



ROTORUA DISTRICT COUNCIL GENERAL BYLAW 2017

Note: Rotorua Lakes Council is the operating name of Rotorua District Council

1. SCOPE AND GENERAL

Pursuant to the powers contained in the Local Government Act 2002, and any authority enabling it in that behalf, the Rotorua District Council HEREBY RESOLVES to make the following Bylaw:

1.1. SHORT TITLE

This Bylaw shall be known as the “**Rotorua District General Bylaw 2017**”.

1.2. COMMENCEMENT

This Bylaw shall come into force on the 26th October 2017.

This Bylaw has subsequently been amended by resolution of Council on XXXXXX.

1.3 PURPOSE

The purpose of this Bylaw is to make provisions which are of a general specified nature and common to, and form part of, all other Bylaws which are either in force in the Rotorua District as at the commencement date of this Bylaw or come into force after that date.

1.4 BYLAW

Subject to the amendments or additions set out in Schedule 2A and Schedule, those Parts of the New Zealand Standard Model General Bylaws listed in the said Schedules are hereby adopted as part of the Rotorua District Council General Bylaw 2017.

1.5 SAVINGS

All licences which were granted under any bylaws repealed by this Bylaw or which were granted under the Rotorua District Council General Bylaw 2011 and all applications, documents, matters, acts and things which originated under any such bylaw shall have full force and effect except where inconsistent with any existing bylaw including this Bylaw.

1.6 FEES AND CHARGES

Council may prescribe fees or charges to be charged for any certificate, authority, approval, permit, or consent from, or inspection by, Council under the provisions of the Act or any other enactment where that enactment contains no provision for authorising Council to charge a fee and where that enactment does not provide that the certificate, authority, approval, permit, consent or inspection is to be given or made free of charge. The prescribing of any fees or charges shall be in accordance with section 150 of the Act.

1.7 PENALTIES FOR BREACH OF BYLAWS

Every person who commits an offence against this Bylaw is liable to:

- (a) The penalty set out in section 238 of the Act; or
- (b) Where another enactment specifies the penalty for a breach of this Bylaw, that other penalty (for example Schedule 4 of the Land Transport Act 1998).

In accordance with section 162 of the Act, the Council may apply to the District Court for an injunction to restrain a person from committing a breach of this Bylaw.

2A. SCHEDULE 2025

The New Zealand Standard Model General Bylaws, together with amendments listed in this schedule and Schedule 2 and local additions referred to in Clause 1.4, are:

2A.1 NZS 9201: Part 2: 1999

Section 219 Verandahs

219.1 The Rotorua District Plan requires buildings to have verandahs in designated zones.

219.2 Any verandah constructed over a public place shall be maintained to a reasonable standard, including in a waterproof condition and in a state of good repair.

219.3 If the Council considers that a verandah constructed over a public place is not to a reasonable standard, the Council may serve a written notice on the owner of the building to which the verandah is attached, requiring the owner to repair and maintain the verandah so that it complies with this Bylaw.

219.4 Any action required by a notice served on an owner under clause 219.3 must be carried out by the date stated in the notice.

219.5 If an owner fails to carry out any action required by a notice served under clause 219.3 by the date stated in the notice, the Council may authorise the alteration, repair and maintenance, or removal of the verandah and recover the costs from the owner.

THIS BYLAW was duly made by the Rotorua Lakes Council by a resolution passed on XXXXXX.

The Common Seal of the
ROTORUA DISTRICT COUNCIL
was hereunto affixed in the
presence of

Mayor

Chief Executive

2. SCHEDULE

The New Zealand Standard Model General Bylaws, together with amendments and local additions referred to in Clause 1.4, are:

2.1 NZS 9201: PART 1:2007 – INTRODUCTORY

Subject to the following amendment, namely the substitution in Clause 1.2 of the following definition:

- (a) **Council** – Rotorua District Council or any officer authorised to exercise the authority of Council.

2.2 NZS 9201: PART 2:1999 – PUBLIC PLACES

Subject to the following amendments, namely;

- (a) The insertion of the map which comprises Appendix 1 to this Bylaw for the purposes of the First Schedule of Part 2 (defining where riding of skateboards is prohibited on footpaths and other public places).

- (b) The insertion of the following Clauses 206.4 and 206.5 after Clause 206.3

206.4 A Police Officer or Enforcement Officer may seize a skateboard from any person who rides a skateboard in an area which is prohibited under the First Schedule.

206.5 Skateboards which are seized under the provisions of 206.4 may be held in safe custody for a maximum period of fourteen (14) days before being returned to the person from whom the skateboard was seized.

- (c) The insertion of the following Section and Clauses;

Section 212 Restrictions on use of Barbed Wire and Electrified Fences

- (a) The insertion of the words “,Razor Wire” after the words “Barbed Wire” in the Section Heading.

- (b) The insertion of the words “Razor Wire” after the words “electrified fencing” in Clause 212.1, second paragraph.
- (c) The insertion of the words “or Razor Wire” after the words “barbed wire” in Clause 212.1, third paragraph.
- (d) The insertion of the following Clause 212.3 after Clause 212.2:

212.3 Razor wire or electrified fencing shall be identified by prominently placed warning signs securely fastened to fence posts, or physical barriers, or firmly clamped to the razor wire or electrified fencing element at a spacing not exceeding 10 metres, and at every gate or access point, and where the fencing elements are used with windows or skylights and be visible from both sides of the fencing.

The sign shall be at least 200mm x 100mm with an indelible inscription – Danger Electric Fence or Danger Razor Wire, as appropriate to the fencing element. The sign shall be coloured yellow and the inscription coloured black.

Section 217 Setting of Traps

- 217.1** No person shall set or use any form of animal trapping or snaring device in a public place or reserve, without prior written approval of Council.
- 217.2** Any person using or setting any animal trap or snare referred to in section 217.1 without prior written authority, shall have the traps or snares seized and confiscated.

- (d) The insertion of the following Section and Clauses;

Section 218 Posters and Placards in Public Places

- 218.1** Council may erect display boards in any public place for the purpose of allowing posters to be displayed thereon, and notwithstanding anything to the contrary in this Clause of this Bylaw posters may be affixed thereto.
- 218.2** Posters so displayed shall be removed from display boards immediately the announced date for the holding of the function or event has passed.
- 218.3** The persons responsible for ensuring compliance with 218.2 shall be the person who actually displayed the poster, or the manager or person in charge of the venue for the function or event referred to in the posters, and also the organiser or person in charge of the function or event to which it relates.

- 218.4 Should any of these persons fail to remove all such posters, any authorised officer of Council may remove the posters and all expenses incurred by Council in connection with that removal shall be recoverable from such of those persons as the Council may determine.

2.3 **NZS 9201: PART 3:1999 – HOSTELS**

Subject to the following amendments, namely;

- (a) The insertion of the following words in Clause 300 - Scope, “,and a place of public resort,” in the first paragraph after the words “by any other Act”,
- (b) The insertion of the following words in Clause 300 – Scope, “and places of public resort” in the second paragraph after the words “defined as hostels”,
- (c) The insertion of the following words in Clause 300 – Scope, “and places of public resort” in the third paragraph after the words “defined as hostels”,
- (d) The insertion of the following words in Clause 300 – Scope, “and ensuring adequate sanitation is provided for places of public resort” in the third paragraph after the words “low cost budget accommodation”
- (e) The insertion of the following words in Clause 301 – Definitions, after the definition “Hostel”;

“Place of Public Resort means any premises, place, tent, marquee, temporary structure, enclosure, ground or other area or thing which is not a building within the meaning of that term in the Building Act 2004, and which is used by 100 or more persons for any public assembly, a public meeting, theatre, music area, dancing area, sports ground, showground, fairground or for any public performances, or public amusements, whether or not an admission charge is made, but does not include any reserve within the meaning of the Reserves Act 1977 while such reserve is being used by members of the public for passive recreation or activity”.

