribe a form of application for the purposes of clause 704.1.
- 704.3 Upon receiving an application under clause 704.1 a Principal Rural Fire Officer may issue a fire permit and may impose such conditions and restrictions in respect of the permit as the Principal Rural Fire Officer considers reasonably necessary having regard to:
- (i) any cultural requirements or practices;
 - (ii) the location, terrain, natural vegetation, and the existence of buildings or other structures; and

- (iii) protection of the safety, health and convenience, of persons on the premises in respect of which the permit is issued and adjoining land.

704.4 Without limiting 704.3, a fire permit shall be issued for a maximum period of one month from the date of issue, or for such lesser period as the Principal Rural Fire Officer considers fit.

705 Prohibited Fire Season

705.1 The Principal Rural Fire Officer may at any time prescribe a prohibited fire season or seasons within the district or in any specified part or parts thereof, and may at any time cancel or vary such a prescription.

705.2 Except pursuant to and in accordance with a special permit granted under clause 706.3, no person shall light any fire in the open air, and no person being the occupier of any premises shall cause, permit or suffer any such fire to be lit to continue to burn in the open air on those premises in a prohibited fire season.

705.3 Nothing in clause 705.2 applies to the use of gas fire barbecues.

705.4 Public notice of the prescription of prohibited fire season made under clause 705.1 or the cancellation or variation of such a prescription, shall be made by:

- (a) broadcast or other similar means within the district; or
- (b) by a notice inserted in a daily or community newspaper circulating within the district.

706 Special Permits

706.1 Any persons wishing to obtain a special permit shall apply in writing to the Principal Rural Fire Officer.

706.2 The Principal Rural Fire Officer may from time to time prescribe a form of application for the purposes of clause 706.1.

706.3 Upon receiving an application under clause 706.1, the Principal Rural Fire Officer may issue a special permit during a prohibited fire season and may impose such conditions and restrictions in respect of the permit as the Principal Rural Fire Officer considers reasonably necessary having regard to:

- (i) any cultural requirements or practices;
- (ii) the location, terrain, natural vegetation, buildings or other structures; and
- (iii) the protection of the safety, health, comfort, and convenience of persons on the premises and adjoining land.

706.4 Without limiting clause 706.3 a special permit shall be issued for a maximum period of 48 hours from the date of issue, or such lesser period as the Principal Rural Fire Officer considers fit.

707 Revocation or Suspension of Permits

707.1 Subject to clause 707.2, every:

- (a) fire permit issued in accordance to clause 704.3; or
- (b) prohibited season permit issued in accordance with clause 706.3;

shall remain in force from the date of issue until the expiry of the period, date or time specified in the permit.

707.2 Notwithstanding any other provisions in this bylaw, any permit under this Part of this bylaw may be revoked or suspended by the Principal Rural Fire Officer at any time, or suspended

for such periods of time on such terms and conditions, as the Principal Rural Fire Officer may consider reasonable in the circumstances.

708 Fees for Permits

708.1 The Council may from time to time by resolutions specify the fee or fees payable in respect of the issue of any permit under this Part of this bylaw. Any fee prescribed shall be paid upon uplifting the permit.

709 Council may Extinguish Fires

709.1 Where

- (a) a fire has been lit or allowed to burn in an open fire season in breach of clause 703.1; or
- (b) a fire has been lit or allowed to burn in the open air in contravention of clause 703.2; or
- (c) a fire has been lit or allowed to burn in an open fire season in breach of the conditions of a fire permit issued in accordance with 704.3; or
- (d) a fire has been lit or allowed to burn in a prohibited fire season, in breach of clause 705.2; or
- (e) a fire has been lit or allowed to burn in a prohibited fire season in breach of the conditions of a prohibited season permit issued in accordance with clause 706.3, or officer or agent of the Council (including the New Zealand Fire Service) may extinguish any such fire or direct the occupier of premises on which the fire is located, or the person who lit the fire, to extinguish such fire.

709.2 Where a Principal Rural Fire Officer or agent of the Council has extinguished a fire pursuant to clause 709.1, the Council may recover any costs incurred in extinguishing the fire from the occupier of premises on which the fire was located or the person who lit the fire.

709.3 Where any occupier of premises upon which a fire in the open air is located, or person who lit such a fire, disregards a Council direction under clause 709.1 to extinguish the fire, the Principal Rural Fire Officer may authorise an agent of the Council (including the New Zealand Fire Service) to extinguish the fire and to take such other steps as may be reasonably necessary to ensure the safety of any person or to protect the premises, or any other property.

709.4 The Council may recover from the occupier of the premises, or the person who lit the fire (as the case may be), any costs incurred by it as a result of its officer or agents taking any action authorised by the Principal Rural Fire Officer under clause 709.3.

710 Live Ashes

710.1 No occupier shall place any live cinders, embers or ashes in or upon any premises other than:

- (a) in a container made and constructed of steel or other similarly fire resistant material to prevent the transmission of heat to any combustible material; or
- (b) in a pit or upon any fire-resistant substance in a manner which will prevent the spreading of fire or heat by the action of wind or otherwise
- (c) as part of a traditional cooking process including hangi and umu.

711 Removal of Gorse and Other Growth

- 711.1 No occupier or any other person having the control of any land shall allow any broom, gorse, bushes, scrub, dry grass, or similar growth to exist within 5 metres of any building or adjoining premises in such a condition or state that it is likely to become a source of danger from fire.
- 711.2 On the recommendation of the Principal Rural Fire Officer the Council may, by written notice, require an occupier or person having control of any land to remove any dangerous growth.
- 711.3 The Council may cut down or otherwise eradicate and remove any broom, gorse, bushes, scrub, dry grass or similar growth to which clause 711.1 applies, after giving oral notice to the occupier or where there is no occupier, to the owner, of the land, if life, property or any road is in imminent danger. The cost of the work shall be a charge against the land.

712 Storage of Timber

- 712.1 Except as provided in clauses 712.2 and 712.3, no occupier of any premises shall permit the storage or stacking in the open of any combustible material, unless the distance of the stack from any boundary other than a street boundary is at least equal to the height of the stack, but in any case not less than 1.4 metres.
- 712.2 A stack may be placed closer to the boundary than the distance specified in clause 712.1 if a brick, stone, or concrete wall extending not less than 450 millimetres above and not less than 1.4 metres beyond the length of the stack, is situated between the stack and the boundary.
- 712.3 A stack may, with the written approval of the adjoining owner and of the Principal Rural Fire Officer, be placed closer to the boundary than the distance specified in clause 712.1 where any of the following conditions continue to exist:
- (a) where there is a brick, stone or concrete wall as defined in clause 712.2 without openings situated on the adjoining property and within 1.4 metres of the common boundary; or
 - (b) where there are no buildings on the adjoining land; or
 - (c) where there is no danger of a stack adjacent to a boundary increasing the risk of the spread of fire.

713 Storage of Hay

- 713.1 No occupier of any premises shall permit the storage or stacking in the open of more than 3 cubic metres of hay, or similar material unless the distance of the stack from any building, boundary, fence, private road, public place, or adjacent land is not less than 6 metres and the intervening space is at all times kept free from any rubbish or obstruction of any kind.
- 713.2 No occupier of any premises shall permit the storage of more than 1 cubic metre of hay or similar material in any building attached to, or at a distance of less than 6 metres from, any other building unless the first mentioned building has a roof of approved fire-resistant material and walls constructed wholly of brick, stone, or concrete or any combination of brick, stone and concrete and complying with the specifications mentioned in clause 712.2.

- 713.3 The provisions of clause 713.2 shall not apply in any case where agricultural produce required for the keeping of horses is kept or stored in any building used only for the purpose of or in connection with a stable.

Part 8

General Bylaws

The Keeping Of Animals, Poultry And Bees

Scope

The purpose of this Part of the bylaw is to outline requirements for the keeping of animals, poultry and bees. The requirements are deemed necessary for the protection of neighbouring property owners.

801 Definition

801.1 In this part of this bylaw unless inconsistent with the context:

Nuisance shall have the meaning assigned to it by the Health Act 1956.

802 Pig keeping

802.1 Except in accordance with the District Plan under the Resource Management Act 1991 no person shall keep or allow to be kept any pigs in the district controlled by Council. No pigs shall be kept in any area which has a predominantly urban character under the District Plan prepared by Council.

802.2 No person shall construct, or allow any pigsty to remain, or any pigs to be at large at a distance less than 50 metres from any street, public place or dwelling.

803 Stock in Urban Areas

803.1 Any person keeping stock in an urban area shall be required to first obtain a permit and shall ensure that premises where stock are kept meet the provisions of the First Schedule to this part of the bylaw.

804 Poultry keeping

804.1 In areas other than those zoned rural no poultry caged or otherwise (which shall include geese, ducks, pigeons, turkeys, and domestic fowls of all descriptions) shall be kept in any part of the district except in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete or other approved material with a surround nibwall, to which may be attached a poultry run.

804.2 Every poultry house shall be constructed in the manner required by this part of this bylaw and as required by the provisions of the Building Act 2004.

804.3 No poultry house or poultry run shall be erected or maintained any part of which is within 10m from any dwelling, factory, or any other building, whether wholly or partially occupied, or within 2m of the boundary of adjoining premises, or such greater distance as may be required under the provisions of the Resource Management Act 1991.

804.4 Every poultry run of whatever size shall be so enclosed as to confine the poultry within such poultry run.

805 Noise from Animal, Bird, or Fowl

805.1 No person shall keep within any premises any noisy animal, bird, or poultry which shall be or cause a nuisance to residents in the neighbourhood.

806 Bee Keeping

- 806.1 No person shall keep bees at or upon any premises or place within an urban area within the district without first having obtained permission from Council for that purpose.
- 806.2 The Council may issue a licence subject to conditions and subject to payment of an application fee as may be prescribed by resolution of Council.
- 806.3 Where Council considers a hive to be dangerous, offensive or likely to be injurious to people it may require removal of such hive.

807 Cats

- 807.1 No person without the written authority of Council shall keep more than five cats of an age greater than three months on any property zoned residential, commercial or industrial. In granting permission to keep more than five cats Council may set conditions as it seems fit to ensure that no nuisance shall arise to the public or any resident in the area.

First Schedule**Stock Licence Conditions**

- 1 A licence shall not authorise the keeping of pigs.
- 2 The issue of any permit will be subject to due consideration of the opinion of the occupiers of neighbouring residential properties.
- 3 All fences must be approved by Council and must be adequate to prevent animals from wandering and all road gates to paddocks must be securely padlocked. In addition a restraining wire shall be placed 1 metre from any neighbouring residential property.
- 4 Any electric fencing must be:
 - (a) at least 1 metre from any boundary line and 1 metre from any neighbouring residential property;
 - (b) suitably labelled to indicate that the fence is electrified;
 - (c) checked daily to ensure it is operating correctly.
- 5 A water supply from a standpost must be provided in an approved position on any area used to keep animals.
- 6 Where natural feed on the section becomes insufficient, the animals (except horses) are to be removed. Feeding in for horses is permitted, provided no nuisance arises.
- 7 The leading or riding of any horse on any footpath or berm may result in the cancellation of any permit.
- 8 In the case of horses, manure is to be removed daily.
- 9 The maximum number of animals to be kept on any licensed section shall be determined by Council.
- 10 The minimum area for the keeping of horses shall be not less than 2023 m² for each horse (1/2 acre).
- 11 A permit for keeping stock may be cancelled should any stock wander off the property, create a nuisance, or cause any damage to property, or exceed the number of stock permitted or if any of the above conditions are not met, or where a person has been convicted of an offence under the Animals Protection Act 1960.

Part 9

General Bylaws

Cemeteries And Crematoria

Scope

The purpose of this part of the bylaw is to enable Council to control and set standards for the operation of cemeteries and crematoria within the district.

901 Interpretation

901.1 In this part of this bylaw, unless the context otherwise requires:

Cemetery means any cemetery vested in or under the control of the Council from time to time but excludes any closed cemetery.

Crematorium means any crematorium maintained by the Council.

Manager means any person appointed by the Council to control or manage or to assist in the control and management of any cemetery and crematorium under the jurisdiction of the Council and to carry out the burials and cremations as provided in this part of the bylaw.

901.2 Nothing in this part of the bylaw shall derogate from any provision of, or the necessity for, compliance with:

- (i) Burials and Cremations Act 1964
- (ii) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967
- (iii) Cremation Regulations 1974.

902 Manager to Make Rules for Cemeteries and Crematoria

902.1 The Manager may, by delegation from Council, make rules that shall apply to cemeteries and crematoria for the time being vested in or under the control of the Council.

902.2 The rules mentioned in clause 902.1 shall have regard to the following:

- (a) Hours of operation
- (b) Use of cemeteries
- (c) Erection and maintenance of monuments, headstones, structures, etc.
- (d) Conduct in cemetery or crematorium
- (e) Vehicles in cemetery or crematorium
- (f) Fees
- (g) Wreaths, shrubs, trees, flowers
- (h) Cremation
- (i) Burial or cremation of poor persons
- (j) Any other matter the Council considers necessary for the good management of cemeteries and crematoria.

903 Disinterment

903.1 Where an application for a disinterment and/or a reinterment is received by the Council, the disinterment shall be conducted pursuant to Sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of such fees as the Council decides.

904 Breach

904.1 Where in the opinion of the Manager any person has contravened any of the provisions of this part of the bylaw or any rules made by the Manager relating to the use of cemeteries and crematoria, or has otherwise acted improperly within a cemetery or a crematorium, that person shall be guilty of an offence against this part of the bylaw.

Part 10

General Bylaws

Public Libraries

Scope

This purpose of this part of the bylaw is to allow Council to exercise control over the operation of public libraries within the district.

1001 Interpretation

1001.1 In this part of this bylaw, unless inconsistent with the context-

Book means a book, magazine, newspaper, periodical, pamphlet, manuscript, standard or other article of a similar nature, or any part thereof which is the property of the Council or under the control of Council.

Borrower means any person to whom the Council has by registration granted the privilege to borrow library books or documents.

Borrower's Card means any card issued by a librarian as a means of identification of any borrower from the library.

Document means any map, chart, print, photograph or negative film, plan, picture, broadsheet, card, cutting, microfilm or microfile, photocopy, engraving or etching, videotape, or piece of music including a manuscript, compact disc, record, audio tape or any other article of a similar nature, or any part of it, whether the property of the Council or for the time being under the control of the Council.

Librarian includes any person for the time appointed by the Council to control or manage or to assist in the control and management of the library.

Library means any library established and operated for the time being by the Council for use by the public or any section of the public, and includes every portion of any building used for such purposes, and includes a mobile library.

Library Manager means the appointed manager of a Council library.

1002 Library Manager May Make Rules for Libraries

The Library Manager may by delegation from Council, make rules that shall apply to one or more libraries:

- (a) For the internal control, management, and use of the library;
- (b) For determining the number of books or documents to be lent to any one borrower at one time;
- (c) For determining the times and hours during which the library and any specified parts thereof shall be open and the holidays, days, and times upon which it may be closed;
- (d) For determining the time to be allowed for the return of any library book or document;
- (e) For maintaining good order and conduct within the library; and
- (f) For fees and charges payable by persons for library membership, overdue books and for any other services of any department of the library.

1003 Unauthorised Use of Borrower's Card

- 1003.1 Any person who is not named in any borrower's card, or duly authorised by the person so named, shall not make use of any such card for the purpose of obtaining any book or document from a library.

1004 Borrowing

- 1004.1 No person shall be entitled to borrow any library book or document specified as reference only, except with the permission of a librarian, and subject to such conditions as laid down by the librarian.
- 1004.2 No person shall take or borrow any library book or document without having the issue of the library book or document recorded in the library record system.

1005 Damage to Library Books or Documents

- 1005.1 If any library book or document is lost or returned in a damaged condition the borrower shall pay to the Council such a sum of money as will replace such library book or document or as will be full compensation for any damage or loss to the Council.
- 1005.2 If a lost book or document is subsequently found and returned within two years of the date of borrowing, a refund of all or part of the charge made for the loss may be paid to the borrower at the discretion of a Librarian.

1006 Unpaid Money

- 1006.1 No person owing any money to the Council in connection with any library service shall take out or borrow any library book or document, and a librarian may revoke that Borrower's card until all such charges have been paid in full.

1007 Change of Address

- 1007.1 Every holder of a borrower's card shall notify any change in his/her address to a librarian within one month of their obtaining a new address.

1008 Unauthorised Taking of Library Books or Documents

- 1008.1 Any person (other than as a borrower) taking or attempting to take any library book or document, or other article from a library, and any person knowingly pledging, pawning, selling, or purchasing or advancing money on any such library books or documents or article or attempting to do so, shall be guilty of an offence against this part of this bylaw, in addition to any other offence of which such offender shall be guilty.

1009 Expulsion of Offenders

- 1009.1 Any librarian may require any person guilty of disorderly conduct in the library, or any person who is not bona fide using the library for the purpose for which it is intended, to leave the library, and any refusal on the part of the offender so to do will constitute an offence against this part of this bylaw, in addition to any other offence of which such offender shall be guilty.

1010 Breach

- 1010.1 Where in the opinion of a librarian, any person has contravened any of the provisions of this part of this bylaw or any rules made by the Library Manager relating to the library use, or has otherwise acted in an unlawful manner in the library, a librarian may exclude that person from the library.

- 1010.2 Any person offending against, contravening, or committing or permitting or suffering a breach of any of the aforesaid provisions shall be guilty of an offence against this part of this bylaw.

Part 11

General Bylaws

Cultural and Recreation Facilities

Scope

The purpose of this part of the bylaw is to enable Council to control and set standards for the operation of the cultural and recreational facilities under the ownership or control of Council.

1101 Interpretation

1101.1 In this part of this bylaw:

Council Facility means a swimming pool, museum, art gallery, hall, zoo or golf course under the ownership or control of Council.