- (f) The insertion of the following words in Clause 301 – Definitions, after the definition “Place of Public Resort”:

“Sanitary Fixture means any fixture which is intended to be used for sanitation and includes a water closet pan (wc), a urinal and a wash hand basin”.

- (g) The insertion of the following words in Clause 302 – Compliance, “or operate or use any place of public resort” after the words “for occupation any hostel”.

- (h) The insertion of the following Section and Clauses after Clause 305(m);

305A Sanitary Fixtures in Places of Public Resort

- (1) Sanitary fixtures shall be provided in places of public resort in such numbers as comply with:
- (a) Table 2 to this part of this Bylaw, where alcohol is to be provided under a Special Licence issued under the Sale of Liquor Act 1989; or
 - (b) Table 3 to this part of this Bylaw, where alcohol is not to be provided under a Special Licence issued under the Sale of Liquor Act 1989.
 - (c) An Authorised Officer can, in writing, approve any change where appropriate to Table 2 or 3 referred to in 1(a) and (b) above.

Table 2 – Events Where Alcohol is Available

Total Attendance	Male Facilities			Female Facilities WC's	Hand Basins	
	WC's	Urinal metres	Urinals		Male	Female
Up to 1000	2	1.5	3	5	1	1
1000 – 2000	3	3	6	10	2	2
2000 – 3000	4	4.5	9	15	3	3
3000 – 4000	5	6	12	20	4	4
4000 – 5000	6	7.5	15	25	5	5
5000 – 6000	7	9	18	30	5	6
6000 – 7000	8	10.5	21	35	6	7
7000 – 8000	9	12	24	40	7	8
8000 – 9000	10	13.5	27	45	8	9
9000 – 10000	11	15	30	50	9	10
10000 – 11000	12	16.5	33	55	9	11
11000 – 12000	13	18	36	60	10	12
12000 – 13000	14	19.5	39	65	11	13
13000 – 14000	15	21	42	70	12	14

Note:

- Females increase at the rate of 1 WC per 100 Females.
- Males increase at the rate of 1 WC per 500 males plus 1.5 metres urinal or 3 urinals per 500 males. (This table uses 500 mm as 1 urinal space)
- Hand wash basins 1 per 5 WC's or urinals.
- The above table is for long events where alcohol is available. Facilities can be reduced for short or alcohol free events. See table 3 below.

Table 3 – Events Where Alcohol is Not Available or Are of Short Duration

Duration of event	Percentage of the said standard
More than 8 hours	100%
6 hours but less than 8 hours	80%
4 hours but less than 6 hours	75%
Less than 4 hours	70%
No alcohol	50%

At least one unisex disabled toilet is required to be provided at each venue.

- (2) Sanitary fixtures shall be located, constructed and installed so as to:
 - (a) Facilitate sanitation;
 - (b) Avoid the risk of food contamination;
 - (c) Avoid the harbouring of dirt or bacteria (germs);
 - (d) Avoid affecting occupants of adjacent spaces with the presence of unpleasant odours, accumulation of offensive matter, or other source of annoyance; and
 - (e) Enable effective cleaning.
 - (3) Where required to provide facilities for disabled persons, access to such sanitary fixtures shall comply with New Zealand Standard 4121.
- (i) The insertion of the following Section and Clauses after Clause 305A;

305B Swimming Pools, Geothermal Pools and Spa Pools

- (1) The owner and manager of a Hostel shall jointly and severally be obliged:
 - (a) Without limiting the generality of Clause 304.1 to maintain in a clean and sanitary condition at all times all walls, floors, ceilings and yards of any pool area and all utensils, fixtures, fitting, furniture or thing provided or located on or in any pool area.
 - (b) To ensure swimming pools, geothermal pools and spa pools are installed and maintained in accordance with the New Zealand Standards NZS, 5826 Pool Water Quality. Should any conflict of meaning or requirement arise between the NZ Standard 5826 Pool Water Quality and the Rotorua District Council's Geothermal Safety Bylaw 2008, the latter shall prevail.
- (j) The insertion of the following Section after Clause 305B;

305C Assessments

An authorised officer shall be entitled at all reasonable times to enter and inspect any hostel or place of public resort for the purposes of this Bylaw,

including the testing of any swimming, geothermal or spa pool available for clients, guests or public use.

2.4 NZS 9201: PART 4:1999 – TRADING IN PUBLIC PLACES

Subject to the following amendments, namely;

- (a) The deletion of all the following after Clause 400.1 (b)

NOTE – Section 684 of the Local Government Act 1974 for maximum fees.

- (b) The deletion in Clause 400.2 of the number “684” after “section” and replacing with the number “145”,
- (c) The deletion in Clause 400.2 of the number “1974” after “Act” and replacing with the number “2002”, and
- (d) The insertion of the following words after the word amendments, “and Section 64 of the Health Act 1956”.

2.5 NZS 9201: PART 13:1999 – THE KEEPING OF ANIMALS, POULTRY AND BEES

Subject to the following amendments, namely;

- (a) The insertion of the words “unless consent in writing has been obtained from an Authorised Officer” after the words “prepared by Council”, in Clause 1301.
- (b) The insertion of the following Clause 1303.5 after Clause 1303.4;

1303.5

That no more than twelve (12) head of poultry may be kept on any site zoned residential once all other sub-clauses of Clause 1303 “Poultry Keeping” are met.

2.6 NZS 9201: PART 14:1999 – CEMETERIES AND CREMATORIA

Subject to the following amendment, namely:

- (a) The insertion of the following Section and Clauses after Section 1414;

1415 Interment of Ashes

- 1415.1 A portion of the crematorium grounds will be set aside and laid out as a berm cemetery. Upon application to that effect and upon payment to it of the appropriate fee set by Council, it will undertake the interment of ashes in the berm cemetery.

1415.2 Any headstone to be erected over any plot in the berm cemetery shall be of materials approved by Council, and shall be of the following dimensions:

Height	150 mm
Width	245 mm
Thickness	65 mm

3. APPENDIX 1

3.1 MAP DEFINING WHERE RIDING OF SKATEBOARDS IS PROHIBITED



NZS 9201:Part 1:2007

New Zealand Standard

Model General Bylaws

Part 1 – Introductory

Superseding NZS 9201:Part 1:1999

NZS 9201:Part 1:2007

NZS 9201:Part 1:2007

COMMITTEE REPRESENTATION

This Standard was prepared under the supervision of the Model General Bylaws Committee (P 9201.1) for the Standards Council established under the Standards Act 1988.

The committee consisted of representatives of the following:

Nominating Organisations

Local Government New Zealand
Manukau City Council
Napier City Council
Palmerston North City Council
Porirua City Council

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Standards New Zealand gratefully acknowledges the contribution of time and expertise from all those involved in developing this Standard.

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AMENDMENTS			
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NZS 9201:Part 1:2007

New Zealand Standard

Model General Bylaws

Part 1 – Introductory

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Contents

Committee representation	IFC
Acknowledgement	IFC
Copyright	IFC
Referenced documents	4
Foreword	5
Review of Standards	6

Section

1 General	7
2 Officers to continue in office	10
3 Serving of orders and notices	10
4 Powers of entry for purpose of this Bylaw	11
5 Licences	11
6 Suspension and revocation of licences	12
7 Dispensing power	12
8 Forms	12
9 Fees and charges	13
10 Offences and breaches	13
11 Removal of works	14
12 Penalties for breach of bylaws	14

Referenced Documents

Reference is made in this document to the following:

New Zealand Legislation

Building Act 2004
Dog Control Act 1996
Health Act 1956
Land Transport Act 1998
Local Government Act 1974
Local Government Act 2002
Reserves Act 1977
Reserves and Domains Act 1953
Resource Management Act 1991.

Foreword

The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under a variety of Acts including the Local Government Act 2002 to make Bylaws. Under the 2002 Act, a current bylaw made before 1 July 2003 under a now repealed provision of the Local Government Act 1974, was to have been automatically revoked on 1 July 2008. A current bylaw made before 1 July 2003 under a provision of the Local Government Act 1974 that is still in force shall be reviewed by 1 July 2008. If it is not reviewed, the bylaw will be automatically revoked on 1 July 2010. Bylaws made by a local authority under the Local Government Act 2002 or the Local Government Act 1974 after 1 July 2003 shall be reviewed no later than 5 years after the bylaw was made, and then every 10 years after that.

There are new policy analysis, decision-making, and consultation requirements for the development of new bylaws (and the review of existing ones).

This Standard supersedes NZS 9201 Part 1 1999. The revision of the 1999 Bylaw has been necessary to reflect legislative changes, particularly in the Local Government Act 2002, the Building Act 2004, the Resource Management Act 1991 and the Dog Control Act 1996.

This Model Bylaw covers the use of existing practices from throughout New Zealand. It has been drafted to provide a general model so that by means of specific modification each local authority may meet its individual requirements. Small territorial authorities should be able to use the document with minimal modification without undertaking substantial investigations.

This Part contains definitions and provisions of a general nature which apply to all parts of the Model General Bylaws. References to Statutes have been updated and some definitions have been revised or added.

Tailoring this Model Bylaw

This Bylaw has been standardised as much as possible given the range of practices within New Zealand. Each territorial authority will need to tailor the text to suit its individual requirements. As a minimum, this will include:

- (a) Filling gaps provided in the text with appropriate wording;
- (b) Altering clause numbering (and any cross references) to match the territorial authority's own bylaw system.

General legal and technical advice has contributed to the development of this Model Bylaw. However, it is recommended that any territorial authority proposing to introduce an Introductory Bylaw also:

- (c) Refers to the Local Government Act 2002 (particularly Part 8, Subpart 1); and
- (d) Obtains specific legal and technical advice appropriate to its own particular requirements.

Bylaw process

As already noted, the Local Government Act 2002 has significantly altered the administrative process relating to the introduction and review of bylaws. For example, the need for a bylaw is to be substantiated by appropriate policy analysis under section 155, there are decision-making processes to be followed, and a bylaw can only be introduced, amended (in any significant way) or revoked through the use of the 'special consultative procedure'.

Before making changes to this Model Bylaw, consultation with interested parties is recommended. Consultation will assist in making appropriate modifications that will produce documents that are relevant and suitable for the specific circumstances of the individual Council.

Bylaw fees and charges

Fees and charges set under a Bylaw shall not provide for the territorial authority to recover any more than the reasonable costs incurred by the territorial authority for the matter for which the fee is charged. Also, fees and charges can only be amended by following the 'special consultative procedure'. This could be by way of the schedule of fees and charges being included in the Annual Plan or Long Term Council Community Plan.

Review of Standards

Suggestions for improvement of this Standard will be welcomed. They should be sent to the Chief Executive, Standards New Zealand, Private Bag 2439, Wellington 6140.

NEW ZEALAND STANDARD

MODEL GENERAL BYLAWS**Part 1 – INTRODUCTORY****1 General****1.1 Scope**

The purpose of the NZS 9201 Part 1 is to identify and clearly interpret those terms and expressions that are used throughout the Bylaw.

This Part outlines serving of orders and notices, powers of delegation and entry, suspension and revocation of licences, removal of works executed contrary to the Bylaw dispensing powers, fees and charges, offences and breaches and penalties for breach of Bylaws.

Other definitions not included within this Bylaw are contained within various Parts of the Bylaws.

This Bylaw is made under the provisions of the Local Government Act 2002.

1.2 Definitions

For the purposes of this Bylaw, unless the context requires otherwise, the following definitions apply:

Act	Local Government Act 2002
Agent	A person or business authorised to act on another's behalf
Animal	Any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes the carcass of constituent parts thereof, but does not include human beings or dogs
Approved	Approved by the Council or by any officer so authorised on behalf of the Council
Authorised agent	Any person who is not an employee of the Council but is authorised in writing by the Chief Executive or by the Council to act on its behalf
Authorised officer	Any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority and includes a member of the police
Bylaw	A Bylaw of the Council for the time being in force, made under the provisions of any enactment or authority enabling the Council to make Bylaws

Chief Executive	The principal administrative officer of the Council, irrespective of the designation given to the officer, and includes any person for the time being appointed by the Council to perform the duties or a particular duty of the Chief Executive
Council	The Council or any officer authorised to exercise the authority of the Council
Custodian	Any person for the time being appointed by the Council to control or manage or to assist in the control and management of any land, or premises belonging to or under the jurisdiction of the Council
District	The meaning assigned to that term in section 5(1) of the Act
Dwelling or dwellinghouse	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 of the dwelling
Enforcement officer	The meaning assigned to that term in section 5(1) of the Act
Footpath, private road and private way	The meaning assigned to them in section 315(1) of the Local Government Act 1974
Infringement offence	An offence for which any person can be punished on indictment, by summary process, or by infringement process
Licence	A licence or approval issued under this Bylaw
Local authority	The meaning assigned to that term in section 5(1) of the Act
Motor vehicle	The meaning assigned to that term in section 2(1) of the Land Transport Act 1998
Nuisance	The meaning assigned to that term in section 29 of the Health Act 1956
Occupier	The inhabitant occupier of any property and, in any case where any building, house, tenement, or premises is or are unoccupied includes the owner
Offence	Any act or omission in relation to this Bylaw for which any person can be punished either on indictment or by summary process
Owner	As applied to any land, building, or premises, means any person for the time being entitled to receive the rent for such property, or who would be so entitled if it were let to a tenant at a rack rent, and where any such person is absent from New Zealand, includes their attorney or agent

Person	A natural person and also a body of persons, whether corporate or unincorporated
Poultry	Any live domesticated or farmed bird including but not limited to: fowl, goose, duck, pigeon, turkey, parrot, budgerigar, pheasant, canary, ostrich, guinea fowl, or emu
Premises	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 are deemed to be the same premises
Public notice	The meaning assigned to that term in section 5(1) of the Act
Public place	The meaning assigned to that term in section 147(1) of the Act
Reserve	The meaning assigned to that term in section 2(1) of the Reserves Act 1977
Road	The meaning assigned to that term in section 2(1) of the Land Transport Act 1998
Stock	Cattle, sheep, horses, deer, donkeys, mules, goats, pigs, alpacas, llamas, or other animal (excluding dogs) including their young, kept in captivity, or farmed, and dependent on humans for their care and sustenance
Territorial authority	The meaning assigned to that term in section 5(1) of the Act
Vehicle	The meaning assigned to that term in section 2(1) of the Land Transport Act 1998
Veranda	A portico, porch, shed, shade, awning, blind, covering, or like structure, and their supports, projecting into or over any part of a public place
Waterworks	The meaning assigned to that term in section 5(1) of the Act
Writing, written or similar term	Words written, printed, painted, engraved, lithographed, or otherwise traced or copied.

1.3 Interpretation

In this Bylaw the singular includes the plural and the plural includes the singular.

Words referring to any district, locality, place, person, office, officer, functionary, party or thing mean each district, locality, place, person, office, officer, functionary, party, thing, to whom or to which the provision applies.

Every Schedule to this Bylaw forms part of this Bylaw and if provided for in the Bylaw text, may be altered from time to time in accordance with the Act.

For the purposes of the Bylaw the word 'shall' refers to practices that are mandatory for compliance with this Bylaw, while the word 'should' refers to practices which are advised or recommended.

2 Officers to continue in office

All officers appointed by the Council at the time this Bylaw takes effect, are deemed to have been appointed under this Bylaw.