Manager means the appointed Manager of a Council facility, or his or her appointed deputy.

1102 Manager May Make Rules for Council Facility

1102.1 The Manager of any Council facility may by delegation from Council make rules that shall apply to one or more Council facility:

- (a) for the control, management and use of the Council facility;
- (b) for determining the hours during which the Council facility and any specified parts thereof shall be open and the holidays, days and times upon which it will be closed;
- (c) for maintaining good order and conduct whilst persons are in or on a Council facility;
- (d) for fees and charges payable for entry to, or use of a Council facility;
- (e) for the closure of that facility or part thereof or for setting aside of part or all of that facility for the exclusive use of individuals or groups.

1102.2 The Manager of a Council facility shall post the rules that apply to any member of the public using that facility, in a visible place as near as is reasonably practical to the entrance of that facility.

1103 Expulsion of Offenders

1103.1 A Manager may require any person guilty of disorderly conduct in or on a Council facility, or any person who is not bona fide using the Council facility for the purpose for which it is intended, to leave the Council facility, and any refusal on the part of the offender so to do will constitute an offence against this part of this bylaw, in addition to any other offence of which such offender shall be guilty.

1104 Breach

1104.1 Where in the opinion of a Manager any person has contravened any of the provisions of this part of this bylaw or any rules made by the Manager relating to the use of the Council facility, or has otherwise acted in an unlawful manner in or on the Council facility, the Manager may exclude that person from the Council facility.

1104.2 Any person offending against, contravening, or committing or permitting or suffering a breach of any of the aforesaid provisions shall be guilty of an offence against this part of this bylaw.

Part 12

General Bylaws

Nuisances

1201 Burning

1201.1 No person shall burn or cause to be burnt any matter in such a manner as to be offensive.

1202 Vehicles

1202.1 No person shall permit to remain for any unnecessary length of time in any public place or within 30 metres of any dwelling a vehicle containing any manure, offal, carcass or offensive matter.

1203 Vermin and Flies

1203.1 The owner or occupier of any land or premises within the district shall ensure:

- a) where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health; and/or
- b) where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or vermin; and/or
- c) where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health.

1204 Offensive Smells

1204.1 The owner or occupier of any land or premises shall ensure that no condition exists upon such property which causes or is likely to cause an offensive smell to be created therein or arise therefrom.

Part 13

General Bylaws

Skateboards

Scope

The purpose of this chapter of the bylaw is to control the riding of skateboards and similar articles, on footpaths and in malls where a nuisance or injury may be caused to pedestrians or damage caused to property.

1301 Interpretation

1301.1 In this part of this bylaw, unless inconsistent with the context:

Council means Kaipara District Council.

Footpath means as much of any road or public place that is laid out or constructed by authority of the Council for pedestrian use.

Officer means any Police Constable or Authorised Officer of the Council and any person appointed especially or generally by the Council to enforce the provisions of this bylaw.

Ride a Skateboard means having either one or both feet, or any other part of the body of any person, on the skateboard when it is moving.

Skateboard means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including roller skates, in-line skates, or similar recreational devices.

The definition does not include any wheelchair, baby or invalid carriage.

1302 Control of Skateboards

1302.1 No person shall ride a skateboard in any area defined in the Schedule attached to this part of the bylaw.

1302.2 No person shall ride a skateboard on any footpath outside areas defined in the First Schedule, without due care to ensure no damage is caused to any property or without reasonable consideration for other persons using the footpath.

1302.3 The Council may from time to time by resolution publicly notified, amend the First Schedule, to add, delete or amend the areas to which the provisions of this bylaw shall apply.

1303 Impounding Skateboards

1303.1 Every person who commits an offence against this bylaw is liable to have the skateboard impounded by an Authorised Officer.

1303.2 Any person claiming a skateboard which has been impounded pursuant to this part of this bylaw shall:

- (a) satisfy the Council or an Authorised Officer that he or she is the owner or otherwise entitled to the custody and control of the skateboard; and
- (b) pay to the Council a fee of such amount as the Council may determine by resolution.

1303.3 The Council shall provide a secure place for any skateboard impounded under this part of this bylaw.

1303.4 The Council shall keep a register and enter details of every skateboard impounded and every person claiming a skateboard under this bylaw.

1303.5 The Council may from time to time by resolution publicly notified, alter the fee payable under clause 1303.2 of this bylaw.

1304 Offences

1304.1 Every person who fails to comply with any part of this bylaw commits an offence and shall be subject to penalty provisions outlined in Section 683 of the Local Government Act 1974.

Schedule

Areas where riding of skateboards is prohibited on footpaths and other public places are as follows:

Central Dargaville Business District (Victoria Street from Edward Street junction to Gladstone Street junction).

Mangawhai Centres

Wood Street from Fagan Place junction to Margaret Street junction. Moir Street from Insley Street to the Molesworth Drive junction.

Maungaturoto business district from Gorge Road to Whaka Road.

Part 14

General Bylaws

Gin Traps

1401 Interpretation

In this part of this bylaw:

Council means the Kaipara District Council.

District means the Kaipara District.

Gin Trap means an animal trap of the spring-jaw or gin trap type.

Township means the urban areas as stated within the Kaipara District.

1402 Prohibition of Gin Traps

- 1402.1 No person shall set or place or cause to be set or placed any gin trap on any land or in any building within the townships of Baylys Beach, Dargaville, Glinks Gully, Kaiwaka, Kellys Bay, Mangawhai, Matakohē, Maungaturoto, Pahi, Paparoa, Ruawai, Te Kopuru, Tinopai and Whakapirau. The Council or any officer of the Council, may remove any gin trap so set or placed in contravention of this bylaw and the exercise of this authority shall not relieve any person from liability to any penalty incurred by reason of the breach.

1403 Penalty for Breach of the Law

- 1403.1 Every person who commits a breach of this bylaw shall be liable to the penalties set out in Section 242 of the Local Government Act 2002, or any other relevant statute.

Part 15

General Bylaws

Traffic

Scope

The purpose of this Part of the bylaw is to set in the bylaw requirements for parking and control of vehicular or other traffic on any road in the district.

Schedules to the traffic bylaw may be amended from time to time by the Council. Up-to-date schedules are held at the Council office.

1501 Interpretation

1501.1 Within this part of the bylaw, unless the context otherwise requires:

Authorised Officer means any person appointed or authorised by the Council to act on its behalf and with its authority including any Police constable.

Berm and Grass Verge means any grassed area on a road separated from the carriageway by channelling or kerbing, but does not include a grassed area immediately adjoining the carriageway.

Footway, Footpath or Walkway means as much of any road or public place that is laid out or constructed by the authority of the Council for pedestrian use.

Operation Mobility Carpark means a carpark set apart under clause 1603.3 of this part of this bylaw.

Operation Mobility Permit means a permit issued by New Zealand CCS Incorporated to persons with physical disabilities for the purpose of its Operation Mobility programme.

Parking Place has the same meaning as in section 591(6) of the Local Government Act 1974.

Parking Warden means any parking warden appointed by the Council under section 7 of the Transport Act 1962.

Passenger Service has the same meaning as in section 2 of the Transport Services Licensing Act 1989.

Passenger Service Vehicle has the same meaning as in section 2 of the Transport Services Licensing Act 1989 and includes a taxicab and a bus.

Reserve shall have the same meaning as in the Reserves Act 1977.

Road shall have the same meaning as in the Local Government Act 1974 and shall where the context requires include a street.

Transport Station has the same meaning as in section 591(6) of the Local Government Act 1974.

1501.2 Notwithstanding anything in Part 1 of this bylaw but subject to clause 1501.1 any words, phrases or expressions used in this Part of this bylaw which have meanings assigned to them by the Transport Act 1962 or the Traffic Regulations 1976, or any amendments thereof, shall have such meanings as are respectively assigned thereby, unless such meanings shall be repugnant to or inconsistent with the context in which such words, phrases or expressions, occur.

- 1501.3 Nothing in this Part of this bylaw shall derogate from any provision of, or the necessity for, compliance with:
- (i) Transport Act 1962 or any Act passed in amendment of or substitution of that Act.
 - (ii) Any regulations made under the Transport Act or any regulations made in amendment of or substitution for those regulations.
- 1502 General**
- 1502.1 The Council may by resolution, publicly notified, regulate, control or prohibit vehicular or other traffic on any roads or portion of roads in the district.
- 1503 Parking**
- 1503.1 The Council may by resolution pursuant to section 151(2) of the Local Government Act 2002 regulate, control or prohibit vehicular or other traffic on any roads, or portions of roads under its control in the district.
- 1503.1(a) The portions of roads mentioned in Schedule "A" of this part of this bylaw as "No Stopping Areas" are hereby deemed to be authorised under clause 1503.1.
- 1503.1(b) The portions of roads mentioned in Schedule "B" of this part of this bylaw as "Restricted Parking Areas" are hereby deemed to be authorised under clause 1503.1.
- 1503.2 Every resolution under clause 1503.1 may:
- (a) be made in respect of a specified class, type or description of vehicle;
 - (b) be expressed or limited to apply only on specified days, or between specified times, or in respect of specified events or classes of events, or be limited to specified maximum periods of time;
 - (c) be abolished, amended or varied by resolution of Council.
- 1503.3 Without limiting clause 1503.1, the Council may by resolution:
- (a) the portions of roads mentioned in Schedule "C" to this part of this bylaw as "Operation Mobility Carparks" are hereby deemed to be authorised under clause 1503.3.
 - (b) abolish, amend, or vary any such setting apart under paragraph (a) of this clause.
- 1503.3(a) The portions of streets or public carparks mentioned in Schedule "C" of this part of this bylaw as "Operation Mobility Carparks" are hereby deemed to be authorised under clause 1503.3.
- 1503.4 No person shall stop or park any vehicle on any Operation Mobility Carpark unless the driver of that vehicle or a passenger in that vehicle holds a current operation Mobility Permit which is displayed on the dashboard of that vehicle in a manner so as to be clearly visible from the outside of that vehicle.
- 1503.5 Except as directed by a police officer, traffic officer, parking warden, traffic control signal, or traffic sign or except in a traffic emergency, no person shall stop or stand or park any vehicle or permit any vehicle to remain stopped, standing, or stationary:
- (a) on any road, public carpark or reserve, or any part or parts of such road, carpark or reserve where the stopping or standing of vehicles is prohibited or restricted contrary to the terms of a prohibition or restriction specified in a resolution of the Council made under clause 1503.1.
 - (b) on any Operation Mobility Carpark contrary to clause 1503.3 of this part of this bylaw.

1503.6 Except with the written permission of an Authorised Officer given in respect of any specified trailer and in compliance with any conditions subject to which permission is given, no person shall park a trailer on any road or other land under the control or ownership of the Council, for a period exceeding seven days.

1503.7 No person shall upon any grass verge or berm on any road or reserve:

- (i) drive, stop, stand, or park any vehicle;
- (ii) cause or permit any vehicle to be driven, stopped or parked.

1504 Footways

1504.1 Subject to clause 1504.2, no person shall drive any vehicle on any footway, footpath, walkway or any part thereof.

1504.2 Clause 1504.1 shall not apply to the driving of a vehicle over a footway, footpath, or walkway, by means of a vehicle crossing constructed on the road for the purpose of gaining vehicular access to any property from that road.

1505 Goods Vehicles

1505.1 No person using any goods service vehicle for the purpose of delivering or picking up any parcels or goods to or from any business premises, to which there is off-road vehicular access to the rear entrance of the premises either by service lane, loading docks, private right-of-way, or lane, yard or otherwise howsoever, shall stop, stand, or park such vehicle in any road or street while delivery or picking up such parcels or goods.

1506 One Way Roads

1506.1 The Council pursuant to section 151(2) of the Local Government Act 2002 may by resolution:

- (a) prohibit the driving of vehicles or riding of any horse or bicycle along any road except in one specified direction only;
- (b) abolish, amend, or vary any such authorisation from time to time.

1507 Give Way and Stop Signs

1507.1 The Council pursuant to section 151(2) of the Local Government Act 2002 may by resolution:

- (a) the "Give Way" and "Stop" signs mentioned in Schedule "D" to this part of the bylaw are hereby deemed to be authorised under clause 1507.1.
- (b) abolish, amend, or vary, any such authorisation from time to time.

1508 Transport Stations, Bus Stops, and Taxi Stands

1508.1 The Council pursuant to section 151(2) of the Local Government Act 2002 may by resolution:

- (a) appoint any place or any road or any specified part of any place or road as a transport station, bus stop, or taxi stand, for the exclusive use of Passenger Service Vehicles or any specified class or classes of Passenger Service Vehicles;
- (b) abolish the appointment of any place or road, or enlarge or diminish the limits of the same;
- (c) impose conditions and charges in respect of the use of any transport station, bus stop, or taxi stand, so appointed;
- (d) add to, abolish, amend, or vary, such conditions or charges.

1508.1(b) The portions of streets mentioned in Schedule "E" of this part of this bylaw as "Bus Stands" are hereby deemed to be authorised under clause 1508.1.

1508.2 Except as directed by a police officer, traffic officer, or parking warden or except in the case of a traffic emergency, no person shall on any transport station, bus stop, or taxi stand, for the time being appointed by resolution under clause 1508.1

(a) stop, stand or park any vehicle; or

(b) permit any vehicle to remain stopped, standing, or stationary;

unless the vehicle is of the class of passenger service vehicle for the exclusive use of which the transport station, bus stop, or taxi stand, has been appointed or deemed to have been appointed under clause 1508.1.

1509 Speed Limits

1509.1 The Council pursuant to section 151(2) of the Local Government Act 2002 may by resolution:

(a) prohibit the driving of vehicles along any road at a speed exceeding a specified kilometres per hour; and

(b) abolish, amend, or vary any such authorisation from time to time.

1509.2 The roads mentioned in Schedule "F" to this part of this bylaw as "km/hour Speed Restriction: are hereby deemed to be authorised under clause 1509.1;

1509.3 No person shall drive any vehicle, motorcycle, power cycle, or other motorised power machine in any reserve at a speed exceeding 10 kilometres per hour.

1510 Temporary Speed Restrictions

1510.1 An Authorised Officer may temporarily restrict the use of or speed of, or class of vehicle which may use any part of any road or any other vehicle accessway under the jurisdiction of the Council. Any such restriction shall be defined by the display of temporary warning signs in conformity with the Traffic Regulations 1976.

1511 Road Works

1511.1 Without limiting the Traffic Regulations 1976, any vehicle being used for the purpose of maintenance or construction of roading or of any other utility or otherwise with permission of an Authorised Officer, may be driven or parked contrary to any restriction in force under this part of this bylaw, with due consideration of other road users.

1512 Damage to Signs

1512.1 No person shall interfere with or damage or remove any traffic control sign.

1513 Dangerous and Inconsiderate Driving

1513.1 No person shall drive any motor vehicle or cart or ride any motorcycle, power cycle or any other motorised powered machine or bicycle or horse or other animal in any reserve, without due care and attention or without reasonable consideration for other persons using, or driving in, the reserve.

1513.2 No person shall drive or ride any animal or vehicle (whether propelled by mechanical power or not) within any reserve in such a manner as to cause damage to the surface of any land.

1514 Offences

1514.1 Without limiting clause 113 of Part 1 of this bylaw, every person commits an offence against this part of this bylaw who:

- (a) fails to comply in all respects with any prohibition or restriction or direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed or made or erected on or upon any road, public carpark, reserve or other places controlled by the Council pursuant to any of the provisions of this part of this bylaw or any resolution made under this part of this bylaw;
- (b) fails to comply with any condition, duty, or obligation, imposed by this part of this bylaw or by any resolution made under this part of this bylaw.

1514.2 Notwithstanding anything to the contrary in Part 1 of this bylaw, every person who commits a breach of this part of this bylaw is liable to a fine not exceeding \$500 and, where the breach is a continuing one, to a further fine not exceeding \$50 for every day on which the breach has continued.

1514.3 Nothing in clause 1514.1 applied to any offence of a kind referred to in section 72(6A) of the Transport Act 1962.

Part 16

General Bylaws

Water Supply

1601 Interpretation

In this part of this bylaw, unless inconsistent with the context::

Approved means approved by the Engineer.

Controlled Catchment Area means an area under the control of a local authority, to which the public and domestic animals are prohibited from entry and from which waters are drawn for a public water supply.

Direct Connection includes any underwater outlet or any arrangement of pipes, hoses, or fittings temporary or otherwise which renders possible back flow into the local authority's waterworks system.

Distributing Pipe means any pipe conveying water supplied by the local authority from a storage tank or from a hot-water apparatus supplied from such tank and under pressure therefrom.

Fire Hose Reel means a metal reel, permanently connected to the water supply, on which is wound rubber tubing having an internal diameter of 12.5 mm nominal or 20 mm nominal, which can be used for first-aid fire-fighting purposes.

Fire Sprinkler System means a system of pipes fitted with sprinkler nozzles which open by extraordinary rise in temperature to automatically drench an area for the purpose of extinguishing fire and is maintained with a superimposed pressure so that an alarm is actuated when a nozzle opens allowing the pressure to fall to mains pressure.

Mechanical Sprinkler Or Sprinkler means a revolving spray, sprinkler pipe, or contrivance to distribute water for garden or lawn watering, but does not include a hand-held hose, or a contrivance installed exclusively for the purpose of extinguishing fire.

Push-Through Water Heater means a water heater with a to-top on the cold-water inlet so designed that the hot water is discharged through an open outlet.

Service Pipe means that section of the pipe conveying water from the street main to the consumer's premises, which lies between the main and a point 250mm distance from the consumer's property and includes -

- (a) The furrule or stoptap at the junction of the service pipe with the main;
- (b) Any stoptap fitted at the end of the service pipe; and
- (c) Any stoptap fitted on the service pipe between the end thereof and the main.