3 Serving of orders and notices

- 3.1** Except as otherwise provided for in any other enactment, where any notice, order, or other document is required to be served on any person for the purposes of this Bylaw, service may be effected by delivering it personally to the person or by sending it by registered post to that person's last known residential or business address.
- 3.2** If the person is absent from New Zealand the order, notice, or other document may be served on the person's agent in the manner referred to in 3.1.
- 3.3** If the order, notice, or other document relates to land or buildings, then the order, notice, or other document should be served on the person who owns that land or buildings. However, if that person 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 person who is occupying the land or buildings; or
 - (b) If there is no person in occupation, put up on some conspicuous part of the land or buildings.
- It is not necessary in that notice to name the occupier or the owner of that land or buildings.
- 3.4** Where an order or notice is sent by registered post, the order or notice shall be sent so as to arrive no later than the latest time on which such order or notice is required to be served.
- 3.5** Any order or notice issued 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.

4 Powers of entry for purpose of this Bylaw

Except where provided for under any other enactment, sections 171, 172, 173, and 182 of the Act apply in relation to any power of entry under this Bylaw.

5 Licences

- 5.1 Any person doing or proposing to do any thing or to cause any condition to exist for which a licence from the Council is required under this Bylaw, shall first obtain a licence from the Council or any authorised officer.
- 5.2 Every application for a licence shall be accompanied by the relevant fee. If the application for the licence is declined, the fee shall be refunded less any reasonable processing costs. Where a fee has been paid for which no service has been given the Council may provide a refund or waiver of all or part of the fee as it may determine.
- 5.3 No application for a licence, and no payment of or receipt for any fee paid in connection with such application, confers any right, authority or immunity on the person making that application or payment.
- 5.4 Any licence is deemed to be issued in compliance with this Bylaw if it is issued by an authorised officer, and every licence is subject to such conditions as may be imposed.
- 5.5 Unless this Bylaw provides otherwise, every licence and every application for a licence shall be in such form as may be prescribed from time to time by the Council.
- 5.6 Unless this 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 or conditions.
- 5.7 If, following a request for payment, any licence fee due remains unpaid, the licence shall immediately cease to have effect.

6 Suspension and revocation of licences

- 6.1** Unless this Bylaw provides otherwise, should the licence holder be convicted of any offence relating to the holder's suitability as a licensee, the Council may immediately revoke or suspend the licence for any specified time.
- 6.2** The Council may by notice in writing call upon the licence holder to appear before the Council and give reasons why the licence should not be revoked or suspended, if any of the following are brought to the notice of the Council:
- (a) That the licence holder –
 - (i) Has acted or is acting in a manner contrary to the true intent and meaning of this Bylaw
 - (ii) Has failed to comply with any of the conditions of the licence
 - (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 is not being properly observed.
- 6.3** The Council may, if it considers the allegations correct or if there is no appearance by the licence holder, revoke, or suspend the licence for any specified time.
- 6.4** A person whose licence has been suspended under this clause and any premises for which that licence has been so suspended is, during the period of that suspension, deemed to be unlicensed.

7 Dispensing power

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 course or operation of the business of, or bring loss or inconvenience to 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 that person.

8 Forms

Wherever forms are prescribed in bylaws, slight deviations, but to the same effect and not calculated to mislead, do not invalidate those forms.

9 Fees and charges

- 9.1 The Council may prescribe fees to be charged for any certificate, authority, approval, permit, or consent from, or inspection by, the Council under the provisions of the Act or any other enactment where that enactment contains no provision for authorising the Council to charge a fee. The setting of any fees or charges shall be in accordance with section 150 of the Act.
- 9.2 Where a fee has been paid under 9.1 for a service that has not been given, the Council may provide a refund, a remission, or waiver of any such fee, or portion of it as the Council may determine.

10 Offences and breaches

- 10.1 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 whatsoever contrary to or otherwise than as provided by this Bylaw;
 - (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 that person at the time and in the manner provided by this Bylaw;
 - (c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing;
 - (d) Knowingly permits or suffers any condition of or things to exist contrary to any provision contained in this Bylaw;
 - (e) Refuses or neglects to comply with any notice given to that person under this Bylaw;
 - (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 that officer by this Bylaw; or
 - (g) Fails to comply with any notice or direction given under this Bylaw.
- 10.2 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.

11 Removal of works

- 11.1 Where the notice served under section 3 has not been complied with, the Council, or any authorised officer or agent of the Council, may pull down, remove, or alter, any work, material or thing erected or being in contravention of any part of this Bylaw. Refer to section 163, and for seizure of property sections 164, 165, 167, and 168, of the Act.
- 11.2 The Council may recover from any person responsible for the breach of any part of this Bylaw, all expenses incurred by it in connection with such pulling down, removal or alteration. This includes the cost of debt collecting and legal fees.
- 11.3 The exercise of this authority does not relieve any such person from liability for any penalty for erecting or permitting the continued existence of any such work, material or thing.
- 11.4 If however the breach is such that public health, or safety considerations, or risk of consequential damage to Council assets is such that delay would create unacceptable results, the Council may take immediate action to rectify the defect, and recover all reasonable costs (as set out in 11.2).
- 11.5 On payment of all Council's costs, including storage where applicable, the lawful owner may claim any object, material or thing removed under 11.1.
- 11.6 If not claimed within a reasonable time the Council may dispose of any object, material or thing it as it sees fit and apply the proceeds to meet any outstanding costs. The lawful owner shall be entitled to claim any residual sum.

12 Penalties for breach of bylaws

- 12.1 Every person who commits an offence against this Bylaw is liable to:
 - (a) The penalty set out in section 238 of the Act; or
 - (b) Where another enactment specifies the penalty for a breach of the Bylaw, that other penalty (for example Schedule 4 of the Land Transport Act 1998).
- 12.2 In accordance with section 162 of the Act, the Council may apply to the District Court for an injunction to restrain a person from committing a breach of this Bylaw.

NOTES

NOTES

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NOTES

CONTENTS	PAGE
Committee representation	IFC
Copyright	IFC
New Zealand legislation	2
Foreword	3
 <i>Section</i>	
200 Scope	5
201 Definitions	5
202 Public safety and nuisances	6
203 Obstructing public places	8
204 Damage to public places	8
205 Placing of articles on, and damage to public places	9
206 Control of skateboards	9
207 Exposing articles for sale	10
208 Vehicular crossings	10
209 Assembly	11
210 Awnings and blinds	11
211 Projections on public places not permitted	11
212 Restrictions on use of barbed wire and electrified fences	12
213 Road and building identification	12
214 Animals and stock on public places	13
215 Overhanging vegetation liable to obstruct	14
216 Additional requirements for reserves	14
 FIRST SCHEDULE	 16

NEW ZEALAND LEGISLATION

Building Act 1991
Dog Control Act 1996
Land transport Act 1998
Local Government Act 1974
Reserves Act 1977
Resource Management Act 1991
Sale of the Liquor Act 1989
Transport Act 1962

FOREWORD

The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 1974 to make bylaws.

This Standard supersedes NZS 9201:Chapter 2:1972 *Public places*. The revision of the 1972 bylaw has been necessary to reflect the legislative changes, particularly the Local Government Act 1974, the Building Act 1991, the Resource Management Act 1991 and the Dog Control Act 1996. Also over the past ten years there has been a gradual evolution of local authority procedures and operating styles.

This Part now contains provisions for previous NZS 9201:Chapter 17 *Parks and reserves*, and Chapter 19 *Beaches: bathing and control* which are superseded. It also includes new provisions for skateboards. Reference should be made to NZS 9201:Part 1:*Introductory* for any other definitions not included in this Part.

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NEW ZEALAND STANDARD

MODEL GENERAL BYLAWS

Part 2

PUBLIC PLACES

200 SCOPE

The Local Government Act 1974 gives authority to the Council to adopt bylaws to regulate activities which can be carried out in roads, public places and reserves. This Part of the bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district. In particular this Part addresses damage to public facilities such as roads, grass verges, garden areas and reserves. It also addresses activities within public places and reserves which may have an adverse effect on other users of these facilities.

Section 684 of the Local Government Act 1974 and other relevant Acts e.g. Reserves Act 1977, Health Act 1956, Litter Act 1979 outline some of 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 1974 and other Acts should be read in conjunction with it.

201 DEFINITIONS

For the purposes of this bylaw the following definitions shall apply:

MATERIAL or THING means any material 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) Alcohol 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 the Council.

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

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 or bicycles.

202 PUBLIC SAFETY AND NUISANCES

202.1

Except with the prior permission of Council or an authorized officer a person shall not on any public place:

- (a) Place or leave litter or any materials or thing or substance which are 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 which is awaiting collection by an authorized collector;
- (d) Drive any vehicle except on a formed road, or drive 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;
- (j) Fly from or land any aeroplane including model aeroplanes, a hot air balloon or hang glider, parachutes or similar except in an emergency;
- (k) Consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
- (m) 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;
- (n) 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 authorized officer could cause damage or injury to persons passing, the authorized officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land safe.

202.3

Notwithstanding the requirements of any other clause of this Part of the bylaw a person shall not in any public place:

- (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.

203 OBSTRUCTING PUBLIC PLACES

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 authorized 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 the Council or an authorized 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 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;

Nothing in this sub-clause shall prevent the Council from supplying or approving the installation of display boards in any public place for the purpose of allowing posters to be displayed announcing forthcoming functions or events;

- (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 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.

204.2

Any person carrying out authorized works on a public place shall provide reinstatement of the works to a standard approved by an authorized officer.

204.3

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:

- (a) Such action has first been approved by Council or an authorized officer, and then only in accordance with such conditions as he or she may impose; or
- (b) Such action is taken for the purpose of regular refuse or other collections authorized by the Council or is otherwise authorized by law; or
- (c) 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, or any work or thing in, on, over or under the public place.

206 CONTROL OF SKATEBOARDS

206.1

No person shall ride a skateboard in any area defined in the First Schedule attached to this Part of the bylaw.

206.2

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.

206.3

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.

207 EXPOSING ARTICLES FOR SALE

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.

208 VEHICULAR CROSSINGS

208.1

Any person wishing to construct, repair, remove or widen any vehicular crossing shall first obtain a permit from the Council.

208.2

A permit issued by the Council under 208.1 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.

208.3

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.

208.4

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 commit an offence against this Part of this bylaw.

209 ASSEMBLY

A person shall not, without the prior consent of an authorized officer:

- (a) Participate in any assembly or associate with other persons in 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;
- (b) Organize or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place.

210 AWNINGS AND BLINDS

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 authorized officer. In granting such permission an authorized officer may set such conditions as is deemed appropriate. Any such permission may be revoked at any time by an authorized officer.

211 PROJECTIONS ON PUBLIC PLACES NOT PERMITTED**211.1**

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 any kind 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.

This restriction shall not apply to any verandah or awning erected pursuant to a requirement of a District Plan.

211.2

If any such projection or obstruction as aforesaid has been placed against or in front of any building before the coming into operation of this bylaw and which is contrary to any bylaw in force, Council may give notice to the owner or occupier of such building to remove, or to alter such projection or obstruction, and such owner or occupier shall, within the time stated in such notice, remove, or alter such projection or obstruction.

211.3

No person shall stand on any verandah erected over a public place except for the purpose of inspection, maintenance or egress in the case of fire.

212 RESTRICTIONS ON USE OF BARBED WIRE AND ELECTRIFIED FENCES

212.1

Except with the permission of an authorized officer:

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.

Provided that this sub-clause shall not prohibit the placing of such barbed wire at a height of not less than 2 metre or electrified fencing not less than 3 metres from the level of the ground of any such public place.

212.2

Sub-clause 212.1 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.

213 ROAD AND BUILDING IDENTIFICATION

213.1

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.

213.2

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 50 mm in height for residential buildings and not less than 150 mm in height for all other buildings. Numbers shall be as allocated or approved by an authorized officer and displayed in a position so as to be readily visible from the road to which it has frontage.

213.3

Numbers required by 213.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

213.4

Council shall have power at any time to alter the number of any building where in the Council's opinion it may be necessary or advisable to do so.

214 ANIMALS AND STOCK ON PUBLIC PLACES

214.1

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.

214.2

Any person having control of stock on any public place shall ensure that the stock is kept under proper control, with consideration for other persons using the public place.

214.3

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.

214.4

No person shall:

- (a) Permit stock to be driven across or along any public place unless an alternative route is not reasonably available;
- (b) Permit any stock to be on a reserve, beach or other area designated as an area prohibited to stock without the prior consent of an authorized officer;
- (c) Graze stock in any public place except in accordance with Council policy.

214.5

Any person having control of stock in any public place shall ensure that the stock are driven in such a manner and by such points of access to an exit from the road as to ensure that damage is not caused to the public place.

214.6

Council may from time to time by special order publicly notified 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 requirement shall not apply to any person who rides or leads a horse under proper control on a road.

214.7

Any person having control of stock being driven on any public place shall ensure that excrement, urine or other matter deposited upon the public place from such stock is removed, and disposed of in an appropriate manner.

214.8

Any person being the owner of, or having control of any horse in a public place shall immediately remove any faeces deposited by that horse from any public place.

214.9

Subject to the requirements of sub-clauses 214.1 to 214.8 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.

215 OVERHANGING VEGETATION LIABLE TO OBSTRUCT

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

216 ADDITIONAL REQUIREMENTS FOR RESERVES

216.1

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 authorized officer may determine that any reserve shall be closed to the public.

216.2

An authorized 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.

216.3

The Council may fix charges for the entry to a reserve in accordance with the Reserves Act 1977, 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.

216.4

An authorized 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.

216.5

Every person committing a breach of the provisions of this Part of the bylaw shall, upon request by an authorized officer, immediately leave the reserve, and shall be prohibited from appearing on the reserve for such period as the authorized 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 commit a further offence.

FIRST SCHEDULE

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

(List of areas and their extents)

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NOTES

CONTENTS PAGE

Committee representation IFC
Copyright IFC
New Zealand legislation 2
Foreword 3

Section

300 Scope 5
301 Definitions 5
302 Compliance 7
303 Appointment of manager 7
304 Responsibilities of manager 7
305 Kitchen standards 10
306 Exemptions 11
307 Fees 11

Table

1 Number of persons permitted to sleep in a bedroom 9

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NEW ZEALAND LEGISLATION

Building Act 1991

Children and Young Persons Act 1974

Disabled Persons Community Welfare Act 1975

Education Act 1989

Health Act 1956

Hospital Act 1957

Local Government Act 1974

Sale of the Liquor Act 1989

FOREWORD

The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 1974 to make bylaws.

This Standard supersedes NZS 9201:Chapter 3:1972 *Licensing and control of apartment buildings and boarding houses*. The revision has been given a new title "Hostels" which will enable Councils to monitor the operation of hostels and similar accommodations so that the health and safety of tenants or the community at large are not threatened. It deals with issues which are not covered in the Building Act.

The definition of "Hostel" has been broadened to include a backpacker's accommodation. Reference should be made to NZS 9201:Part 1 *Introductory* for any other definitions not included in this Part.

NOTES

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NEW ZEALAND STANDARD

MODEL GENERAL BYLAWS

Part 3

HOSTELS

300 SCOPE

The purpose of this Part of the bylaw is to enable the Council to monitor the operation of hostels, guest houses, boarding houses, private hotels, motels and residential clubs, except where these are licensed under the Sale of Liquor Act 1989 or by any other Act to ensure that conditions do not arise that may threaten the health and safety of tenants, neighbours or the community at large.

This bylaw sets operational and management criteria for these premises defined as hostels with regard to safety, ventilation, sanitary conditions and overcrowding.

This bylaw addresses issues which are not covered in the Building Act 1991. It applies to all buildings defined as hostels but it is considered that it will not be regarded as onerous by owners/landlords who maintain their premises at a reasonable standard. The thrust of the bylaw is toward low cost budget accommodation.

This bylaw is made pursuant to section 684 of the Local Government Act 1974 and section 64 of the Health Act 1956.