Stoptap includes stopcock, stop valve, and any other device for stopping at will the flow of water in a line of pipes.

Storage Tank means any tank other than a flushing cistern having free water surface under atmospheric pressure from which water supplied by the local authority is delivered for use.

Supply Pipe means the pipe provided by the consumer to connect the service pipe to their premises.

Uncontrolled Catchment Area means an area to which the public and domestic animals are not prohibited from entry and from which waters are drawn or likely to be drawn for public consumption.

Wet Riser Main means a vertical water main installed in a multi-storey building with outlets on each floor to which the fire brigade can connect hose for fire fighting purposes, and connected to a water supply.

Ordinary and Extraordinary Supply

1602 Ordinary Supply

- 1602.1 Any water supplied from the waterworks to properties situated within the district and used for any of the following strictly domestic purposes shall be deemed to be an "ordinary supply" for the purposes of this part of this bylaw - that is to say, water for the use of the consumer and their family and up to four other persons all of whom constitute and conduct themselves as one household, for drinking, for ordinary personal ablution, for cooking, for washing linen or clothes, for washing or cleansing floors, windows, domestic or other furniture or utensils or any part of the consumer's dwelling house or premises, and for water closets, baths, and urinals except automatic flushing water closets and urinals, and includes water supplied to rateable property within the defined Water Supply Areas from the waterworks through one connection for any purpose not exceeding up to and including such maximum quantity per year or half year as the Council may from time to time determine by resolution in that behalf publicly notified. The Council by the same or a further resolution in that behalf from time to time publicly notified may determine whether the period of the ordinary supply shall be calculated per year or per half year and the date of commencement of any such period. Council may determine, by resolution publicly notified, whether or not any Ordinary Supply shall be metered.
- 1602.2 Every person paying to the local authority the appropriate rates or charges levied in respect of such properties shall be entitled to an ordinary supply of water.

1603 Extraordinary Supply

- 1603.1 Any water supplied from the waterworks and not used for the purpose of an ordinary supply as hereinbefore defined shall be deemed to be an "extraordinary supply" shall include water used for the following purposes:
- Aerated-water factories
 - Automatic flushing of water closets, urinals and latrines
 - Blocks of flats and multiple dwelling units
 - Boilers
 - Bottle washing
 - Breweries
 - Building construction
 - Butchers, fishmongers, and fish curers

- Cleaning business premises by means of a hose
- Commercial photographic processing
- Cooling of air conditioning and industrial equipment
- Fire hose reel
- Fire sprinkler systems
- Hose or other removable pipe or mechanical sprinkler
- Hospitals
- Hotel, motel and boardinghouse premises and clubs
- Hydraulic lifts and other hydraulic machinery
- Laundries carried on as or in connection with a business
- Manufacturing
- Milk-shops and dairies
- Motor garages conducting a vehicle-washing service
- Ornamental and recreational purposes, such as for fountains, ponds, swimming pools, or the like
- Public baths and wash houses
- Railways
- Restaurants and refreshment rooms
- Schools, public and private
- Sewage-treatment plants
- Stock watering
- Trade, business, manufacture, or other similar undertaking not otherwise specified
- Water carted away from the property to which it is supplied
- Water supplied to any building or lands which, in terms of the Local Government (Rating) Act 2002 are not rateable property
- Water supplied to other local bodies and to consumers in areas beyond the jurisdiction of the local authority
- Wet riser main.

1603.2 No obligation to give extraordinary supply.

1603.3 The local authority shall be under no obligation to give or continue an extraordinary supply of water.

1604 Use of Ordinary Supply

1604.1 No consumer or other person shall use or permit or allow to be used in, upon or in connection with any premises for any of the purposes defined in this part of this bylaw as extraordinary supply, any water supplied from the waterworks as and for ordinary supply.

1605 Use of Extraordinary Supply

1605.1 No consumer or other person receiving an extraordinary supply for one purpose shall use or permit or allow to be used any part of such supply for any purpose other than the particular purpose for which they received it.

1606 Supply by Meter

- 1606.1 An extraordinary supply of water to any property shall be metered except where otherwise provided for herein, and where the supply of water to any premises consists of both ordinary and extraordinary supply the Engineer may require that the whole of such supply be metered as an extraordinary supply, and in any case of doubt or dispute regarding the use of any ordinary supply such supply shall be metered as an extraordinary supply.

Continuity of Supply And Pressure**1607 Continuity of Supply**

- 1607.1 The local authority does not guarantee the uninterrupted supply of water, whether in cases of ordinary or extraordinary supply, and no allowance or compensation will be made or allowed on account of water being shut off, whether for the purpose of laying mains, effecting repairs, attaching new services, or for any other purpose or reason whatsoever.
- 1607.2 All hospitals, schools, factories, office blocks, theatres, restaurants, hairdressing salons, hotels, motels, boardinghouses, blocks of flats, and all consumers who, for the purpose of continuing a business or process, or for any other reason are dependant upon a constant supply of water, shall provide such storage tanks as are necessary to give effective continuity for their particular purpose.
- 1607.3 The local authority may contract with any user, or group of users, for an Ordinary or Extraordinary supply of water from its waterworks under any terms and condition mutually agreed upon and whether consistent with this bylaw or not, and it is expressly accepted that any such agreement in force at the time of adoption of this bylaw shall remain in force until such time as it is re-ordered, cancelled, re-negotiated or renewed.

1608 Pressure

- 1608.1 The local authority does not guarantee any specified maximum or minimum pressure in its distribution system and no allowance or compensation will be made or allowed on account of change of pressure in the supply.

1609 Prohibition or Restriction of Supply

- 1609.1 The local authority may at any time, by resolution publicly notified, and until a further public notice of the rescission of such resolution has been given, restrict or prohibit the use of water for any one or more of the purposes covered in the definition of extraordinary supply, and thereupon it shall be an offence against this part of this bylaw for any person to use water in the manner so restricted or prohibited.
- 1609.2 If any time the local authority considers that because of drought or for any other reason the available water supply is not sufficient to allow the unrestricted consumption of water, and that extraordinary measures are necessary in order to conserve such available water supply, the local authority may by resolution publicly notified, and until public notice of the rescission of such resolution has been given, restrict or prohibit the use of water whether an ordinary or extraordinary supply for any specified purpose or for any specified period or may restrict the quantity which may be used. Any such restriction or prohibition may apply to the whole of the district or if the circumstances so require to a portion only of the district.
- 1609.3 No consumer shall in case of any such restriction or prohibition be entitled to any payment or compensation whatsoever.

1609.4 Any person offending against or failing to observe or comply with any of the provisions of any such resolution commits an offence against this part of this bylaw.

1609.5 In the case of urgency the Engineer or Authorised Officer may prohibit the use of water for any extraordinary purpose they deems necessary pending the next succeeding meeting of the local authority.

1610 Water supply Before Occupation of Dwelling

1610.1 No person shall occupy or permit the occupation of a building for residential purposes or human habitation unless such building shall be provided with an adequate and convenient supply of wholesome water for domestic purposes with approved pipes and fittings.

1611 Application for Supply

1611.1 Any person who

- (a) Shall be desirous of obtaining a supply of water either ordinary or extraordinary in respect of any premises, or
- (b) Is receiving a supply to their premises and wishes a change of their premises: shall sign an application to the local authority for the same on an application form obtained at the office of the Engineer.

1611.2 Every application shall state thereon the purpose for which the supply is required, and other relevant information as may be required by the Engineer, and shall be signed by the owner or lessee of the premises for which water is required.

1611.3 Every application shall, if required by the Engineer, be accompanied by a plan to their satisfaction showing the work proposed to be carried out.

1611.4 The applicant shall enter into such agreement as the local authority may required in relation to such supply and the Engineer may determine the method of supply by meter or otherwise.

1612 Supplies from Standpipes on Hydrants

1612.1 For approved purposes and subject to such conditions as the Engineer may prescribe, an extra ordinary supply of water may be given by means of a standpipe to be placed upon a specified fire hydrant. Application on a form to be obtained at the office of the Engineer shall be made for such supply and for the hire of a standpipe if supplied by the local authority.

1613 Determination of Size of Service

1613.1 The Engineer shall have the right to estimate the proposed consumption and to determine the size of main tapping, the size of meter, and the size of service pipe required for the supply.

1614 Issue of Permit

1614.1 Upon receipt of any such application in proper form the Engineer may, if satisfied that a permit should be issued, issue a permit.

1615 Work Not to Be Commenced Without a Permit

1615.1 No person shall attach or connect or permit to be attached or connected with the waterworks, any pipe, stoptap, or other apparatus, nor alter or repair any existing pipe or fitting connected with the waterworks other than the re-washing of taps, unless

- (a) The holder of a permit issued by the Engineer, under the Drainage and Plumbing Regulations 1959 and subsequent amendments; or
- (b) In the case of work which is not sanitary plumbing as defined by the Plumbers and Gasfitters Registration Act 1964, has satisfied the Engineer of their ability to carry out such work and has received a permit from the Engineer to carry out such work which permit the Engineer is hereby authorised to grant.

1616 No Deviation from Permit

- 1616.1 No person, without the prior consent of the Engineer, shall carry out any work otherwise than in accordance with the permit granted to them. All work shall be carried out in accordance with the subject to the provisions of the Drainage and Plumbing Regulations 1959 and the provisions of this part of the bylaw.

Connections, Disconnections, and Inspections

1617 No Person to Connect to System

- 1617.1 No person, other than an officer or an employee of the local authority shall, without express written authority signed by the Engineer, make any connection with or otherwise interfere with, any part of the waterworks system.

1618 Disconnections Required

- 1618.1 Where any water fitting is to be permanently disconnected, the portion of pipe that supplies water to that fitting only, and is not required to supply water to any other fitting, shall also be disconnected in an approved manner.

1619 Notice When Supply not Required

- 1619.1 When any building or property supplied with water by the local authority becomes unoccupied or for any other reason a supply of water is no longer required, the owner or occupier as is appropriate shall give notice thereof in writing to the local authority.

1620 Disconnection for Non-Payment or Non-Compliance with Notice

- 1620.1 If default shall be made for more than 1 month in payment of any monies payable in respect of an incidental to the supply of water from its mains, the local authority may cut off the supply without notice, and may recover all monies owing in any Court of competent jurisdiction as a debt owing to the local authority.
- 1620.2 The local authority may stop the supply of water to any premises where an owner or occupier -
- (a) Fails to comply with a notice from the Engineer requiring repair of defective pipes or fittings; or
 - (b) Wilfully allows water to run to waste or by misused.
- Such supply will only be restored when the offending condition has been eliminated and the re-connection fee paid.

1621 Turning-On Fee

- 1621.1 Whenever the water supply has been cut off from any premises such supply will not be again turned on except on payment of a fee of such amount as may from time to time be fixed by resolution of the local authority in that behalf.

1622 Inspection of Installations

1622.1 It shall be lawful for the Engineer or other duly appointed office of the local authority at any time of the day or night to enter upon any land, and at any time between the hours of 8.00 am and 6.00 pm of any day, to enter into any building for the purposes of inspecting all or any of the fittings and other apparatus therein connected directly or indirectly with the waterworks, and any person resisting or refusing to allow any such entry or inspection commits an offence against this part of this bylaw. If the Engineer or duly appointed officer is obstructed or refused admittance, the local authority may stop the supply of water to that premises in any manner it thinks fit.

1623 Point of Supply

1623.1 The point of supply to the consumer shall normally be a point 250 mm distant from the street boundary but in places where such alignment is inconvenient for making a connection by reason of fences, walls or other causes, it shall be sufficient if the service pipe is laid by the local authority to a point as close as reasonably possible to such street boundary.

1623.2 The extension to the boundary from the termination of the service pipe, and the supply pipe within the premises shall be provided by the owner or occupier at their own cost and expense, to the satisfaction and approval in all things of the Engineer.

1623.3 In the case of an extraordinary supply requiring metering, the meter may be installed on the supply pipe by arrangement between local authority and the consumer.

1624 Stoptaps to be Provided

1624.1 In addition to any stoptap fitted by the local authority on the service pipe, the consumer shall, except in the case of a fire sprinkler system, fit stoptaps as follows to the satisfaction of the Engineer:

- (a) Where a building is set back from the street boundary, a stoptap shall be fitted on the supply pipe to control all outlets on the premises.
- (b) Where a building is on the property boundary a stoptap shall be provided inside the building as close as possible to the point of pipe entry to control all the outlets on the property.
- (c) In every building of more than 1 floor, at every floor level including sub-floor or basement level, one or more stoptaps to control the supply to all outlets on such floor.

All stoptaps shall be kept readily accessible at all times and exterior stoptaps shall be protected by strong durable boxes of earthenware, concrete, cast iron, or other approved material.

1625 Only One Point of Supply

1625.1 Except with written consent of the Engineer, no premises shall be supplied with more than 1 service pipe and where this consent is given, only under such conditions as the Engineer prescribes.

1626 One Pipe Not to Serve Two Premises

- 1626.1 Except with the written consent of the Engineer no water shall be supplied to any building or premises from any pipe or water supply fitting or appliance laid or installed on or in connection with any other building or premises. Such consent will not be given unless both the premises are held under one rating assessment.

Fittings and Materials, and Installations**1627 Work in Streets and Public Places**

- 1627.1 Except with the written consent of the Engineer, no person shall carry out work in any street, private street, or public place. Any person having obtained such consent shall carry out and complete the same in accordance with the conditions as may be prescribed by the Engineer and without unnecessary delay, and shall well and properly refill all trenches and shall remove all waste materials from each street, private street or public place as soon as possible. The Engineer may specify the hours in which work in such street, private street, or public place may be undertaken.

1628 General

- 1628.1 All materials, fitting, and appliances used for the supply and distribution in any premises of water supplied by the local authority shall be of such design and quality as to prevent waste, undue consumption, misuse, or contamination of water, or the setting up of water hammer in any part of the system. They shall in every case be of approved design and materials for durability and ready maintenance. All such fittings shall be capable of standing a test pressure of 180 m head of water (1.8MPa) and suitable for working pressure equivalent to 90 m head of water (0.9 Mpa), or other such pressures as the Engineer shall prescribe.

1629 Pipes

- 1629.1 Pipes used for water supply and distribution in any premises shall be those approved by the Engineer, and shall in every case be capable of standing a test pressure equivalent to 180 m head of water (1.8Mpa) and be suitable for a working pressure equivalent to that of 90 m head of water (0.9Mpa) or such other pressures as the Engineer shall prescribe. Where such pipes are made of corrodible material they shall be efficiently protected against external corrosion and, unless they form part of a closed circuit from which water is not drawn, against internal corrosion.
- 1629.2 Every pipe shall be adequately supported and shall be so aligned as to avoid air locks.

1630 Pipes and Fittings to Be Accessible

- 1630.1 Every pipe and fitting within a building shall, so far as is reasonably practicable, be so placed as to be readily accessible for examination, repair, or replacement; Provided that this shall not prohibit the enclosing of any pipe in a properly designed chase or duct so constructed that the pipe is reasonably accessible for examination, repair, or placement.

1631 Pipe Carried Through Brick or Concrete

1631.1 Where in the opinion of the Engineer it is necessary that a supply pipe be laid under or carried through any brick or concrete work or laid in any other inaccessible position, such supply pipe shall be carried through an exterior sleeve pipe of approved material and of sufficient length to bring any leakage or waste within easy observation in such manner as to facilitate the carrying out of any necessary repairs to such supply pipe. Where a supply pipe enters a building or basement from the service connection through a sleeve pipe or clearance hole, such supply pipe shall be effectively sealed into the opening with an approved caulking compound and so maintained as to prevent the entry of surface or seepage water.

1632 Pipes Above Ground Level

1632.1 Every external service pipe fixed above the level of the ground shall be properly protected by the owner of the premises as and when required by the Engineer.

1633 Depth of Burial Pipes

1633.1 Unless otherwise approved in special cases the minimum cover from the surface to the top of the pipe shall be as follows:

All pipes over 50mm nominal diameter	750mm in all locations
Metal pipes up to 50mm nominal diameter	500mm within public and private street boundaries or where likely in the opinion of the Engineer to be crossed by vehicles; 300mm elsewhere.
Plastics or other than metal pipes up to 50mm nominal diameter	600mm within public or private street boundary or where likely in the opinion of the Engineer to be crossed by vehicles; 400mm elsewhere

1634 Pipes for Fire Fighting Purposes

1634.1 Pipes of material known generally as plastics, and including pvc, polythene, rigid pvc, and all others which are mechanically affected by the action of heat shall not be fitted for use on any supply which is or may be required for fire fighting purposes.

1635 Quick Closing Valves Not To Be Used

1635.1 Quick closing valves of any kind shall not be used on any piping directly connected to the service pipe, that is, in any position where they are required to close against mains pressure. In circumstances specially approved they may be used, provided a suitable air chamber is fitted in the supply pipe at the stoptap or next to the fitting as may be required in the particular case. In special circumstances non-concussive types of valve may be used as approved by the Engineer.

1636 Float Valve Installation

- 1636.1 Every ball valve or float-operated valve fitted to a storage tank shall be securely and rigidly fixed thereto above the top water line, and shall be supported independently of the inlet pipe (unless such inlet pipe is itself rigid and rigidly fixed to the tank) in such a position that no part of the body of the valve would be submerged if the tank were charged to an amount above its overflowing level of twice the diameter of supply pipe and in no case less than 25mm.
- 1636.2 Where a ball valve is permitted to be provided with a pipe so arranged as to discharge water into a tank below its overflowing level, effective means such as an air hole shall be provided in the outlet chamber of the ball valve above such level to prevent siphonage of water back through the ball valve. Silencing pipes will be permitted only in break pressure tanks such as flushing cisterns and supply tanks for hot water systems.
- 1636.3 No ball valve shall be fitted directly to any thermal storage electric water-heater.