301 DEFINITIONS

For the purposes of this bylaw the following definitions shall apply:

GUEST means a person for whom any room or part thereof or rooms in a hostel is or are provided as a lodging or for his/her use or occupation and to whom whole or partial board may also be supplied.

HOSTEL means a building in which accommodation is provided for a single night or longer for 5 or more persons who are not part of a family with or without a common right to the use of common cooking, dining and laundry facilities. A hostel includes but is not limited to:

- (a) A boarding house;

- (b) A guest house;
- (c) A rooming house;
- (d) A private hotel;
- (e) A motel;
- (f) A residential club;
- (g) A backpacker's accommodation

but does not include:

- (i) Any premises in respect of which a licence under the Sale of Liquor Act 1989 is in force;
- (ii) Any premises in respect of which an on-licence or an off-licence is deemed to be in force pursuant to sections 240 and 241 of the Sale of Liquor Act 1989;
- (iii) Any hospital as defined in section 2 of the Hospitals Act 1957;
- (iv) Any home for aged persons required to be licensed under section 120A of the Health Act 1956;
- (v) Any private hospital required to be licensed under Part V of the Hospitals Act 1957;
- (vi) Any institution licensed under section 9 of the Mental Health Act 1969;
- (vii) Any home that is required to be registered or deemed to be registered under Part IX of the Children and Young Persons Act 1974;
- (viii) Any child care centre required to be licensed by regulations made under the provisions of the Education Act 1989;
- (ix) Any home required to be registered under Part II of the Disabled Persons Community Welfare Act 1975;
- (x) Any camping ground required to be licensed under regulations made under section 120B of the Health Act 1956.

302 COMPLIANCE

No person shall let for occupation any hostel which does not comply with the provisions of this Part of the bylaw and with all relevant statutory provisions regarding its occupancy.

303 APPOINTMENT OF MANAGER**303.1**

Any person who lets for occupation any hostel shall appoint a manager. In any case where no manager is appointed the person who lets the premises for accommodation shall be deemed to be the manager for such premises. If the manager does not permanently reside on the premises a resident manager who resides on the premises shall also be appointed with all the powers and responsibilities of the manager. In this Part "manager" includes "resident manager".

303.2

The requirement to appoint a resident manager for a hostel shall not apply in any case where an authorized officer is satisfied that this would be unreasonable or impractical having regard to the particular circumstances.

304 RESPONSIBILITIES OF MANAGER**304.1**

The owner or manager of a hostel shall:

- (a) Maintain all of the building and all appliances, fixtures and fittings in the building in good repair and in a clean and hygienic condition and cause all rooms, passages, stores, floors, ceilings, windows, doors and walls of the building to be kept clean and free from vermin;
- (b) Cause every yard or court or other open space to be kept at all times in good order and thoroughly clean, and free from any accumulation of refuse, or foul matter or undesirable growth and shall as often as necessary wash all paved surfaces in such yard or court or other open space;
- (c) Ensure that all parts of the premises are adequately lit and ventilated at all times;
- (d) Provide a suitable storage area in an approved location where rubbish bags or rubbish containers can be stored prior to their placement for collection on rubbish collection day and maintain any rubbish storage areas in a clean and tidy condition;

- (e) Provide and maintain in good repair and efficient working order any artificial lighting, emergency lighting, fire alarms, fire detection devices and fire extinguishers or any other feature as may be required by the New Zealand Building Code or a Compliance Schedule under section 44 of the Building Act 1991 for the hostel.

304.2

The manager or resident manager shall cause:

- (a) All the bed-linen, bedclothes, bedding, bedsteads and all soft furnishings provided to guests to be thoroughly cleaned as often as is necessary to maintain these items in a clean and wholesome condition and free from vermin;
- (b) All refuse to be removed at least daily from every room in the hostel;
- (c) Every room which is used as a bedroom to be furnished with the approved beds sufficient for all occupants but not exceeding the limits of table 1. A sufficient supply of clean bed linen and bedding shall be available for every guest in each bedroom in cases where they are not required to provide their own. Every bedroom shall have adequate clothes storage facilities for the number of guests, and suitable curtain or window coverings for privacy;
- (d) Towels to be supplied for each guest at least weekly and to every newly-arrived guest. All bed linen and bedclothes supplied to guests shall be removed as soon as convenient after a bedroom has been vacated. All such bedclothes and the bed from which the bedclothes have been removed shall be thoroughly aired.

304.3

The manager or resident manager of a hostel shall not:

- (a) Except in the case of an emergency, use or permit to be used in any part of the premises any lighted candles, or any lamp, or heater supplied with kerosene, mineral or other oil or spirit for lighting or heating purposes unless such candle, lamp or heater is constructed, protected, and secured as not to involve risk of fire to the building or its contents;
- (b) Store or keep, or allow to be stored or kept, any kerosene, mineral or other oil, spirit, matches or any explosive or flammable substances in any cupboard or other place situated under any staircase or near any fire escape, balcony leading to a fire escape or fire exit;

- (c) Cause or permit any obstruction to be placed in any flight of stairs, passage, or other means of escape. All doors in connection with such means of escape shall be maintained so that they can be readily opened in the direction of exit travel without the use of a key;
- (d) At any time permit a greater number of persons to be accommodated in any bedroom in the hostel than the number assessed in accordance with table 1;
- (e) Permit any room that is not approved for use as a bedroom to be occupied or used for that purpose;
- (f) Permit equipment for the cooking or heating of food to be provided or used in any room except a kitchen.

Table 1 – Number of persons permitted to sleep in a bedroom

Area of bedroom	Number of persons
Under 4.5 m ²	Nil
4.5 m ² or more but less than 6 m ²	1/2 in an existing building but nil in a new building
6.0 m ² or more but less than 10 m ²	1
8.0 m ² or more but less than 10 m ²	1 1/2
10 m ² or more but less than 12 m ²	2
12 m ² or more but less than 14 m ²	2 1/2
14 m ² or more but less than 17 m ²	3
17 m ² or more but less than 20 m ²	3 1/2
20 m ² or more	4 persons and 1 additional person for each additional complete 5 m ²

NOTE –

- (1) For the purposes of this table an existing building means a building existing prior to 10 October 1947 being the date when the Housing Improvement Regulations 1947 came into force.
- (2) For the purposes of this table 1/2 a person means a child who has attained the age of one year and is under 10 years of age.

305 KITCHEN STANDARDS

Every hostel shall have a kitchen and a dining room to the following minimum standards for the preparation of meals for guests or where guests can provide their own individual meals:

- (a) All floors, walls and ceilings in the kitchen shall be properly constructed, kept in good repair, and finished to provide smooth, impervious, easily cleanable surfaces. All walls and ceilings shall be finished in a light colour.
- (b) All parts of the kitchen and dining room shall be adequately lit by daylight and artificial lighting as the circumstances require, to facilitate cleaning and inspection;
- (c) All parts of the kitchen and dining room shall be adequately ventilated;
- (d) All parts of the kitchen and dining room shall be maintained in a clean, hygienic and tidy condition, free from foul odours and vermin;
- (e) The kitchen shall be provided with a sufficient number of sinks and other sanitary fittings reasonably necessary for the cleansing of crockery, utensils and appliances used in the preparation, service and consumption of food. Every such sink shall be supplied with a piped supply of hot and cold water.
- (f) A wash-hand basin supplied with piped hot and cold water shall be located within the kitchen or within close proximity to the kitchen. The wash-hand basin shall be supplied with soap, a nail brush and hand-drying equipment.
- (g) All benches, shelves, tables, cupboards, appliances and equipment shall be constructed and finished so that they are capable of being easily cleaned;
- (h) Adequate means of preparing food and of cooking food, both by boiling and by baking, sufficient for the numbers of guests, shall be provided in the kitchen;
- (j) Adequate refrigerated and frozen storage shall be provided sufficient for the numbers of guests, for the storage of perishable and readily perishable foods. All refrigerated storage shall operate at 4 °C or below and frozen storage at –18 °C or below.