1637 Storage Tanks

- 1637.1 Every tank used for the storage of water, other than a flushing cistern, or one for supplying water to a thermal storage electric waterheating unit shall be made of approved material, and every such tank shall be made and shall at all times be maintained in an efficient and watertight condition.
- 1637.2 If placed inside any building every such tank shall have fixed thereunder, to the satisfaction of the Engineer, a tray fabricated of lead having a surface density of 25 kg/m^2 , or galvanized steel or sheet copper having a thickness of not less than 0.6 mm, or other suitable material with an overflow pipe of the same material not less than 40 mm nominal diameter discharging in a conspicuous position clear of the building and within the boundary of the premises. If the tray is of metal dissimilar to that of the tank or piping, to avoid corrosion it shall not be in direct contact with the tank or piping, but shall be separated by suitable material which is not an electrical conductor. The overflow pipe shall be of the same material as the tray.
- 1637.3 Every such tank shall be enclosed and ventilated so that the water therein may not be liable to contamination from any cause whatsoever and shall be placed in such a position that easy access may be had thereto for the purposes of inspection and cleansing. Adequate scour valves shall be fitted to permit periodic cleansing.
- 1637.4 No such tank shall be buried in, or placed below the ground except with the prior written consent of the Engineer, and then only provided that the supply is metered and in accordance with any conditions prescribed by the Engineer.
- 1637.5 Every such tank shall be provided with an efficient and approved overflow pipe not less than 40 mm nominal diameter, so as to discharge in the conspicuous position outside the building and within the boundary of the premises together with the drain from the tray where fitted.

1638 Flushing Cisterns

1638.1 Every water closet flushing cistern shall comply with NZS245 (including subsequent amendments) on all matters not otherwise referred to in this part of this bylaw. The flushing valve in the cistern shall be a siphonic type or where approved by the local authority Engineer for general use in the district, an underwater valve type.

1639 Flush Valves

1639.1 Flush valves shall be installed only by special permit from the Engineer; they shall be of the approved waste-preventing type discharging not more than 13.5 litres per flush and supplied by a separate storage tank. They shall be incapable of delivering more than 13.5 litres per flush regardless of any manipulation of the operating lever. The flush valve shall be so constructed as to seal automatically upon the termination of the prescribed flush, irrespective of the position of the starting lever.

1640 Supply to Water Heaters

1640.1 The supply of cold water to water heaters other than push through heaters or approved valve type of gas water-heater, or heat exchanger or other type under mains pressure, shall be by one of the following means:

- (a) Through a supply tank which shall comply with this part of this bylaw covering tanks and float valves.
- (b) Through a pressure-reducing valve and separate non-return valve. The pressure-reducing valve and check valve and strainer shall be fitted between two isolating stop valves. The whole arrangement is to be to the approval of the Engineer.
- (c) A mains pressure water-heater shall be supplied through a check valve installed between 2 isolating stop valves and with such safeguards as shall be determined by the Engineer.
- (d) All water heaters shall be adequately protected against damage due to failure of the water supply.

1641 Mixing Valves

1641.1 No mixing valve in which hot water and cold water are mixed shall be supplied with cold water directly from a supply pipe at mains pressure unless:

- (a) Such valve forms part of an electric or gas water-heater which is not subjected to a working pressure higher than that for which it was designed.
- (b) The draw-off point is not controlled by a separate stoptap or the cold supply is used in conjunction with a mains pressure hot-water cylinder in which case a check valve shall be placed on the cold supply.

1642 Protection of Ball Valves

1642.1 Every stoptap, ball valve or other fitting installed in an exposed position shall be protected against damage by an approved guard, and if considered necessary by the Engineer shall be fitted in a separate compartment protected by a securely fixed cover.

1643 Watering Troughs

- 1643.1 Every pipe supplying water to a watering trough for animals shall be fitted with a ball valve or some other effective means of controlling the inflow of water so designed as to prevent overflow and having an air gap as required and specified in this part of this bylaw and fixed in a separate compartment and protected by a securely fixed cover.

Prevention of Contamination**1644 No Connection to Other Supplies**

- 1644.1 In any system of piping supplied with water by the local authority, no direct connection with any other sources of supply of water shall be made.
- 1644.2 No direct connection shall be made or maintained to any drainage system, drainage or sanitary fitting, or to any fittings or apparatus including steam boilers used for the reception or conveyance of any liquid, gas, or drawn water.

1645 Drawn Water Not to Be Returned

- 1645.1 No person shall return or allow to return to any main or pipe or any other part of the water supply system of the local authority any water drawn from any part of such system.

1646 Minimum Air Gap

- 1646.1 The minimum air gap between the outlet of a water supply pipe or fitting which is directly connected to the local authority system and the highest possible water level of the fixture or receptacle into which water is drawn or used shall be twice the diameter of the effective opening of such supply pipe or fitting but in no case shall it be less than 25 mm.

1647 Priming of Pumps

- 1647.1 No pump shall be equipped with a direct connection for priming or other purposes. Priming may be arranged by means of a discharge point and funnel where the discharge point is a minimum of 25 mm above the funnel as defined by the air gap.

1648 Supply to Shipping

- 1648.1 Each water supply point available to shipping, including fire connections, shall be equipped with an approved backflow prevention device located to prevent the flow of water from the ship to any supply pipe.

1649 Check Valves in Multiple Services

- 1649.1 Where a supply of water to premises from more than one point of supply by the local authority is permitted and where in the opinion of the Engineer they may be interconnected, the supply at each point shall be through a check valve installed between 2 isolating gate valves with a bleed valve fitted on the delivery side of the supply isolating valve so that the effectiveness of the check valve may be readily determined.

1650 Protection of Supply Pipes

- 1650.1 No supply pipe or fitting shall be laid or fixed, through, in or into any drain, sink, ashpit, or manure pit, nor through, in or near any place where the water may become liable to be contaminated.

1651 Prevention of Backflow

- 1651.1 Where in the opinion of the Engineer any consumer has a piping system which may be connected or used in such a manner as to be a possible source of contamination of the local authority mains, the consumer shall protect the service connection at the point of

supply to such property by one of the following backflow preventers as the Engineer may direct;

- (a) *Air Gap Separator* defined as a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, and in no case less than 25 mm. In all cases the piping from the point of supply to the receiving vessel shall be completely visible.
- (b) *Double Check Valve Assembly* defined as an assembly of at least 2 independently acting check valves including gate valves on each side of the check valve assembly and suitable leak-detector drains plus connections available for testing the water tightness of each check valve. The check valves shall seal readily and completely. The face of the closure element and valve seat must be of bronze, composition, or other corrosion-resistant material. Pins and bushes shall be of bronze or other corrosion-resistant non-sticking material, machined for dependable operation. The closure element shall be weighted or otherwise made to promote rapid and positive closure.
- (c) *Reduced-Pressure-Principle Back-Flow-Prevention Device* defined as a device incorporating an automatically operating differential relief valve located between the two check valves, 2 gate valves for isolating and the necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the 2 check valves, less than the pressure on the local authority main side of the device. At cessation of normal flow the pressure between check valves shall be less than the supply pressure. In the case of leakage of either check valve the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is equivalent to 1.4 m head water (14kPa:imperial 2 lb/in²) or less the relief valve shall open to the atmosphere, thereby providing an air-gap in the device. The device must be readily accessible for maintenance and testing and installed in a location where no part of the valve will be submerged.
- (d) *A Vacuum Column* defined as an arrangement of pipes which forms an inverted U extending upwards to a point not less than 10.5 m above the highest point in the service pipe and in which there cannot be excess pressure on the property side of the column.

Prevention of Wastewater

1652 Waste and Improper Use to Be Prevented

- 1652.1 No person shall use, or permit or suffer to be used, the water supply obtained through the local authority's waterworks system improperly or to an unreasonable extent or in a wasteful manner, or otherwise in any manner contrary to the provisions of this part of this bylaw.

1653 Overflow Pipes

1653.1 Overflow pipes, if fitted to baths and water-using fittings or apparatus other than a washhand basin, shall be arranged to discharge in the open air or in an approved conspicuous position, and they shall not be led into waste pipes or drains.

1654 Fittings to Be in Good Repair

1654.1 No person shall allow any pipe, tap, or other fittings on his premises connected with the water supply to be out of repair or in any way defective so that water is wasted, misused, or contaminated, or water hammer is caused.

1655 Deficient Pipes

1655.1 Where, in the opinion of the Engineer, any pipe, cock, appliance, or fitting in connection with any water service of any premises has deteriorated, or is of inferior quality or workmanship, or is causing or is likely to cause waste of water, or is insufficient for the proper supply of water, it shall be lawful for the Engineer to give to the owner or occupier of such premises notice in writing requiring them to carry out such works as shall be specified in that behalf in such notice, and failure by such owner or occupier to comply with the requirements of such notice within the time specified therein shall be an offence against this part of this bylaw.

1656 Existing Pipes and Fittings

1656.1 Any existing pipes or fittings in any premises connected to the local authority's water supply at the date of this part of this bylaw or in any property which may subsequently be connected to the water supply may remain in use provided that upon inspection by the Engineer they are found to be satisfactory.

1657 Hoses

1657.1 Unless such use is specifically permitted otherwise by resolution of the local authority, no person shall use, permit or suffer water from a local authority supply to be used through a hose unless such person shall be actually holding such hose in their hand during the time water is flowing through it.

1658 Sprinklers

1658.1 Sprinklers or unattended hoses may only be used when authorised by resolution of the local authority and then only during the periods determined in the resolution and subject to such sprinklers or unattended hoses being under the immediate personal care of some competent person at all times when in operation.

1659 Water Used for Cooling

1659.1 Air-conditioning or industrial plant using an extraordinary supply for cooling purposes shall be provided with water conservation equipment so that the consumption is limited to that required to make up reasonable losses due to evaporation, wind, flushing, and similar effects. The use of water once through a cooling system that is without the use of recirculating equipment is prohibited without the written permission of the Engineer.

Meters**1660 Installation of Meters**

- 1660.1 When a supply of water is required by the local authority to be metered, the meter will be supplied and installed by the local authority and the consumer shall pay a meter rent, fixed by the local authority by resolution publicly notified, to cover the cost and maintenance of such meter provided in the part of this bylaw.
- 1660.2 Any meter which was installed by the consumer prior to the coming into operation of this part of this bylaw shall continue to be maintained by them until it is, in the opinion of the Engineer, no longer fit for use, when it will be replaced by a local authority meter.
- 1660.3 Without the prior written authority of the Engineer no branch fitting whatsoever shall be connected to the service pipe between the main and the meter.
- 1660.4 Approved high pressure isolating valves shall be fixed on either side of the meter.

1661 Protection of Meters

- 1661.1 Where required by the Engineer the consumer shall
- (a) Provide an approved site within the premises for the meter;
 - (b) Take sufficient precaution to protect the meter from damage at all times;
 - (c) Enclose the meter in a suitable box or other enclosure and shall in cases where natural support is absent provide suitable wall brackets or other support; and
 - (d) Ensure that the meter shall be readily accessible at all times.

1662 Testing of Meters

- 1662.1 Should a consumer dispute the accuracy of a meter they may apply to the Engineer to have the meter tested and if it is found to be over-reading there will be no charge for the test. If the meter is correct or under-reading the consumer shall pay to the local authority the cost of replacing the metre in addition to the testing fee.
- 1662.2 Should any meter which is owned by the consumer be out of repair, or cease to register, or register inaccurately, the consumer, on receiving written notice to that effect, shall forthwith have the meter put in order, shall forward the meter to the local authority's workshop to be tested, and shall obtain from the Engineer a certificate of its accuracy before refixing the same and shall pay for such testing. All costs incurred in removal, repairs, and re-installation shall be borne by the consumer.

1663 Method of Testing Meter

- 1663.1 All tests of meters shall be made at the local authority's workshop. The test will be made by running a measured quantity of not less than 2,000 litres through the meter and the meter shall be deemed to be correct if it registers within 4 percent either less or more than the measured quantity. In addition, the meter shall be capable of registering small flows from 2 percent of normal flow upward; the consumer shall have the right of witnessing the test.

1664 Fee for Testing

- 1664.1 The fee to be paid for testing meters under the foregoing provision shall be as provided elsewhere in this part of this bylaw.

1665 Meter Accounts Adjusted

1665.1 Should any meter after being tested be found to be reading incorrectly the Engineer shall make an adjustment in accordance with the results of such test after due allowance for permissible tolerances, and the consumer shall pay accordingly to such adjustment.

1666 Meter Tampered With

1666.1 Should any meter have its seal or dial broken or appear to the Engineer to have been tampered with, the Engineer may declare the reading void and estimate the consumption in any manner he thinks fit, and the consumer shall pay according to such estimate, and may be required also to pay for the repair to the meter and for all attendant charges.

1667 Estimating Consumption When Meter Out of Repair

1667.1 Should any meter be out of repair or cease to register (except as in clause 2.8.7.1 above) the Engineer shall estimate the consumption for the period since the previous reading of such meter (based on the average of the previous four periods charged to the consumer), which decision shall be final, and such consumer shall pay according to such decision: Provided that when, by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four periods would be an unreasonable estimate of the consumption, the Engineer shall be entitled to take into consideration other evidence for the purpose of arriving at a reasonable estimate, and such decision shall be final, and the consumer shall pay according to such decision.

Charges**1668 Charges for Service Pipes Etc**

1668.1 The charges payable by the consumer for tapping the in pipe and for laying the service pipe, installing a meter, testing a meter where required, keeping such service pipe and meter in repair and renewing when necessary, disconnection and reconnection where required, and road restoration shall be of such amount as may from time to time be determined by resolution of the local authority or as may be agreed on with any person receiving that supply.

1669 Charges for Ordinary Supply

1669.1 Charges for an ordinary supply of water shall be either by water rates, or uniform annual charges, or a charge fixed in accordance with the quantity of water consumed.

1670 Charges for Extraordinary Supply

1670.1 Charges for extraordinary supply of water (whether according to the quantity consumed or otherwise) shall be of such amount as may from time to time be fixed by resolution of the local authority in that behalf, publicly notified, or may be agreed on with any person receiving that supply; minimum charges for such extraordinary supply may likewise be specified in the said resolution or agreement.

1671 Reading of Meters and Accounts

1671.1 Meters will be read and accounts rendered at such intervals as the local authority may from time to time decide.

1672 Water Supplied by Standpipe

- 1672.1 Where a supply of water is given by means of a standpipe, the applicant will be responsible for the full cost of any subsequent repairs found necessary following the use of such standpipe. Water used shall be paid for at normal rates for extraordinary supply or as determined by prior agreement. The consumer shall also pay such hire charges as required by the local authority in the event of using a local authority standpipe.

1673 Meter Supply to Non-Rateable Properties

- 1673.1 The charges for water supplied to non-rateable property in the district shall be by meter of such amounts as may from time to time be fixed by resolution of the local authority in that behalf, publicly notified, or as may be agreed on with any person receiving that supply; minimum charges for such extraordinary supply may likewise be specified in the said resolution or agreement.

1674 Water Charged At an Annual Charge

- 1674.1 When an extraordinary supply of water is granted to a consumer for any purpose at an annual charge, it shall be lawful for the local authority if it thinks fit, to affix a meter to such supply, and the charge shall be determined by the provisions of this part of this bylaw relating to the purpose for which the water is being used.

1675 Supplies to Local Authorities

- 1675.1 The charges to be made for water supplied to other local authorities shall be of such amounts as may from time to time be fixed by resolution of the local authority or as may be agreed on with any local body receiving that supply.

1676 Water for Extinguishing Fires

- 1676.1 Unmetered connections which may be provided for fire protection systems shall be used for no other purpose and shall be independent of any other service connection to the property.
- 1676.2 In any case in which, in the opinion of the Engineer, a fire connection is so constructed or so located that it is likely that water will be drawn from it or from any part of it by any person for purposes other than fire fighting, the Engineer may cause a water meter to be installed on such fire service or on such part. In every such case whenever water has been used for fire fighting purposes, the Engineer shall estimate the quantity of water so used and a sum based on such estimate at the appropriate charge rate, shall be allowed against the cost of such amount of water charged to the owner's account.
- 1676.3 A fire sprinkler system shall be constructed and installed and thereafter maintained in good order to the satisfaction of the Engineer, and shall be so designed and fixed that water cannot be drawn therefrom for any other purpose.
- 1676.4 In the case of premises outside the district, a connection for a sprinkler system may be provided from a local authority main, with the prior consent of the local authority.
- 1676.5 Hose reels used solely for fire protection purposes may be installed only under conditions prescribed by the Engineer.
- 1676.6 The cost of making, repairing, and renewing the connection from the main to the consumer's premises shall be paid and borne by the consumer.

- 1676.7 An annual licence fee of such amount fixed by resolution of the local authority shall be paid by the consumer to the local authority in respect of such installation.
- 1676.8 Water used for the purpose of extinguishing fires will not be charged for.

Supply Outside Districts

1677 Application of Bylaw

- 1677.1 Where the local authority supplies water outside the district and in the area of another local authority with the consent of that local authority, then for that supply all of the provisions of the empowering Act relating to waterworks shall apply and all the provisions of this part of this bylaw shall apply equally to all places, persons, and things outside the district as they apply to the same within the district.