- (k) Adequate space for the storage of food shall be provided, so placed, fitted and ventilated as to protect the food from flies, dust, and other contamination and from the direct rays of the sun;
- (m) Adequate tables and chairs and utensils in the dining room for the consumption of food.

306 EXEMPTIONS

Where an authorized officer is satisfied that compliance with the requirements of this Part of the bylaw would be unreasonable or impractical, an exemption in respect of any particular requirements may be granted in whole or in part, with such modifications and subject to such conditions including such time limitations as are desirable in the circumstances.

307 FEES

Council by resolution, publicly notified, may set inspection fees.

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Superseding NZS 9201:Chapter 4:1972

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COMMITTEE REPRESENTATION

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The Committee consisted of representatives of the following:

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NOTES

CONTENTS	PAGE
Committee representation	IFC
Copyright	IFC
New Zealand legislation	2
Foreword	3

Section

400	Scope	5
401	Definitions and interpretation	5
402	Licence required	6
403	Application	6
404	Licence details	6
405	Fees	7
406	Production of licence	7
407	Conditions of licence	7
408	Licence not transferable	7
409	Exemptions	7

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NEW ZEALAND LEGISLATION

Local Government Act 1974

Fisheries Act Part IV: 1983

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FOREWORD

The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 1974 to make bylaws.

This Standard supersedes NZS 9201:Chapter 4:1972 *Mobile or travelling shops, and hawkers and itinerant traders*. The revision simplifies the licensing procedure and reflects the current practice of selling goods on streets and footpaths or using vehicles to sell goods.

The definitions of “hawker” and “itinerant trader” have been omitted from the Standard. Reference should be made to NZS 9201:Part 1 *Introductory* for any other definitions not included in this Part.

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NEW ZEALAND STANDARD

MODEL GENERAL BYLAWS

Part 4

TRADING IN PUBLIC PLACES

400 SCOPE

400.1

The general purpose of this Part of the bylaw is:

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

NOTE – Section 684 of the Local Government Act 1974 for maximum fees.

400.2

This bylaw is made pursuant to section 684 of the Local Government Act 1974 and its amendments.

401 DEFINITIONS AND INTERPRETATION

401.1

For the purposes of this bylaw the following definitions shall apply:

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 organization and does not involve the sale of the goods to the general public in any public place.

401.2

For the purposes of this Standard the word “shall” refers to practices that are mandatory for compliance with this Standard, while the word “should” refers to practices which are advised or recommended.

402 LICENCE REQUIRED

No person, in any public place, shall engage in the sale of goods of any description whatsoever (except as provided in clause 409.1, Exemptions), without having first obtained a licence from Council.

403 APPLICATION

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

- (a) Name and address of the applicant;
- (b) Name and address of the person(s) selling the goods;
- (c) The location/site;
- (d) The telephone number of the applicant;
- (e) The type of goods for sale;
- (f) The time sought for selling;
- (g) The type of vehicle(s)) and registration numbers if applicable;
- (h) Evidence of good character.

404 LICENCE DETAILS

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

- (a) Time and place;
- (b) Duration of the licence;
- (c) Location;
- (d) Types of goods for sale;
- (e) Area available for sale;
- (f) Persons entitled to sell;

- (g) Safety and hygiene requirements;
- (h) Use of signage;
- (j) Use of musical chimes or other audible devices for attracting customers;
- (k) Litter, cleanliness;
- (m) Name and address to be conspicuously displayed;
- (n) Site rental.

405 FEES

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

406 PRODUCTION OF LICENCE

406.1

Every licence holder shall at all times when engaged in the sale of goods, carry a licence and show the licence to any authorized officer on demand.

406.2

Every licence holder shall, notwithstanding the conditions of the licence, upon being requested to do so by an authorized officer alter his/her position for sales to any other position as indicated by the authorized officer.

407 CONDITIONS OF LICENCE

Every person shall commit an offence under this Part of the bylaw who trades not in conformity with any of the conditions of the licence.

408 LICENCE NOT TRANSFERABLE

No licence issued under this part of the bylaw shall be transferable to any other person.

409 EXEMPTIONS

The exemptions allowed under this Part of this bylaw are as follows:

- (a) Selling or disposal by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in section 67 (2), Part IV of the Fisheries Act 1983;
- (b) Service delivery vehicles including milk vendors;



- (c) Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent or specific resolution of Council.

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Model General Bylaws

Part 13 – The Keeping of Animals, Poultry and Bees

Superseding NZS 9201:Chapter 13:1972

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NOTES

CONTENTS **PAGE**

Committee representation IFC
Copyright IFC
New Zealand legislation 2
Foreword 3

Section

1300 Scope 5
1301 Pig keeping 5
1302 Stock in urban areas 5
1303 Poultry keeping 5
1304 Noise from animal, bird, or fowl 6
1305 Bee keeping 6

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NEW ZEALAND LEGISLATION

Health Act 1956

Local Government Act 1974

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FOREWORD

The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 1974 to make bylaws.

This Standard supersedes NZS 9201:Chapter 13:1972 *The keeping of animals, poultry and bees*. The revision simplifies the previous standard by deleting all the requirements related to pigsties and pigswill as pig keeping is not generally allowed in areas which have a predominantly urban character under the District Plan.

Reference should be made to NZS 9201:Part 1 *Introductory* for any other definitions not included in this Part.

NOTES

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NEW ZEALAND STANDARD

MODEL GENERAL BYLAWS

Part 13

THE KEEPING OF ANIMALS, POULTRY AND BEES

1300 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 neighbours and property owners.

This bylaw is made pursuant to section 684 of the Local Government Act 1974, and section 64 of the Health Act 1956.

1301 PIG KEEPING

No pigs shall be kept in any area which has a predominantly urban character under the District Plan prepared by the Council.

1302 STOCK IN URBAN AREAS

Any person keeping stock in an urban area shall ensure that premises where stock are kept meet such conditions as may be prescribed by an authorized officer.

1303 POULTRY KEEPING

1303.1

No poultry caged or otherwise (which shall include geese, ducks, pigeons, turkeys, and domestic fowls of all descriptions) shall be kept in a predominantly urban area 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 surrounding nibwall, to which a poultry run may be attached.

1303.2

No poultry house or poultry run shall be erected or maintained, so that any part of it is within 10 m from any dwelling, factory, or any other building, whether wholly or partially occupied, or within 2 m of the boundary of adjoining premises.

1303.3

Every poultry run shall be enclosed to confine the poultry.

1303.4

Every poultry house and poultry run shall be maintained in good repair, in a clean condition free from any offensive smell or overflow and free from vermin.

1304 NOISE FROM ANIMAL, BIRD, OR FOWL

No person shall keep on any premises any noisy animal, bird, or poultry which causes a nuisance to residents in the neighbourhood.

1305 BEE KEEPING

1305.1

No person shall keep bees if in the opinion of an authorized officer the keeping of bees is, or is likely to become a nuisance or annoyance to any person or potentially dangerous or injurious to health.

1305.2

An authorized officer may prescribe conditions relating to the location and number of hives able to be kept on any premises or place within an urban area of the District.

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Superseding NZS 9201:Chapter 14:1972

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NOTES

CONTENTS	PAGE
Committee representation	IFC
Acknowledgement	IFC
Copyright	IFC
Related documents	2
New Zealand legislation	2
Foreword	3

Section

1400 Scope	5
1401 Definitions and interpretation	5
1402 Burials and sale of plots	6
1403 Fees	6
1404 Hours of operation	7
1405 Erection and maintenance of monuments, headstones, structures etc.	7
1406 Shrubs and trees	8
1407 Vehicles	8
1408 Soliciting of orders	9
1409 Burial or cremation of poor persons	9
1410 Deceased servicemen	9
1411 Disinterment	9
1412 Cremation	10
1413 Safety	10
1414 Monumental work in cemeteries	10

RELATED DOCUMENTS

NZS 4242:1995 Headstones and cemetery monuments

NEW ZEALAND LEGISLATION

Burial and Cremation Act 1964

Burial and Cremation (Removal of Monuments and Tablets)
Regulations 1967

Cremation Regulations 1973

Health (Burial) Regulations 1946

Local Government Act 1974

FOREWORD

The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 1974 to make bylaws.

This Standard supersedes NZS 9201:Chapter 14:1972 *Cemeteries and crematoria*. The revision has been simplified by bringing under one section the various provisions for vaults, plaque lawn cemetery and memorial park cemetery.

The Committee was assisted in the drafting of this part of the model general bylaws by the Funeral Directors Association of New Zealand and the New Zealand Master Monumental Masons' Association.

Reference should be made to NZS 9201:Part 1 *Introductory* for any other definitions not included in this Part.

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NEW ZEALAND STANDARD

MODEL GENERAL BYLAWS

Part 14

CEMETERIES AND CREMATORIA

1400 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 boundaries covered by Council's responsibility or ownership.

This bylaw is made pursuant to section 684 of the Local Government Act 1974 and the Burials and Cremations Act 1964.

1401 DEFINITIONS AND INTERPRETATION

1401.1

For the purposes of this bylaw the following definitions shall apply:

CEMETERY means any cemetery vested in or under the control of the Council from time to time but excludes any closed cemetery.

CREMATORIUM and CREMATORIA 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 burials and cremations as provided in this Part of the bylaw.

SEXTON means any person appointed by the Council to manage the day to day activities of any cemetery and crematorium under its jurisdiction. Such activities to include arranging for the provision of plots for burials.

1401.2

Nothing in this Part of the bylaw shall derogate from any provision of, or the necessity for, compliance with the:

- (a) Burial and Cremation Act 1964;



(b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;

(c) Cremation Regulations 1973;

(d) Health (Burial) Regulations 1946.

1402 BURIALS AND SALE OF PLOTS

1402.1

Burial plots sold by the Council shall be sold upon the terms and conditions as decided by the Council and the exclusive right of burial may be granted for such limited period as the Council decides.

1402.2

No burial shall be made in any cemetery without a burial warrant for that purpose obtained by the person having the management or control of the burial from the Council and presented to the Sexton as authority for burial.

1402.3

Burials shall take place in such plots as the Manager shall determine and no headstone, full grave cover or surround shall be erected on the plot unless the exclusive right of burial has been purchased.

1402.4

No person other than the Sexton or assistants of the Sexton or any other person duly authorized by the Council shall dig any grave in, or open the ground for burial in, any part of the cemetery. The minimum depth of cover for any casket shall be no less than one metre.

1402.5

Upon application and payment of the appropriate fees, the urn containing the ashes of any deceased person may be buried in the appropriate portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial.

1403 FEES

1403.1

The Council may by resolution, publicly notified, set fees for all services provided for the operation and maintenance of cemeteries and crematoria.

1403.2

"Out of District" fees may be payable in the case of a burial of a deceased person not residing in or not a ratepayer of the district for a predetermined time. The time frame for such a requirement shall be determined by the Council. This fee may also apply to the burial of a stillborn child if the parents were not residents or ratepayers of the district. For the purposes of this bylaw, a person in a hospital or institution in the district shall be deemed as resident in the district if they have been a resident of the hospital or institution longer than 3 months. The Manager appointed by the Council shall determine in each case whether an "out of districts" fee is applicable.

1404 HOURS OF OPERATION

Funerals may be held on such days and at such times as the Council shall determine.

1405 ERECTION AND MAINTENANCE OF MONUMENTS, HEADSTONES, STRUCTURES ETC.**1405.1**

All above ground grave structures, enclosures, memorial headstones and other monuments shall be installed to NZS 4242 and kept in good order or repair by the purchasers of the plots or their representatives. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the Council may remove any installations of any kind that shall fall into a state of decay or disrepair. A photographic record of the memorial shall be taken prior to removal and retained in cemetery records.

1405.2

Plans and specifications for the construction of above ground vaults in cemeteries must be submitted to the Council for approval prior to any work commencing. Construction of the vault shall be to standards acceptable to the Council.

1405.3

The Council may carry out regular audits of memorial headstones and other monuments to ensure their safety.

1405.4

No person shall, without the written permission of the Council, remove from any cemetery or grave any headstone, monument or plaque.

1405.5

No monuments other than approved headstones shall be erected within the precincts of a memorial park cemetery. Any memorial must comply with the requirements of the Council.

1405.6

All vases and containers for flowers in memorial park cemeteries shall be placed in such a manner as approved by the Council.

1405.7

No person shall construct any structure or plaque in a plaque lawn cemetery in such a manner that any part therefore shall project above the ground immediately adjoining it.

1405.8

Any memorial plaque in a plaque lawn cemetery must consist of permanent material, be of an approved size and set in an approved position with all inscriptions relating to the persons buried in each plot to be on the one plaque.

1405.9

No person shall, without the authority of the Sexton, remove or take from any grave in any cemetery, any vase, wreath, plant, flower or other object, except that the Council may cause to be removed any neglected or broken material of this nature.

1406 SHRUBS AND TREES

No tree or shrub shall be planted in any part of any cemetery by any person without the consent of the Council being first obtained.

1407 VEHICLES

1407.1

Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton or assistants of the Sexton.

1407.2

No vehicle shall be driven at a greater speed than indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices.

1407.3

All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

1407.4

Any person installing or attending a memorial in a cemetery shall withdraw for the duration of an adjoining funeral service.

1408 SOLICITING OF ORDERS**1408.1**

No person shall, in any cemetery, advertise or solicit any order from any other person for any work whatsoever to be done in or in connection with any cemetery, or for the sale, preparation or supply of any article, material or item to be set up, affixed or used in any cemetery.

1408.2

Except at the specific request of the purchaser of a plot or their representatives or assigns, no person shall, in any cemetery accept or take any such order of custom as aforesaid.

1408.3

No person shall without the consent of the funeral director, or a special permit in writing for the occasion from the Council, take any photographs or moving images at a funeral.

1409 BURIAL OR CREMATION OF POOR PERSONS

Where application is made to the Council for the interment or cremation of any deceased poor person, the applicant shall, on making such application, provide to the Council a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of internment or cremation fixed by this Part of the bylaw, that the cost of burial is not covered by any Accident Compensation entitlement and that his/her relatives and friends are unable to pay the same.

1410 DECEASED SERVICEMEN

The fee payable to the Council for the disinterment of any deceased servicemen and the reinterment in the war graves section of the cemetery, if application is made by the War Graves Branch of the Department of Internal Affairs, shall be as agreed upon between the parties at the time.

1411 DISINTERMENT

Where a request for a disinterment and/or a reinterment is received by the Council or other cemetery owner, 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.

1412 CREMATION

1412.1

An approved urn containing the ashes of the deceased person may be left in the crematorium for 14 days from the date of the cremation free of charge. At the expiry of this period such fees as the Council may set shall be paid. The Council will not hold ashes beyond 3 months from the date of such cremation, and at the expiry of that period may dispose of the ashes in accordance with regulations made under the Burial and Cremation Act 1964.

1412.2

The casket containing any deceased person intended for cremation shall be made of an approved combustible material.

1412.3

No casket shall be opened after admission to the crematorium without the consent of the Sexton.

1412.4

The Council shall determine the hours of operation of its crematorium.

1412.5

Every application for cremation together with all the necessary documentation shall be deposited with the Manager prior to cremation.

1413 SAFETY

No person other than the Sexton or assistants of the Sexton or any other person duly authorized by the Sexton shall fill in a grave.

1414 MONUMENTAL WORK IN CEMETERIES

The installation of memorial headstones, grave surrounds or overtop construction or repairs and installation of concrete ground beams or bases shall be carried out to the satisfaction of the Council.

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