1678 Protection of Water Supply

- 1678.1 No person shall pollute or cause to be polluted any water that is part of the waterworks in any controlled catchment area or uncontrolled catchment area, or in any part of the waterworks prior to the withdrawal of water therefrom by some pipe lawfully connected therewith.
- 1678.1 In any controlled catchment area or any part of the waterworks prior to the withdrawal of any water therefrom by some pipe lawfully connected therewith, no person shall:
- (a) Camp;
 - (b) Take, depasture, or allow to stray any livestock including horses, cattle, sheep, or goats;
 - (c) Bathe or wash any linen or other thing; or
 - (d) Deposit any dirt, rubbish, foul liquid, or matter of any kind.
- 1678.2 In any controlled catchment area or land held by the local authority as a water reserve, no person shall, without first obtaining a permit in writing from the local authority:
- (a) Enter;
 - (b) Hunt, trap, shoot or fish;
 - (c) Light or maintain any fire;
 - (d) Take any dog;
 - (e) Damage or destroy any trees, shrubs, or other existing cover, or interfere with any property;
 - (f) Take any firearm or weapon of any kind which may be used for the destruction of birds and animals; or
 - (g) Use any pesticide or toxic substances for any purpose whatsoever.
- 1678.3 In granting any such permit the local authority may impose such conditions as it shall consider necessary or advisable, and every person to whom any such permit shall have been issued who shall fail to comply with every condition thereof commits an offence against this part of this bylaw.
- 1678.4 No person shall burn, bury, or otherwise dispose of any refuse or other matter except to the satisfaction of the custodian.

1679 Carcasses to Be Removed

- 1679.1 Any person who kills any animal on any controlled catchment area or land held by the local authority as a water reserve shall remove the carcass thereof from such area, or shall dispose of the carcass as directed by and to the satisfaction of the custodian.

1680 Permits to Be Presented

- 1680.1 No person to whom any permit shall have been issued as aforesaid shall enter to leave any controlled catchment area or land held by the local authority as a water reserve without presenting such permit for inspection by the custodian and notifying the custodian of their intention of entering or leaving such area as the case may be.
- 1680.2 Every person on any controlled catchment area or land held by the local authority as a water reserve shall upon demand forthwith produce any such permit as aforesaid for inspection by the custodian.
- 1680.3 No permit issued as aforesaid shall be capable of being transferred.
- 1680.4 It shall be lawful for the local authority at any time by notice in writing delivered to the holder to revoke or suspend such permit for such time as shall be stated in such notice.

1681 Against Interference and Obstruction

- 1681.1 In any controlled catchment area or any land held by the local authority as water reserve -
- (a) No person whether they are a holder of any permit issued under the provisions of this part of this bylaw or not (other than a duly appointed officer of the local authority), shall commit or cause or permit to be committed any act which may interfere with or be likely to interfere with the free and lawful exercise of any rights vested in any other person in any such area.
 - (b) Every person shall upon the request of the custodian or other officer of the local authority immediately leave the controlled catchment area or land held by the local authority as a water reserve, but shall nevertheless be liable also to be prosecuted for the breach of any of the provisions of this part of this bylaw, and the failure so to leave shall constitute a further offence.
 - (c) No person shall obstruct or hinder any duly appointed officer of the local authority in the exercise of any powers vested in them under the provisions of this part of this bylaw.

Part 17

General Bylaws

Land Drainage

1701 Interpretation

1701.1 In this part of the bylaw unless inconsistent with the context:

Council means the Kaipara District Council.

Council Drain means and includes every drain vested in or under the management of the Council, and any canal or watercourse vested in, or under the jurisdiction of the Council, or incorporated in its drainage system.

Consent means the written notification by the Council consequent upon a resolution of the Council duly authenticated in terms of Section 52 of the Land Drainage Act 1908, or any enactment passed in substitution thereof.

Defence Against Waters includes any dam, weir, bank, carriageway, groyne, or reservoir, and any structure or appliance of whatsoever kind which has or may have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread or subsidence, in or out of a watercourse, of water including flood waters.

Drain and Drainage Works shall have the meanings assigned to them respectively by Section 2 of the Land Drainage Act 1908.

Owner of any property or as applied to any land building or premises, means any person for the time being entitled to receive the rack rent of such property, land building or premises or who and where the content so requires or admits, the expression shall include the inhabitant occupier of any such land, building or premises; where such owner is absent from New Zealand the expression shall include their attorney or agent, or any other person acting for them or on their behalf.

Person includes a corporation sole and also a body of persons, whether corporate or incorporate.

Private Drain means any drain constructed by or vested in an owner and not being a Council drain.

Stock means and includes horses, cattle, sheep, pigs, goats, ducks, geese, swan and other domestic animals and birds.

Watercourse shall have the meaning assigned to it by Section 2 of the Land Drainage Act 1908.

Water Race shall have the meaning assigned to it by Section 5 of the Local Government Act 2002.

1702 Private Drains Connection

- 1702.1 No owner shall connect a private drain with a Council drain or with a private drain connected with a Council drain or extend or enlarge a connected private drain or branches thereof or add new branch drains thereto without obtaining the previous consent of the Council or board.
- 1702.2 Any owner applying for any such consent shall submit to the Council such plans and specifications as may be required by the Council showing the exact location of the private drain and branches (if any) giving details of length, size and construction and indicating the approximate area sought to be drained.
- 1702.3 The Council may impose such conditions as it thinks fit upon the connection or continuance of the connection of private drains including the payment to the Council of a reasonable fee to cover the cost of inspection and report relating to any such drain, such annual or other charge as the Council think fit by way of contribution to the cost of the construction, maintenance or extension to the Council's drainage system, and the construction and maintenance of a sufficient bridge or crossing as set out immediately hereunder.
- 1702.4 The owner of any property on which approval is given under this bylaw to construct a private drain shall, if required by the Council, construct and thereafter maintain a sufficient bridge or crossing over such private drain in such a position and so placed as to enable Council's workers, or agents and their plant and machinery to pass along the banks of such Council drain for the purpose of cleaning or maintaining the same, and the Council may enter into any agreement in respect thereof as it decides is reasonable.

1703 Access to Council Drains

- 1703.1 Without the prior consent of the Council and then only subject to such conditions as the Council may impose, no owner of any land on the banks of any Council drain shall plant or permit to grow any tree, shrub or hedge, or erect or maintain any fence, building, bridge or other construction or make any excavation in such a position as to interfere with or obstruct the free access of Council's workers or agents, plant or machinery along such drain or to any part thereof, for a distance of 15 metres from the bank of the drain, or such other distance as the Council may specify in respect to any particular drain or part thereof.
- 1703.2 No person shall construct or maintain any road, or access way for the passage of stock, machines or other vehicles along the bank of any drain under the control of the Council or within 15 metres thereof, without having first obtained the consent of the Council which may impose any conditions it thinks fit if such consent is to be granted.

1704 Obstruction to Flow

- 1704.1 No person shall stop, obstruct or interfere with or divert the flow of water in any Council drain or private drain connected with a Council drain without the previous consent of the Council.
- 1704.2 No person shall throw into any drain, or cause, permit or suffer to be thrown or to fall therein any material or thing causing or likely to cause obstruction in the drain.

1704.3 No owner of the land on either side of any drain shall allow, permit, or suffer to grow therein or on the banks thereof any plant growth that may be likely to impede the flow of water in any such drain.

1704.4 No person shall permit or suffer any debris, weeds, plants or vegetation or other cleanings cut or removed from the bottom, side, or banks of any drain to float along such drain or into any other drain or watercourse.

1704.5 Any person who commits a breach of Clause 1704.4 hereof, notwithstanding that such person shall be liable to conviction pursuant to Clause 1719.1 of this part of this bylaw, shall on request by the Council remove such weeds or other obstruction and in default the Council may at its option remove same and recover the costs of such removal as a debt due to the Council.

1705 Use as Waterway

1705.1 No person shall without the previous consent of the Council, and then only on such terms including payment for the privilege as may be imposed by the Council use any Council drain for the purpose of floating any timber, flax, or any other material or thing, or for any purpose of haulage, propulsion, water carriage or navigation.

1706 Drains Through Watersheds

1706.1 Without the previous consent of the Council no owner shall construct or maintain any drain or system of drains in lands occupied by them if such drain or system of drains passes through any raised level of land or watershed.

1707 Artesian Overflow

1707.1 No owner or occupier shall allow the overflow of any artesian well on property owned or occupied by them to fall, flow or percolate into any Council drain, or any private drain connected with a Council drain, without the previous consent in writing of the Council.

1708 Artificial Obstruction or Addition of Water Causing Damage

1708.1 No person shall in any manner howsoever cause, allow or permit any damage to any Council drain or private drain connected with a Council drain to be occasioned by the release of any water into any of such drains other than by natural flow or by the abstraction of water therefrom, without first obtaining the consent of the Council and then only upon such conditions and in such manner as the Council shall impose or direct.

1709 Alteration to Public Drain

1709.1 No person shall make or cause to be made any Council drain wider or deeper than it is at the time, or stop or obstruct the same or alter the course thereof or in any way interfere with any drain or associated works or structures without the previous consent of the Council.

1710 Pollution

1710.1 No person shall discharge or cause, permit or suffer to be discharged into a Council drain or private drain connected therewith any liquid, gaseous or solid matter which shall be likely to be a nuisance or injurious to health or to the proper care of the drain.

- 1710.2 No owner or occupier shall permit or suffer any dead stock or any part thereof to be or remain in any drain on their property, and no owner or occupier of the land on either side of any drain shall permit or suffer to be or remain therein any dead stock or any part thereof being the carcass or remains of any stock which has strayed or fallen from their property into such drain.

1711 Maintenance and Repair

- 1711.1 The Council may by notice require the owner of the land through which any drain passes to cleanse, maintain and repair the said drain or any part thereof within such reasonable time as shall be allowed by the Council and in default the Council may execute the work and recover the cost thereof from such owner.

- 1711.2 Notwithstanding the provisions of Clause 1711.1 hereof, the Council may by notice to such person require the owner of the land through which a drain is made to clear therefrom and thereout and from the banks thereof all obstructions of any kind within such reasonable time as shall be allowed by the Council and in default the Council may execute the work and recover the cost thereof from the owner.

In this clause obstruction shall include earth, stone, timber and materials of all kinds and trees, plants, weeds and growths of all kinds.

1712 Obstruction to Officers, Etc

- 1712.1 No person, whether on private land or not, shall obstruct any member, appointee, employee, or agent of the Council with or without drain cleaning machinery or plant in the performance of anything which such member, appointee, employee, or agent is or may be required to do in the discharge of their duties.

1713 Damage

- 1713.1 No person shall injure, destroy, cause damage to or interfere with any dam, reservoir, stopbank, headworks or building or other installation connected with drainage works and under control of the Council, or allow, permit or suffer any stock to damage or destroy the same.

1714 Repairing Damage

- 1714.1 Where any drain is damaged by stock or otherwise the Council may require the owner responsible for such damage to repair such drain to the satisfaction of the Council and in default thereof the Council may have the necessary repairs executed and recover the costs thereof from the said owner.

1715 Erection of Stopbank

- 1715.1 No person shall erect or cause or permit to be erected any defence against waters without the prior consent of the Council and in accordance with such terms and conditions as the Council may impose.

- 1715.2 Every owner upon whose land a stopbank is located whether for the protection of that land or not shall maintain such stopbank according to the requirements of the Council and shall not remove it or suffer or permit it to be removed, lowered or breached without the prior consent of the Council and shall not at any time, plant or suffer to be planted, any trees or other growths thereon or within 15 metres thereof or construct, erect or place any

installation, building, roadway, fence or other structure thereon, nor shall they allow, permit or suffer any stock to have access, pass, graze, or trespass thereon without the prior consent of the Council and then only upon such terms and conditions as the Council may impose.

1716 Crossings

- 1716.1 No person shall cross or pass over a Council drain with any horse or vehicle or drive any stock or convey any implement or machinery or goods or materials thereover except at crossings appointed by the Council, provided that any bridge, culvert or ford bearing substantially the physical character of a crossing shall be deemed to be an appointed crossing unless there is erected adjacent thereto a notice bearing the words "*No Crossing*" or words equivalent thereto or to the like effect.
- 1716.2 No person shall construct any culvert, bridge or crossing in, upon or over any Council drain without the prior consent of the Council.
- 1716.3 No person shall erect, build or maintain any bridge or elevated crossing except of such dimensions as will obviate all obstruction or danger of obstruction at any time to the flow of water in the drain and as shall be authorised by the Council.
- 1716.4 The Council may require the owner or owners of properties on or adjoining which, there is a Council drain to construct, maintain or renew crossings at places and in such manner approved by the Council and such owner or owners shall construct, maintain or renew the same accordingly and in default thereof the Council may do and execute the works required and recover the cost thereof from such owner or owners.

1717 Watering Places

- 1717.1 No owner shall construct in any Council drain a watering place for stock or maintain or use the same without the previous consent of the Council which may impose such conditions for mode of construction and for fencing and otherwise as the Council decides and such consent may be suspended or revoked at any time.
- 1717.2 The owner or owners of lands adjoining watering places shall so use and maintain the same that no damage to the Council drain can result from their use. In the event of damage so resulting the Council may call upon the owner or owners responsible to repair the same and in default thereof may do and execute the work and recover the cost thereof from such owner or owners.

1718 Inspection

- 1718.1 The Council by its members, officer, workers, or agents shall have the powers, rights and authorities to inspect any installation set up for the withdrawal or diversion of water from any public or private drain or other watercourse within its district whether authorised or not and may direct any alteration or improvement to or replacement of such installation or request its removal or demolition at any time.

1719 Penalty

- 1719.1 Any person who commits a breach of this part of the bylaw shall be liable to a fine not exceeding \$100.00 and where the breach is a continuing one then to a further fine not exceeding \$10.00 for every day or part of a day during which the breach has continued and in addition to any penalty imposed for breach of this bylaw the Council may sue any person for the amount of damage done by them to the drainage works and for any penalty fine or fee which is prescribed by any statutory enactment whatsoever.

Schedule A

Parts of Carriageway covered by No Stopping Areas

Note: All measurements given from road intersections are measured from the projection of the kerb line or the projection of the edge of seal of the road being measured from.

Dargaville

Awakino Road

- i) All that portion on the north-eastern side from Victoria Street to a point 10 metres northwest from Victoria Street
- ii) All that portion on both sides from a point 279 metres northwest from Ranfurly Street to a point 373 metres northwest from Ranfurly Street
- iii) All that portion on the north eastern side from Jervois Street to a point 15 metres northwest from Jervois Street
- iv) All that portion on the south western side from Normanby Street to a point 23 metres northwest from Normanby Street
- v) 15 metres from Victoria Street for 10 meters towards State Highway 12 Jervois Street

Charlotte Street

- i) All that portion on the north-western side from Parore street to the north-eastern end of Charlotte Street
- ii) 4 meters from Parore Street for 9 meters to the end of the Cul-De-Sac

Day Street (Service Lane 5)

- i) 10 meters from Day street for 110 meters towards Pukeko Street
- ii) 10 meters from Day street for 110 meters towards Pukeko Street

Edward Street

All that portion of the south-western side from Victoria Street to a point 9.5 metres northwest of Victoria Street.

Gladstone Street

- i) All that portion on the north-eastern side form Victoria Street to a point 27 metres northwest from Victoria Street
- ii) 5 meters from Victoria Street for 27 metres towards State Highway 12 Normanby Street

Gordon Street

- i) No stopping Monday to Friday 8.30am to 9.00am and 3.00pm to 3.30pm

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All that portion on the north western side and the south eastern side from a point 44 metres north east from Carrington Street to a point 78 metres northeast from Carrington Street.

- ii) all the portion on the south-eastern side from Portland Street to a point 21 metres southwest of Portland Street
- ii) 107 meters from Hokianga Road for 17 meters towards Portland Street

Hokianga Road

- i) All that portion within such areas as are marked in accordance with the Traffic Regulations 1956 at approaches to pedestrian crossings.
- ii) All that portion on the south western side from a point 42 metres northwest from Haimona Street to a point 67 metres northwest from Haimona Street
- iii) 34m from Parenga Street for 10m towards Victoria Street
- iv) 45m from Parenga Street for 2m towards Victoria Street
- v) 107m from Station Road for 10m towards Gordon Street
- vi) 409m from Ranfurly Street for 35m towards Charlotte Street
- vii) 79m from Charlotte Street for 8m towards Earl Street
- viii) 100m from Charlotte Street for 3m towards Earl Street

Jervois Street (State Highway 12)

- i) All that portion on the north side from Awakino Road to a point 20 metres east of Awakino Road
- ii) All that portion on the south side from Awakino Road to a point 73 metres east of Awakino Road
- iii) All that portion on both sides from Grey Street to a point 100 metres east of Grey Street
- iv) All that portion on both sides from Grey Street to a point 100 metres west of Grey Street
- v) 14 meters from Awakino Road for 8 meters towards Carrington Street
- vi) 14 meters from Awakino Road for 18 meters towards Carrington Street

Logan Street

No stopping at all times - Mondays and Sale days.

All that portion on both sides from Bassett Street to 46 metres north of Murdoch Street

Montgomery Avenue

All that portion on both sides from a point 300 metres northeast from Hokianga Road to a point 380 metres north east from Hokianga Road.

- i) 308 meters from Hokianga Road for 80 meters towards Huia Crescent
- ii) 312 meters from Hokianga Road for 75 meters towards Huia Crescent

Murdoch Street (State Highway 12)

No stopping at all times - Mondays and Sale days.

All that portion on both sides from a point 74 metres east of Logan Street to a point 58 metres west of Logan Street.

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Normanby Street (State Highway 12)

- i) All that portion within such areas as are marked in accordance with the Traffic Regulations 1956 at approaches to pedestrian crossings.
- ii) All that portion on the north-western side from Portland Street to a point 38 metres northeast of Portland Street.
- iii) All that portion on the north-western side from Portland Street to a point 15 metres southwest of Portland Street.
- iv) All that portion on the south-eastern side from Poto Street to a point 15 metres northeast of Poto Street.
- v) All that portion on the south-eastern side from Poto Street to a point 10 metres south west of Poto Street
- vi) All that portion on both sides from Edward Street to a point 20 metres northeast of Edward Street.
- vii) All that portion on both sides from Edward Street to a point 20 metres southwest of Edward Street.
- viii) All that portion on both sides from Parore Street to a point 13 metres northeast of Parore Street.
- ix) All that portion on both sides from Parore Street to a point 15 metres southwest of Parore Street.
- x) All that portion on the north-western side from Gladstone Street to a point 16 metres southeast of Gladstone Street.
- xi) All that portion on the north-western side from Gladstone Street to a point 15 metres southwest of Gladstone Street.
- xii) All that portion on the north-western side from Awakino Road to a point 37 metres southwest of Awakino Road.
- xiii) All that portion on the south-eastern side from Awakino Road to a point 20 metres southwest of Awakino Road.
- xiv) 37 meters from Hokianga Road from 2 meters towards Portland Street
- xv) 46 meters from Hokianga Road for 10 meters towards Portland Street
- xvi) 79 meters from Hokianga Road for 27 meters towards Portland Street
- xvii) 23 meters from Portland Street for 22 meters towards Poto Street

Plunket Street

- i) 272 meters from Ranfurly Street for 17 meters towards the Dargaville High School
- ii) 264 meters from Ranfurly Street for 25 meters towards the Dargaville High School

Portland Street

- i) 5 meters from Gordon Street for 9 meters towards Tirarau Street
- ii) 106 meters from Gordon Street for 9 meters towards Tirarua Street

River Road

All that portion of the eastern side including the grass verge from a point 50 metres south of Murdoch Street to Colville Road

River Road (South)

- i) 337 meters from Liverpool Street for 21 meters towards Colville Road
- ii) 337 meters from Liverpool Street for 10 meters towards Colville Road

Station Road

- i) All that portion on the south-eastern side from Hokianga Road to a point 18 metres southwest of Hokianga Road.
- ii) All that portion on the north-western side from Hokianga Road to a point 12 metres from Hokianga Road.
- iii) All that portion on the southern side from a point 50 metres from Hokianga Road to a point 114 metres from Hokianga Road.
- iv) 8m from Hokianga Road for 15m towards Tunatahi Street
- v) 8m from Hokianga Road for 7m towards Tunatahi Street

Tirarau Street

- i) All that portion on the south eastern side from Portland Street to a point 18 metres northeast of Portland Street.
- ii) 6 meters from Portland Street for 18 meters towards Parore Street

Totara Street

- i) All that portion on the south-eastern side from Kapia Street to a point 28 metres northeast of Kapia Street.
- ii) All that portion on the north western side from Kapia Street to a point 44 metres northeast of Kapia Street.
- ii) 39 meters from Totara Street Park Entrance 1 for 8 meters towards to Totara Street Park Entrance 2
- iv) 9 meters from Totara Street Park Entrance 1 for 5 meters towards to Totara Street Park Entrance 2
- v) 8 meters from Kapia Street for 28 meters towards Totara Street car park
- vi) 8 meters from Kapia Street for 44 meters towards Totara Street car park entrance 1

Victoria Street

- i) All that portion within such areas as are marked in accordance with the Traffic Regulations 1956 at approaches to pedestrian crossings.
- ii) All that portion from Normanby Street to a point 29.7 metres northeast of Normanby Street on both sides of the street.

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- iii) All that portion on the north-western side from Edward Street to a point 14.7 metres south west of Edward Street.
- iv) All that portion on the north-western side opposite Kapia Street.
- v) All that portion on the north-eastern side from Awakino Road to a point 10 metres northeast of Awakino Road.
- vi) 173 meters from Edward Street for 10 meters towards Hokianga Road
- vii) 177 meters from Edward Street for 6 meters towards Hokianga Road
- viii) 8 meters from Hokianga Road for 6 meters towards Kapia Street
- xi) 8 meters from Hokianga Road for 8 meters towards Kapia Street
- x) 38 meters from Hokianga Road for 16 meters towards Kapia Street
- xi) 38 meters from Hokianga Road for 16 meters towards Kapia Street
- xii) 116 meters from Hokianga Road for 20 meters towards Kapia Street
- xiii) 125 meters from Hokianga Road for 6 meters towards Kapia Street
- xiv) Start of Kapia Street for 3 meters towards Poto Street
- xv) 8 meters from Kapia Street for 11 meters towards Poto Street
- xvi) Start of Gladstone Street for 8 meters towards Awakino Road
- xvii) 205 meters from State Highway 12 Normanby Street for 18 meters towards Edward Street

Aratapu

Pouto Road

All that portion on the south-western side from a point 23 metres southeast of Heawa Street to a point 47 metres northwest of Heawa Street.

Kaiwaka

State Highway 1

- i) All that portion on the western side from Oneriri Road to a point 275 metres north of Oneriri Road.
- ii) All that portion on the eastern side from Kaiwaka/Mangawhai Road to a point 123 metres north of Kaiwaka/Mangawhai Road
- iii) All that portion on the eastern side from a point 34 metres south of Kaiwaka/Mangawhai Road to Oneriri Road.
- iv) All that portion on the eastern side from a point 73 metres south of Oneriri Road to a point 288 metres south of Settlement Road

Mangawhai

Alamar Crescent

All that portion on the south western side from North Avenue to a point 119 metres northwest of North Avenue.

Fagan Place

- i) All that portion on both sides from Wood Street to 182 metres north of Wood Street.
- ii) 7 meters from Wood Street for 180 meters towards the end of the Cul-De-Sac
- iii) 15 meters from Wood Street for 174 meters towards the end of the Cul-De-Sac
- iv) 101 meters from Wood Street for 81 meters towards the end of the Cul-De-Sac

Mangawhai Heads Road (East)

- i) All that portion on the south side from Molesworth Drive to a point 95 metres east of Molesworth Drive.
- ii) 18 meters from Mangawhai Heads (East) Road for 81 meters towards Taranui Place.

Mangawhai Heads Road (West)

- i) 190 meters from Mangawhai Heads Road (West) for 102 meters towards Jack Boyd Drive
- ii) 229 meters from Mangawhai Heads Road (West) for 7 meters towards Parklands Avenue
- iii) 6 meters from Parkland Avenue for 8 meters towards Jack Boyd Drive

Moir Street

- i) All that portion on the north side from Molesworth Drive to a point 108 metres west of Molesworth Drive.
- ii) 158 meters from Tara Road for 40 metres towards Leslie Street
- iii) 5 metres from Leslie Street for 20 metres towards Insley Street
- iv) 58 metres from Leslie Street for 55 metres towards Insley Street
- v) 68 metres from Leslie Street for 64 metres towards Insley Street
- vi) From start of Molesworth Drive for 38 metres towards the end of the seal

Moir Point Road

- i) 230 meters from Devon Street for 91 meters towards the end of the Seal
- ii) 230 meters from Devon Street for 55 meters towards the end of the Seal
- iii) 299 meters from Devon Street for 18 meters towards the end of the seal
- iv) 16 meters from the end of the seal for 8 meters towards Estuary Drive
- v) 40 meters from the end of seal for 15 meters towards Estuary Drive
- vi) 301 meters from the end of seal for 14 meters towards Estuary drive

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- vii) 331 meters from the end of seal for 15 meters towards Estuary Drive

Molesworth Drive (North Branch)

All that portion on the west side from Moir Street to a point 36 metres north of Moir Street.

Molesworth Drive (West Branch)

North Avenue

All that portion on the north-eastern side from Alamar Crescent to a point 31 metres northwest of Alamar Crescent.

Parklands Avenue

- i) 8 metres from Mangawhai Heads (West) Road for 6 metres towards Hillside Avenue
- ii) 8 metres from Mangawhai Heads (West) Road for 6 metres towards Hillside Avenue

Wintle Street

- i) All that portion on the south side from a point 628 metres east of Mangawhai Heads Road (East) to a point 1,446 metres east of Mangawhai Heads Road (East).
- ii) All that portion on the north side from a point 925 metres east of Mangawhai Heads Road (East) to a point 1,425 metres east of Mangawhai Heads Road (East).
- ii) 316 metres from Claude Street for 40 metres towards Pearl Street
- iv) From start of Pearl Street for 778 metres towards end of the seal
- v) 256 metres from Pearl Street for 500 metres towards the end of the seal

Wood Street

- i) All that portion on the north side from Molesworth Drive to a point 100 metres east of Molesworth Drive and from a point 126 metres east of Molesworth Drive to a point 141 metres east of Molesworth Drive.
- ii) 8 metres from Molesworth Drive for 56 metres towards Fagan Place
- iii) 30 metres from Ellen Street for 12 metres towards Margaret Street

Black Swamp Road

- i) 95 meters from Tomarata Road for 89 meters towards the end of the seal
- ii) 98 meters from Tomarata Road for 86 meters towards the end of the seal

Baylys Beach

Seaview Road

- i) all that portion on the north side from a point 45 metres east of Kelly Street to a point 123 metres west of Bayly Street

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- ii) All that portion on the south side from a point 20 metres west of Kelly Street to a point 123 metres west of Bayly Street.
- iii) 353 meters from Ripiro Drive for 45 meters towards Kelly Street
- iv) From Kelly Street for 269 meters towards Bayly Street
- v) 17 meters from Kelly Street for 242 meters towards Bayly Street
- vi) From Bayly Street for 123 meters towards end of seal
- vii) 48 meters from Bayly Street for 75 meters towards End of the seal

Maungaturoto

Bickerstaffe Road

- i) All that portion on the western side from a point 665 metres south from Hurndall Street East to a point 745 metres south from Hurndall Street East.
- ii) 670 metres from State Highway 12 for 80 metres towards the end of the seal

Hurndall Street West (State Highway 12)

- i) All that portion within such areas as are marked in accordance with the Traffic Regulations 1956 at approaches to pedestrian crossings.
- ii) All that portion on the north side from a point 150 metres west of Whaka Street to a point 80 metres east of Whaka Street.

View Street

- i) All that portion on the north western side from State Highway 12 to a point 201 metres north east from State Highway 12.
- ii) All that portion on the south eastern side from State Highway 12 to a point 104 metres north east from State Highway 12.
- ii) 105 metres from State Highway 12 Hurndall Street for iv) 317 metres towards View Street East
- iv) 20 metres from State Highway 12 Hurndall Street for 232 metres towards View Street East

Glinks Gully

Glinks Road

- i) All that portion on the south-eastern side from the Mean High Water Spring Mark to a point 109 metres northeast of the High Tide Mark.
- ii) Glinks Road 456 meters from the 50/100 Km/ph sign to the Mean High Water Spring Mark

Matakohe

Church Road

- i) Along Church Road 73 metres from Church Road (West) intersection for 7 metres towards the end of the footpath on the right hand side
- ii) Along Church Road 103 metres from Church Road (West) intersection for 5 metres towards the end of the footpath on the right hand side

Te Kopuru

Norton Street

- i) all that portion on the northeast side of Norton Street from a point 34 metres northwest of Clean Street in a north-westerly direction for a distance of 116 metres.
- ii) All that portion on the southwest side of Norton Street from West Coast Road in a north-westerly direction for a distance of 142 metres.
- iii) All that portion on the southwest side of Norton street and to the southwest of the segregation island, in a north easterly direction from West Coast Road for a distance of 10 metres thence from 22 metres to 142 metres.

Pouto Road

- i) All that portion on the south western side from Turkey Flat Road to a point 216 metres northwest of Turkey Flat Road.
- ii) All that portion on the north-eastern side from a point 30 metres southeast of Turkey Flat Road to a point 200 meters northwest of Turkey Flat Road.
- iii) 4 meters from Graham Street for 332 meters towards Clean Street
- iv) 178 meters from Graham Street for 142 meters towards Clean Street
- v) 1561 meters from Redhill Road for 58 meters towards Heawa Road
- vi) From start Heawa Road for 25 meters towards Charity Hill Road

West Coast Road

- i) All that portion on the northwest side of West Coast Road from Norton Street in a south-westerly direction for a distance of 23 metres.
- ii) All that portion on the north-western side from Pouto Road to a point 18 metres northeast of Pouto Road.
- iii) 5 meters from Clean Street for 37 meters towards West Coast Road

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Turkey Flat Road

- i) 6 meters from Pouto Road (south) for 8 meters towards the end of the seal
- ii) 6 meters from Pouto Road (south) for 10 meters towards the end of the seal

Pouto**Pouto Road (South)**

- i) 389 meters from 50 km/ph sign on Pouto Road for 270 meters towards Turkey Flat Road
- ii) 410 meters from 50 km/ph sign on Pouto Road for 249 meters towards Turkey Flat Road

Schedule B

Parts of Carriageway covered by Parking Restrictions

Note: All measurements given from road intersections are measured from the projection of the kerb line or the projection of the edge of seal of the road being measured from.

Dargaville

Hokianga Road

60 Minute Parking at all Times

- i) All that portion on the north eastern side from Parenga Street to a point 41 metres northwest on Normanby Street but excluding areas within identified as "No Stopping", "Taxi Stand" or "Disabled Parking".
- ii) All that portion on the southwestern side from Parenga Street to Normanby Street but excluding areas within identified as "No Stopping", "Bus Stop" or "Disabled Parking".

Kapia Street

- i) 7 meters from Victoria Street for 5 meters towards Totara Street
- ii) 7 meters from Victoria Street for 5 meters towards Totara Street
- iii) 36 meters from Victoria Street for 4 meters towards Totara Street
- iii) 36 meters from Victoria Street for 4 meters towards Totara Street
- iv) 34 meters from Totara Street for 5 meters towards Parenga Street

Normanby Street

10 Minute Parking at all Times

All that portion on the south eastern side from a point 54 metres southwest of Poto Street to a point 70 metres southwest of Poto Street.

60 Minute parking at all Times

- i) All that portion on the north western side from Hokianga Road to Portland Street but excluding areas within identified as "No Stopping", "Disabled Parking" or "10 Minute Parking at all Times"

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- ii) All that portion on the south eastern side from a point 125 metres southwest of Hokianga Road to Poto Street but excluding areas within identified as "No Stopping", "Disabled Parking" or "10 Minute Parking at all Times".

Parenga Street*60 minute Parking at all Times*

All that portion on the north-western side from Hokianga Road to Kaipa Street.

Victoria Street*60 Minute Parking at all Times*

- i) All that portion on the south-eastern side of the street from Edward Street to Gladstone Street excluding areas within identified as "No Stopping".
- ii) All that portion on the northwestern side of the street from Edward Street to Parore Street excluding areas within identified as "No Stopping".

Schedule C

Parts of Carriageway covered by Operation Mobility Carparks

Note: All measurements given from road intersections are measured from the projection of the kerb line or the projection of the edge of seal of the road being measured from.

Dargaville

Hokianga Road

- i) All that portion of the north eastern side from a point 5 metres southeast of Victoria Street to a point 12 metres southeast of Victoria Street.
- ii) All that portion of the south western side from a point 23 metres northwest of Victoria Street to a point 32 metres northwest of Victoria Street.
- iii) All that portion of a southwestern side from a point 6 metres southeast of Station Road to a point 16 metres southeast of Station Road.
- iv) All that portion of the northeastern side from a point 66 metres southeast of Gordon Street to a point 70 metres southeast of Gordon Street.
- v) From a point 4 metres from the intersection of Victoria Street on the right hand side
- vi) From a point 9 metres from the intersection of Victoria Street on the right hand side
- vii) From a point 58 metres from the intersection of Victoria Street on the left hand side
- viii) From a point 69 metre from the intersection of Victoria Street on the right hand side
- ix) From a point 64 metres from the intersection of Normanby Street on the right hand side

Normanby Street

All those portion of the northwestern side form a point 41 metres northeast of Portland Street to a point 48 metres northeast of Portland Street.

Mangawhai

Wood Street

All that portion on the north side from a point 45 metres east of Fagan Place to a point 50 metres east of Fagan Place.

Schedule D

Giveway and Stop Signs

Note: The controlled road/street is the one last mentioned

Road Signs

Access Road/Wallace Road	Giveway x 2
Aranga Coast Road/Monteith Road	Giveway x 2
Aranga Coast Road/Waitapu Road	Giveway
Arapohue Road/Bee Bush Road	Giveway
Arapohue Road/Hoyle Road	Giveway
Arapohue Road/Pukehuia Road	Giveway
Awakino Road/Cranley Street	Giveway x 2
Awakino Road/Gordon Street	Giveway x 2
Awakino Road/Hospital Entrance	Giveway
Awakino Road/Ranfurly Street	Stop x 2
Awakino Road/Tirarau Street	Giveway
Awakino Road/Victoria Street	Giveway
Avoca Road/Waihue Road	Giveway
Baylys Coast Road/Kelly Street	Stop
Bagnal Road/Cove Road	Giveway
Baldrock Road/Gibbons Road	Giveway
Barrier View Road/Cove Road	Giveway
Bassett Street/Logan Street	Giveway
Baylys Coast Road/Scottys Camp Road	Stop
Baylys Coast Road/Seaview Road	Giveway
Beatson Road/Whakapirau Road	Giveway
Bee Bush Road/Arapohue Road	Giveway
Bickers Road/Pouto North Road	Giveway
Black Swamp Road/Tomarata Road	Giveway
Bradleys Landing East Road/Arapohue Road	Giveway
Campbell Road/Pouto Road South	Stop
Central Road/Arcadia Road	Giveway
Cheviot Street/Lincoln Street	Giveway
Cheviot Street/Moir Point Road	Stop
Cheviot Street/Suffolk Street	Giveway
Clean Street/Norton Street	Giveway
Cliff Street/Pahi Road	Giveway
Cole Road/Pouto South Road	Giveway

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Cole Road/Te Maire Road	Giveway
Colville Road/Park Road	Giveway
Colville Road/River Road	Giveway x 3 Rotary Junction
Cove Road/Mangawhai Heads Road	Stop
Cove Road/Tara Road	Giveway
Cranley Street/Carrington Street	Stop
Cullen Street/Molesworth Drive/Mangawhai Heads Road	Giveway x 4 Rotary Junction
Devich Road/Mangawhai Road	Giveway
Dey Street/Olsen Avenue	Giveway
Dune View Drive/Molesworth Drive	Giveway
Dunn Road/Access Road	Giveway
Dunn Road/Gavin Road	Giveway
Dunn Road/Molloy Road	Giveway
Dunn Road/State Highway 12	Giveway
Dunn Road/Silich Road	Giveway
Dunn Road/Tramline Road	Stop x 2
Dunn Road/Whitcombe Road	Giveway x 2
Edward Street/Station Road	Stop
Empire Street/Pouto Road	Giveway
Estuary Drive/Molesworth Drive	Stop
Findlay Street/Ellen Street	Giveway
Freyberg Road/Bledisloe Road	Giveway
Galvin Road/State Highway 12	Giveway
Golden Stairs Road/Causer Road	Giveway
Golden Stairs Road/Finlayson Road	Giveway
Gordon Street/Carrington Street	Giveway x 2
Gordon Street/Gladstone Street	Giveway
Gordon Street/Grey Street	Giveway x 2
Gordon Street/Onslow Street	Giveway (Onslow North)
Gordon Street/ Onslow Street	Stop (Onslow South)
Gordon Street/Parore Street	Stop x 2
Gordon Street/Portland Street	Giveway x 2
Gorge Road/Golden Stairs Road	Giveway
Gorge Road/Griffin Road	Giveway
Green View Road/Molesworth Drive	Stop
Grey Street/Churchill Street	Giveway
Haimona Street/Lorne Street	Giveway x 2
Halyard Way/Kedge Drive	Giveway
Heawa Road/Pouto Road South	Stop
Hillside Avenue/Parklands Avenue	Giveway

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Hokianga Road/Ranfurly Street	Giveway
Hokianga Road/Station Road	Giveway
Hokianga Road/Tunatahi Street	Giveway
Hokianga Road/Victoria Street	Giveway
Holiday Crescent/Margaret Street	Giveway
Houto Road/Kirikopuni Road	Giveway
Hoyle Road/Cates Road	Giveway
Huarau Road/Ford Road	Giveway
Inch Road/Mititai Road	Giveway
Jack Boyd Drive/Mangawhai Heads Road	Giveway
Jerebine Road/Tangowahine Settlers East Road	Giveway
Jordan Street/ Moir Point Road	Giveway
Jumna Road/Bickerstaffe Road	Giveway
Judd Road/Whaka Road	Giveway
Kai Iwi Lakes Road/Omamari Road	Giveway
Kaipara View Road/Tinopai Road	Giveway
Kaira Road/Oneriri Road	Giveway
Kaiwaka Mangawhai Road/Balrock Road	Giveway
Kaiwaka Mangawhai Road/Brown Road	Giveway
Kaiwaka Mangawhai Road/Garbolino Road	Giveway
Kaiwaka Mangawhai Road/Gibbons Road	Stop
Kaiwaka Mangawhai Road/Lawrence Road	Giveway
Kaiwaka Mangawhai Road/Settlement Road	Giveway
Kaiwaka Mangawhai Road/Tara Road	Giveway
Karaaka Road/Mangawhai Heads Road	Giveway
Katui Road/Proud Road	Giveway
Kedge Drive/Insley Street	Giveway
Kelly Street/Cynthia Place/Ripiro Drive	Stop
Kellys Bay Road/Bay View Road	Stop
King Road/Cove Road	Giveway
King Road/Kapawiti Road	Stop
Kirikopuni Station Road/Paradise Road	Stop
Koremoa Road/Pouto Road South	Giveway
Kotare crescent/Pahi Road	Giveway
Latta Road/Whakapirau Road	Giveway
Lawrence Road/Mangawhai Road	Giveway
Logan Street/River Road	Giveway
Logan Street/Bassett Street	Giveway x 2
Logan Street/Colville Road	Giveway
Logan Street/Liverpool Street	Giveway x 2

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Mahuta Road/Redhill Road	Giveway
Mahuta Road/Wesley Coast Road	Giveway
Mangatu Road/Trounson Park Road	Giveway
Mangawhai Heads Road/Cove Road	Stop
Mangawhai Heads Road/Cullen Street/Molesworth Drive	Giveway x 4 Rotary Junction
Mangawhai Heads Road/Molesworth Drive Roundabout	Giveway x4
Mangawhai Heads Road/Cove Road	Stop
Mapuna Road/Railway Crossing Road	Giveway
Marshall Road/Puawai Street	Giveway
Matakohe East Road/Church Road (East)	Giveway
Matakohe East Road/Church Road (West)	Giveway
Matakohe East Road/Hornblow Road	Giveway
Matakohe West Road/Tinopai Road	Stop
Mititai Road/Cates Road	Giveway
Mititai Road/Inch Road	Giveway
Moir Point Road/Cheviot Street	Stop
Moir Point Road/Devon Street	Stop
Moir Point Road/Heather Street	Stop
Moir Point Road/Suffolk Street	Giveway
Moir Point Road/Insley Street	Giveway
Moir Point Road/Molesworth Drive	Stop
Molesworth Drive/Awatea Street	Stop
Molesworth Drive/Eveline Street	Stop
Molesworth Drive/Findlay Street	Stop
Molesworth Drive/Green View Road	Stop
Molesworth Drive/Mangawhai Heads Road/Cullen Street	Giveway x 4 rotary junction
Molesworth Drive/Moir Point Road	Giveway
Molesworth Drive/North Ave	Stop
Molesworth Drive/Old Waipu Road	Giveway
Molesworth Drive/Olsen Ave	Stop
Molesworth Drive/Pearson Street	Stop
Molesworth Drive/Wharfdale Crescent	Stop
Molesworth Drive/Wood Street	Stop
Monteith Road/ State Highway 12	Stop
Montgomery Avenue/Hokianga Road	Giveway
Mt Wesley Coast Road/Harding Park	Giveway
Neems Road/Tinopai Road	Giveway
Newsham Road/Pouto Road South	Stop
Ngatawhiti Road/Pouto Road South	Giveway
Norfolk Drive/Estuary Drive	Giveway

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North Ave/ Dey Street	Giveway
North Ave/Holiday Crescent	Giveway
North Ave/Robert Street	Stop
North Ave/Wharfdale Crescent	Stop
Norton Street/West Coast Road/Bickers Road	Giveway
Norton Street/ West Coast/ Clean Street	Giveway
Old Waipu Road/Molesworth Drive	Giveway
Oneriri Road/Parekura Road	Giveway
Otara Point Road/Parakura Road	Stop
Oxford Street/ Whakapirau Road	Giveway
Pahi Road/Fisher Street	Stop
Parahi Road/Parahi Birch Road	Giveway
Paparoa Oakleigh Road/Goldenstairs Road	Giveway
Paparoa Oakleigh Road/Swamp Road	Giveway
Paparoa Oakleigh Road/ Taipuha Station Road	Giveway
Parakura School Road/ Parakura Road	Stop
Parore Street/Charlotte Street	Stop x 2
Parore Street/Gordon Street	Stop x 2
Parore Street/Ranfurly Street	Stop x 2
Parore Street/Tirirau Street	Giveway x 2
Parore West Road/Opanake Road	Giveway
Parore Street/Victoria Street	Stop
Parore West Road/Waihue Road	Giveway
Parklands Avenue/Mangawhai Heads Road	Giveway
Paul Road/Mangawhai Road	Stop
Parklands Avenue/Thelma Road	Giveway
Phillips Road/Oneriri Road	Giveway
Plunket Street/Ranfurly Street	Stop x 2
Plunket Street/Tirirau Street	Giveway x 2
Pouto Road/Aoroa Road	Stop
Pouto Road/Cole Road	Stop
Pouto Road/Heawa Road	Stop
Pouto Road/Kellys Bay Road (North)	Giveway
Pouto Road/Mt Wesley Coast Road	Giveway
Pouto Road/Notorious West and East Roads	Stop x 2
Pouto Road/Redhill Road	Giveway
Pouto Road/Spring Street	Stop
Pouto Road/West Coast Road	Giveway
Ponyer Road/Ararua Road	Giveway
Pukenui Road/Oneriri Road	Stop

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Ranfurly Street/Kauri Street	Giveway
Ranganui Road/Oneriri Road	Stop
Rangiora Road/Oneriri Road	Giveway
Raymond Bull Road/Black Swamp Road	Giveway
Redhill Road/Glinks Road	Giveway
Redhill Road/Oturei Settlement Road	Giveway
Redhill Road/Mahuta Road	Giveway
Redhill Road/Pouto Road North	Giveway
Reeves Street/Well Street	Stop
Rehia Road/Dunn Road	Giveway
Rehuta Road/Baylys Coast Road	Giveway
Ripiro drive/Seaview Road	Giveway
River Road/Colville Road	Giveway x 3 rotary junction
River Road/Murdoch Street (State Highway 12)	Stop
River Road/Liverpool	Giveway
Robert Street/Holiday Crescent	Giveway
Robert Street/Pinewood Place	Giveway
Robert Street/ North/Almar/Warfdale intersection	Stop
Robertson Road/Access Road	Stop x 2
Robertson Road/Tramline Road	Stop x 2
Rototuna Road/Pouto Road South	Stop
Ruawai Wharf Road/Bledisloe Street	Giveway
Ruawai Wharf Road/Well Street	Stop x 2
Sarich Road/Pouto Road South	Giveway
Scarott Road/Pouto Road South	Giveway
Seabreeze Road/Molesworth Drive	Stop
Seabreeze Road/Molesworth Drive	Giveway
Seaview Road/Bayly Street	Giveway
Seaview Road/Baylys Coast Road	Giveway
Seaview Road/Kelly Street	Giveway
Selwyn Park Access/Jervios Street	Stop
Settlement Road/Valley Road	Giveway
Signal Station Road/Pouto Road South	Stop
Silich Road/Robertson Road	Giveway
Simpkin Road/Tokatoka Road	Giveway
Spinnaker Lane/Kedge drive	Giveway
State Highway One/Baldrock Road	Giveway
State Highway One/Kaiwaka Mangawhai Road	Giveway
State Highway One/Mountain Road	Giveway
State Highway One/Oneriri Road	Giveway

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State Highway One/Oruawhoro Road	Giveway
State Highway One/ Otirio Road	Giveway
State Highway One/Schiska Road	Giveway
State Highway One/ Settlement Road	Giveway
State Highway One/State Highway 12	Giveway x 2
State Highway 12 (Colville Road)/Colville Road	Giveway
State Highway 12 (Freyberg Road)/Ruawai Wharf Road	Giveway
State Highway 12 (Grey Street)/Victoria Street	Stop x 2
State Highway 12 (Jellicoe Road)/Reeves Street	Stop
State Highway 12 (Jervois Street)/Bowen Street	Stop
State Highway 12 (Jervois Street)/Carrington Street	Stop x 2
State Highway 12 (Jervois Street)/Finlayson Park Ave	Stop
State Highway 12 (Jervois Street)/Grey Street	Stop x 2
State Highway 12 (Jervois Street)/Onslow Street	Stop x 2
State Highway 12 (Jervois Street)/ Tuna Street	Stop
State Highway 12 (Murdoch Street)/Logan Street	Stop x 2
State Highway 12 (Normanby Street)/Edward Street	Stop x 2
State Highway 12 (Normanby Street)/Gladstone Street	Stop x 2
State Highway 12 (Normanby Street)/Hokianga Road	Stop x 2
State Highway 12 (Normanby Street)/Jervois Street/Awakino Road	Stop x 2
State Highway 12 (Normanby Street)/Parore Street	Stop x 2
State Highway 12 (Normanby Street)/Portland Street	Stop
State Highway 12 (Normanby Street)/Poto Street	Stop
State Highway 12 (Normanby Street)/Victoria Street	Giveway
State Highway 12 (Normanby Street)/Beach Road	Giveway
State Highway 12 (River Road Junction)/Beach Road	Giveway x 2
State Highway 12 (River Road)/Campbell Tce	Giveway
State Highway 12 (Jellicoe Street)/Dunn Road	Giveway
State Highway 12 Katui Road	Stop
State Highway 12 (River Road)/Kings Court Avenue	Giveway
State Highway 12 (River Road)/Logan Street	Stop
State Highway 12/Ford Road	Giveway
State Highway 12/Franklin Road	Giveway
State Highway 12/Gallies Road (East)	Giveway
State Highway 12/Gallies Road (West)	Giveway
State Highway 12/Gallies Road (Tana Road End)	Giveway
State Highway 12/Galvin Road and Galvin Road (North East)	Giveway x 2
State Highway 12/Gorge Road	Stop
State Highway 12/Griffin Road	Giveway
State Highway 12/Hames Road	Giveway

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State Highway 12/Hansen Road	Giveway
State Highway 12/Hoanga Road	Giveway
State Highway 12/Hood Road (North)	Stop
State Highway 12/Horniblow Road	Giveway x 2
State Highway 12/Huarau Station Road	Giveway
State Highway 12/Kaihu Wood Road	Giveway
State Highway 12/Mamaranui Road (North)	Giveway
State Highway 12/Mamaranui Road (South)	Giveway
State Highway 12/Marlborough Road	Stop
State Highway 12/Matakohe East Road	Giveway
State Highway 12/Matakohe West Road	Giveway
State Highway 12/Mitchell Road	Stop
State Highway 12/Mititai Road	Giveway
State Highway 12/Mititai Wharf Road	Giveway
State Highway 12/Mountain Road	Giveway
State Highway 12/Naumai Wharf Road	Giveway
State Highway 12/Omamari Road (East)	Giveway
State Highway 12/Omamari Road (West)	Stop
State Highway 12/Oparakau Road	Giveway
State Highway 12/Pahi Road	Giveway
State Highway 12/ Paparoa Road	Giveway
State Highway 12/Parore West Road	Giveway
State Highway 12/Petley Road	Giveway
State Highway 12/Proud Road	Stop
State Highway 12/Quarry Road and Blong Road	Giveway
State Highway 12/Raupo Wharf Road	Giveway
State Highway 12/Scottys Camp Road	Giveway
State Highway 12/State Highway 14/Grey Street (Jervois Street/Grey Street)	Stop
State Highway 12/Simpson Road and Robertson Road	Giveway x 2
State Highway 12/Smith Canal Road	Giveway x 2
State Highway 12/Sterling Road	Giveway
State Highway 12/Te Kowhai Road and Hodgson Road	Giveway x 2
State Highway 12/Tokatoka Road	Giveway
State Highway 12/Tramline Road	Giveway
State Highway 12/Trounson Park Road	Giveway
State Highway 12/Turiwiri West Road	Giveway
State Highway 12/View Road (West)	Giveway
State Highway 12/View Road (East)	Stop
State Highway 12/Village Road	Giveway

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State Highway 12/Waihue Road	Giveway
State Highway 12/ Waipoua Settlement Road	Giveway
State Highway 12/Waipu Gorge Road	Stop
State Highway 12/Wallace Road	Giveway
State Highway 12/Whaka Road	Giveway
State Highway 12/Whakapirau Road	Giveway
State Highway 14 (Jervois Street)/Finlayson Park Avenue	Stop
State Highway 14/Awakino Point East Road	Giveway
State Highway 14/Awakino Point North Road	Giveway x 2
State Highway 14/Kirikopuni Road	Giveway
State Highway 14/Ounuwhao Road	Giveway
State Highway 14/Paerata Road	Giveway
State Highway 14/Paradise Road (East)	Giveway
State Highway 14/Paradise Road (West)	Giveway
State Highway 14/State Highway 12 (Jervois Street/Grey Street)	Stop
State Highway 14/Tangowahine Settlement Road	Giveway
State Highway 14/Tangowahine Valley Road	Giveway
State Highway 14/ Te Wharau Road	Giveway
Station Road/Railway Tracks	Stop
Stewart Road/Kaiwaka Mangawhai Road	Stop
Summer Road/Tinopai Road	Giveway
Tangowahine Valley Road/Karaka Road	Giveway
Tara Road/Kaiwaka Mangawhai Road	Giveway
Te Maire Beach Road/Te Maire Road	Giveway
Te Maire Road/Pouto South Road	Giveway
Te Ori Road/Whakapirau Road	Giveway
Te Whai Street/Thelma Road	Giveway
Thelma Road/Molesworth Drive	Stop
The Strand/Oxford Street	Giveway
Tinopai Road/Hall Road	Stop
Tinopai Road/Ngatoto Road	Giveway
Tokatoka Road/Inch Road	Giveway x 2
Tomarata Mangawhai Road/Coal Hill Road	Giveway x 2
Trounson Park Road/Opouteke Road	Giveway x 2
Victoria Street/Gladstone Street	Giveway
Victoria Street/ Grey Street	Stop
Victoria Street/Hokianga Road	Giveway x 2
Waihue Road/Avoca Road	Giveway
Waihue Road/Parore West Road	Giveway
Wallace Road/Dunn Road	Giveway x 2

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West Coast Road/Hospital Road	Giveway
West Coast Road/Lutrell Road	Giveway
West Coast Road/Redhill Cemetery Road	Giveway
West Coast Road/Redhill Road	Giveway
West Coast Road/Redhill Road	Giveway
Whaka Street/Calla Street	Giveway
Whaka Street/Judd Road	Giveway
Whakapirau Road/Heatley Road	Stop
Whakapirau Road/Huarau Road	Stop
Wharfedale Crescent/Robert Street	Giveway
Wharfedale Street/Dey Street	Giveway
Wharfedale Street/Dey Street	Stop
Wintle Street/Mangawhai Heads Road	Stop
Wood Street/Albert Street	Stop
Wood Street/Ellen Street	Stop
Wood Street/Fagan Place	Stop
Wood Street/Margaret Street	Stop

Schedule E

Parts of Carriageway covered by Parking Restrictions

Note: All measurements given from road intersections are measured from the projection of the kerb line or the projection of the edge of seal of the road being measured from.

Bus Stops

Gordon Street

All that portion on the north western side from a point six metres south west of Portland Street to a point 36 metres south west of Portland Street.

Hokianga Road

All that portion of the south western side of the road from a point seven metres from Victoria Street to a point 23 metres north west of Victoria Street.

From a point 49 metres from Victoria street on the left hand side

Kapia Street

All that portion of the South Western side from Victoria Street to a point 23.3 metres South East of Victoria Street.

From a point 13 metres from Victoria Street on the right hand side

From a point 36 metres from Victoria Street on the right hand side

Normanby Street (State Highway 12)

All that portion of the north western side of the road from a point 30 metres south west of Hokianga Road to a point 39 metres south west of Hokianga Road.

Plunket Street

All that portion of the south western side, north west end, and north eastern side from a point 232 metres north west of Ranfurly Street measured on the south west side to a point 200 metres north west of Ranfurly Street measured on the north eastern side (cul-de-sac).

From a point 25 metres from Dargaville High School on the right hand side

From a point 35 metres from Dargaville High School on the left hand side

From a point 43 metres from Dargaville High School on the right hand side

From a point 43 metres from Dargaville High School on the left hand side

From a point 79 metres from Dargaville High School on the left hand side

Taxi Stand

Kapia Street

All the portion of the north eastern side from a point 6 metres north west of Totara Street to a point 22 metres north west of Totara Street.

3204.01.01

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Schedule F

Speed Restrictions

Note: All measurements given from road intersections are measured from the projection of the kerb line or the projection of the edge of seal of the road being measured from.

Baylys Beach Township

15 km/hr

A 15 km/hr speed restriction shall apply within the Baylys Beach Motor Camp off Seaview Road.

30 km/hr

A 30 km/hr speed restriction shall apply 150 metres from the Baylys Street and Sea View Road and Ripiro Drive intersection through Chase's Gorge to a point one metre short of the Mean High Water Spring Mark.

50 km/hr

The 50 km/hr speed restriction shall apply within the Township of Baylys Beach to the following exit points:

- A point along Baylys Coast Road 380 metres east of the Seaview Road and Ripiro Drive intersection
- A point along Chases Gorge 150 metres from the intersection with Seaview Road

Dargaville Township

15 km/hr

A 15 km/hr speed restriction shall apply within the following areas:

- i) Selwyn Park Motor Camp grounds off Onslow Street.
- ii) The Kaipara District Council Workshops Yard off Station Road.

30 km/hr

A 30 km/hr speed restriction shall apply within the following areas:

- i) The Memorial Park internal roading network off Logan Street
- ii) Harding Park internal roads from the intersection with Mt Wesley Coast Road.

50 km/hr

The 50 km/hr speed restriction shall apply within the Township of Dargaville to the following exit points:

- i) A point along Jervois Street (State Highway 14) 10 metres north east of Finlayson Park Avenue intersection.
- ii) A point along Grey Street (State Highway 12) 320 metres south of Jervois Street.
- iii) A point along Awakino Road 1260 metres north of Ranfurly Street intersection

- iv) A point along Hokianga Road 180 metres northwest of Cobham Avenue intersection.
- v) A point along Murdoch Street (State Highway 12) 350 metres east of Colville Road intersection.
- vi) A point along Colville Road 35 metres south east of State Highway 12 intersection.

50 km/hr Isolated Areas

A 50 km/hr speed restriction will apply in the following isolated areas:

- i) Tuna Street cul-de-sac 15 metres from the intersection within Jervois Street (State Highway 14).

70 km/hr

The 70 km/hr restriction shall apply within the Township of Dargaville as defined below:

- i) The section of Murdoch Street (State Highway 12) from a point 310 metres east of the Colville Road intersection with State Highway 12 to a point on State Highway 12, 1480 metres west of the Colville Road and State Highway 12 intersection.
- ii) The section of Jervois Street (State Highway 14) from a point 10 metres north east of Finlayson Park Avenue intersection to a point on State Highway 14, 364 metres north of the Tuna Street intersection.

Donnellys Crossing Settlement

50 km/hr

A 50 km/hr speed restriction zone shall apply within the settlement of Donnellys Crossing between the following exit points:

- i) A point along Katui Road 950 metres in a westerly direction from the Old Mill Road/Trounson Park Road intersection.
- ii) A point along Old Mill Road 120 metres in a north easterly direction from the intersection with Trounson Park Road/Katui Road.
- iii) A point along Trounson Park Road 200 metres in a south easterly direction from the intersection with Old Mill Road/Katui Road.

Glinks Gully Township

30 km/hr

A 30 km/hr speed zone shall apply within the Township of Glinks Gully:

From a point along Glinks Road 1140 metres from Redhill intersection to a point 1 metre above the Mean High Water Spring Mark including Marine Drive

50km/hr

A 50km/hr speed restriction shall apply along Glinks Road from a point 860 metres west from Redhill intersection

Kaihu Settlement

50 km/hr

A 50 km/hr speed restriction zone shall apply within Kaihu Settlement along Kaihu Wood Road 40 meters from the intersection with State Highway 12 for 470 metres towards Baker Road..

Kaiwaka Township

50 km/hr

A 50 km/hr speed restriction zone shall apply within the Township of Kaiwaka to the following exit points:

- i) A point along State Highway 1, 75 metres north west of the Kaiwaka/Mangawhai Road intersection
- ii) A point along Gibbons Road 220 metres north from State Highway 1 intersection.
- iii) A point along Kaiwaka/Mangawhai Road 550 metres north east from State Highway 1 intersection
- iv) A point along Oneriri Road 370 metres from State Highway 1 intersection
- v) A point along State Highway 1 250 metres south from Oneriri Road intersection

50 km/hr Isolated Areas

- i) Hasties Lane cul-de-sac 20 metres from the intersection with State Highway 1
- ii) Settlement Road between the intersection with State Highway 1 and a point along Settlement Road 300 metres to the east of State Highway 1
- iii) Puawai Street and Marshall Road from the intersection with Settlement Road

70 km/hr

The 70 km/hr speed restriction shall apply along State Highway 1 between two points, 250 metres south of Oneriri Road Intersection with State Highway 1 and 200 metres south from the intersection with State Highway 1 and Hastie Lane.

Kellys Bay Township

15 km/hr

A 15 km/hr speed restriction shall apply within the camping ground Recreation Reserve off Bay View Road.

50 km/hr

The 50 km/hr speed restriction shall apply within the Township of Kellys Bay to the following exit points:

- i) A point along Kellys Bay Road 135 metres south of the Bay View Road intersection
- ii) A point along Kellys Bay Road 320 metres northwest of Bay View Road intersection.

Mangawhai Heads Township

15 km/hr

A 15 km/hr speed restriction shall apply to the public road and Motor Camp access roads bounded by the foreshore and a point on Mangawhai Heads Road 30 metres east from the intersection with Wintle Street.

30 km/hr

A 30 km/hr speed restriction shall apply within Fagan Place from the intersection with Wood Street, and within the Pensioner Village Complex off Fagan Place

50 km/hr

The 50 km/hr speed restriction shall apply within the Township of Mangawhai Heads to the following exit points:

- i) A point along Mangawhai Heads Road 280 metres northwest from Molesworth Drive, Cullen Street intersection.
- ii) A point along Molesworth Drive 110 metres south west from Moir Point Road intersection.
- iii) A point along Moir Point Road 360 metres south west from the Devon Street intersection.

70 km/hr

The 70 km/hr speed restriction shall apply within the Township of Mangawhai Heads as defined below:

- i) Moir Point Road from a point 360 metres south of the Devon Street intersection, to the cul-de-sac end of Moir Point Road.
- ii) Molesworth Drive from a point 110 meters south west of Moir Point Road to 380 metres south west of Moir Point Road.
- iii) Mangawhai Heads Road from a point 280 meters from Cullen Street intersection to a point 900 metres from Cullen Street intersection including Jack Boyd Drive.

Mangawhai Village Township

15 km/hr

The 15 km/hr speed restriction shall apply within the grounds and on the internal roads of the Mangawhai Village Sporting Complex off Moir Street.

50 km/hr

The 50 km/hr speed restriction shall apply within the Township of Mangawhai Village to the following exit points:

- i) Molesworth Drive 30 metres northwest from the Old Waipu Road intersection
- ii) Moir Street 280 metres south west from the Insley Street intersection
- iii) Insley Street 640 metres south east from the Moir Street intersection

70 km/hr

The 70 km/hr speed restriction shall apply within the Township of Mangawhai Village as defined below:

- i) Moir Street from a point 280 metres south west from the Insley Street intersection, to two points 210 metres along Tara Road and 300 meters along Kaiwaka Mangawhai Road from the Moir Street intersection.
- ii) Molesworth Drive between two points 30 metres and 110 meters northwest from the Old Waipu intersection and the area to include the Old Waipu Road cul-de-sac.

Matakohe Township

70 km/hr

A 70 km/hr speed restriction shall apply within the section of Matakohe East Road from a point 400 metres south west of State Highway 12 intersection to a point 500 metres generally south west of Horniblow Road intersection and a point 40 metres north west of Matakohe East Road including Matakohe Wharf Road and church Road.

Maunganui Bluff Settlement

30 km/hr

The 30 km/hr speed restriction shall apply within the settlement of Maunganui Bluff between the following exit points:

- i) A point along Aranga Coast Road 4950 metres generally in a westerly direction from Monteith Road.
- ii) A point along Aranga Coast Road 5730 metres generally in a westerly direction from Monteith Road.

Maungaturoto Township

50 km/hr

The 50 km/hr speed restriction shall apply within the Township of Maungaturoto to the following exit points:

- i) A point along Griffin Road 290 metres south west of Gorge Road intersection
- ii) A point along Gorge Road 1640 metres north east of Hurndall Street intersection
- iii) A point along Hurndall Street West (State Highway 12) 740 metres west of Gorge Road intersection.
- iv) A point along Whaka Road 740 metres south of Hurndall Street intersection
- v) A point along Judd Road 70 metres south east of Whaka Road intersection
- vi) A point along Bickerstaffe Road 670 metres south of Hurndall Street East (State Highway 12) intersection.
- vii) A point along Hurndall Street East (State Highway 12) 40 metres from View Street West intersection.
- viii) A point on the north eastern end of Hurndall Street East (State Highway 12) intersection.

50 km/hr Isolated Area

Doctors Hill Road between two points 20 metres and 520 metres north from the intersection with Hurndall Street (State Highway 12)

70 km/hr

The 70 km/hr speed restriction shall apply within the Township of Maungaturoto as defined below:

- i) Bickerstaffe Road between two points 670 metres and 1390 metres from the intersection with Hurndall Street (State Highway 12).
- ii) Hurndall Street East (State Highway 12) between the following points:
 - b) A point along Hurndall Street East (State Highway 12) 40 metres from View Street intersection to 110 meters east of Doctor Hills Road intersection
 - c) A point along Doctors Hill Road 0 metres to 20 metres from the intersection with Hurndall Street East (State Highway 12);
 - d) A point along View Street at the north eastern end 0 metres to 60 metres from the intersection with Hurndall Street East (State Highway 12).

Maungaturoto Station Village

50 km/hr

A 50 km/hr speed restriction shall apply within the Blakey Road cul-de-sac 15 metres from the intersection with State Highway 12.

70 km/hr

The 70 km/hr speed restriction shall apply within the Township of Maungaturoto Station Village to the following exit points:

- i) A point along State Highway 12 500 metres east from the intersection with Griffin Road.
- ii) A point along State Highway 12 100 metres north east from the intersection with Whakapirau Road.
- iii) A point along Whakapirau Road 530 metres generally in a south-western direction from the intersection with State Highway 12.

Omamari Beach Settlement**50 km/hr**

The 50 km/hr speed restriction shall apply within the settlement of Omamari Beach to the following exit points:

- i) At a point along Omamari Road 340 metres northwest of the intersection with Omamari Beach Road.
- ii) At a point on Babylon Coast Road 120 metres southeast of the intersection with Omamari Beach Road.
- iii) The end of the seal on Omamari Beach Road being 385 metres from the intersection with Omamari Road and Babylon Coast Road.

Pahi Township**15 km/hr**

A 15 km/hr speed restriction shall apply within the Pahi Domain Recreation area, along Fenwicks Point Road cul-de-sac, along Picadilly Street cul-de-sac and Pahi Road from the wharf to a point along Pahi Road 180 metres to the south west.

50 km/hr

As 50 km/hr speed restriction shall apply within the Township of Pahi between the following limit points:

- i) A point along Pahi Road 420 metres north of the intersection with Dem Street.

Paparoa Township**50 km/hr**

A 50 km/hr speed restriction shall apply within the Township of Paparoa, between the following exit points:

- i) A point along Franklin Road 460 metres north of the intersection with State Highway 12.
- ii) A point along State Highway 12 100 metres south west of the intersection with Franklin Road.

- iii) A point along State Highway 12 90 metres south west of the intersection with Skeleton Crescent.

50 km/hr Isolated Area

A 50 km/hr speed restriction shall apply within Skelton Crescent cul-de-sac 25 metres from the intersection with State Highway 12.

70 km/hr

- i) A 70 km/hr speed restriction shall apply within the area defined by the following exit points:
 - a) A point along State Highway 12, 100 metres south west of the intersection with Pahi Road
 - b) A point along State Highway 12, 100 metres south west of the intersection with Franklin Road.
 - c) A point along Pahi Road 300 metres south east of the intersection with State Highway 12.
- ii) A 70 km/hr speed restriction shall apply within the area defined by the following exit points:
 - a) A point along State Highway 12 90 metres south west of the intersection with Skeleton Crescent
 - b) A point along State Highway 12 760 metres south east of the intersection with Paparoa/Oakleigh Road.
 - c) A point along the Paparoa/Oakleigh Road 80 metres north east of the intersection with Hook Road.

Pouto Point Settlement

30 km/hr

A 30 km/hr speed restriction shall apply within the settlement of Pouto Point to the following exit points:

A point along Pouto Road 50 metres west of the intersection with Signal Station Road to the entry point onto the beach.

Ruawai Township

15 km/hr

A 15 km/hr speed restriction shall apply within the Ruawai Recreation Reserve off Wharf Road.

30 km/hr

A 30 km/hr speed restriction shall apply to Stop Bank Road over its entire length and the westward extent of Wharf Road from the intersection with Westlake Road.

50 km/hr

A 50 km/hr speed restriction shall apply within the township of Ruawai between the following exit points:

- i) A point along Freyberg Road (State Highway 12) 410 metres north east from the intersection with Jellicoe Road (State Highway 12)
- ii) A point along Jellicoe Road (State Highway 12) 790 metres south east from the intersection with Dunn Road.

70 km/hr

A 70 km/hr speed restriction shall apply on the outskirts of Ruawai Township between the following exit points:

- i) A point along Freyberg Road (State Highway 12), 1120 metres northeast from the intersection with Jellicoe Road (State Highway 12),
- iii) A point along Robertson Road 95 metres north of the intersection with Freyberg Road (State Highway 12)
- iv) A point along Simpson Road 30 metres south east of the intersection with Freyberg Road (State Highway 12)

Limited Speed Zone

A Limited Speed Zone speed restriction shall apply along State Highway 12 from a point 790 metres north west to a point 2100 metres north west along Jellicoe Road (State Highway 12) from the intersection with Freyberg Road (State Highway 12). The 70 km/hr speed restriction shall also extend north up Dunns Road for 100 metres from the intersection with State Highway 12.

Taharoa Domain (Kai Iwi Lakes)**15 km/hr**

A 15 km/hr speed restriction shall apply within any camping ground areas within the Domain.

30 km/hr

A 30 km/hr speed restriction shall apply within the Taharoa Domain on all roads except those within any camping ground area.

Tangiteroria Township**70 km/hr**

The 70 km/hr speed restriction shall apply within the Township of Tangiteroria to the following exit points:

- i) A point along Pukehuia Road 100 metres south of the intersection with State Highway 14
- ii) A point along State Highway 14 80 metres west of the intersection with Pukehuia Road.
- iii) A point along State Highway 12 560 metres east of the intersection with Pukehuia Road.

Te Kopuru Township

30 km/hr

A 30 km/hr speed restriction shall apply within the Te Kopuru Domain from the entry from Norton Street.

50 km/hr

A 50 km/hr speed restriction shall apply within the Township of Te Kopuru to the following exit points:

- i) A point along Norton Street 170 metres northwest of Wordsworth Avenue intersection
- ii) A point along West Coast Road 710 metres west of Pouto South Road intersection
- iii) A point along Pouto Road 50 metres south of West Coast Road intersection

70 km/hr

A 70 km/hr speed restriction shall apply in the section of Norton Street from a point 170 metres north west of Wordsworth Avenue intersection to a point 520 metres northwest of the Wordsworth Avenue intersection

Tinopai Township

15 km/hr

A 15 km/hr speed restriction shall apply within the Tinopai Motor Camp located of Komiti Road.

50 km/hr

A 50 km/hr speed restriction shall apply within the Township of Tinopai to the following exits points:

- i) A point along Tinopai Road 240 metres north west of the intersection with Ngatoto Road and Komiti Road
- ii) A point along Ngatoto Road 550 metres north east of the intersection with Tinopai and Komiti Road.
- iii) A point along Sandy Beach Road 630 metres west of the intersection with Komiti Road.

West Coast Beach and Other Beaches Accessible to Traffic

Limited Speed Zone

A limited speed zone shall apply to the West Coast beach and all beaches accessible to traffic within the Kaipara District, one metre inland from the mean High Water Spring Tide Mark or to the back face of any other approved speed restriction posting located on a beach access road.

Mahuta Gap Accessway**30 km/hr**

A 30 km/hr speed restriction shall apply 50 metres from the intersection of Mahuta Road and Mahuta Gap Road to 1 metre of the mean high water mark.

Whakapirau Township**50 km/hr**

A 50 km/hr speed restriction shall apply within the Township of Whakapirau from a point 280 metres west along Whakapirau Road from the intersection with Beaston Road

