



Hastings District Council

Consolidated Bylaw

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CHAPTER 1 INTERPRETATION AND GENERAL PROVISIONS

1.1 Purpose and authority

- 1.1.1 The purpose of this part of the Bylaw is to provide consistency in the interpretation of terms used throughout the Bylaw and to provide for general matters common to many parts of the Bylaw.
- 1.1.2 Unless otherwise stated every part of the Bylaw is made under s 145 of LGA 02.

1.2 Commencement and revocation

- 1.2.1 Unless otherwise stated every part of the Bylaw will commence on the day following the date upon which the Council publicly notifies its decision to adopt the Bylaw.
- 1.2.2 The revocation of a former bylaw will take effect the day following the date upon which the Council publicly notifies its decision to revoke the former bylaw.

1.3 Definitions

- 1.3.1 The definitions in this clause apply to all parts of the Bylaw. Any definition specific to only one part of the Bylaw may be set out at the beginning of that part of the Bylaw. In the event of any conflict between a definition in this clause and the definition in another part of the Bylaw, the latter will prevail.

- 1.3.2 In this Bylaw:

“advertising device” has the same meaning as in the district plan

“animal” has the same meaning as in the Animal Welfare Act 1999 and, for the avoidance of doubt, includes poultry and stock

“approval” means an approval in writing granted by the Council under clause 1.5 and, where the context requires, includes a resource consent granted by the Council under the RMA

“berm” means the grass verge of a road

“Bylaw” means the Hastings District Council Consolidated Bylaw, any part of that Bylaw and any other bylaw made by the Council from time to time under LGA 02 or any other enactment

“carriageway” means the part of a road intended for movement of vehicles, does not include the berm or footpath but does include a vehicle crossing

“constable” means a sworn officer of the New Zealand Police

“Council” means Hastings District Council and when the context requires extends to include:

- a committee of the Council with delegated responsibility for the administration of the Bylaw
- an enforcement officer
- a Council officer with delegated responsibility for the administration of the Bylaw
- a parking warden and

- any other person with responsibility for administration of the Bylaw engaged by the Council under s 179 LGA 02

“Council facility” means any premises owned, occupied, managed or otherwise controlled by the Council

“cycle” has the same meaning as in Rule 1.6 of the Land Transport (Road User) Rule 2004.

“cycle path” means the part of a road physically separated from the roadway that is intended for the use of cyclists, but may also be used by pedestrians, and includes a cycle track formed under s 332 of the Local Government Act 1974

“district” means the district of the Council as defined in Part 2 of Schedule 2 of LGA 02

“district plan” means the plan made under the RMA for the district and includes both the operative district plan and any proposed district plan

“enforcement officer” means any person appointed by the Council under s 177 LGA 02

“footpath” means that part of a road laid out or set aside for exclusive use by pedestrians and includes any berm

“hazardous substance” has the same meaning as in the district plan

“LGA 02” means the Local Government Act 2002

“LGA 74” means the Local Government Act 1974

“licence” has the same meaning as “approval”

“mobile advertising device” means an advertising device attached to a vehicle or trailer and includes a motor vehicle if the signwriting on the vehicle advertises goods or services but does not include a motorvehicle if the signwriting on the vehicle is limited to a business name, address, phone number and logo

“nuisance” means anything which is offensive or likely to be injurious to health and includes any of the nuisances deemed to be created by the circumstances listed in s 29 of the Health Act 1956

“occupier” means the person in possession of premises;

“organised event” means an assembly of people at a specific time for a specific purpose;

“owner”, in relation to premises, means the person for the time being entitled to receive the rent of the premises, whether on an own account or as the agent or trustee for any other person, or who would be so entitled if the premises were let at a rent and includes any person for the time being registered under the Land Transfer Act 1952 as the proprietor of the premises

“parking warden” means a person appointed by the Council under s 128D of the Land Transport Act 1998

“person” includes a corporation sole, a body corporate and an unincorporated body

“poultry” means all types of domestic fowls and includes geese, ducks, pigeons, swans, turkeys and roosters

“premises” means any land and/or building comprised in a single certificate of title or any self-contained and separately occupied part of any premises

“public place” means a place that, at any material time, is open to or is lawfully being used by the public, whether free or on payment of a charge, notwithstanding that any owner or occupier of that place is entitled to exclude or eject any person from that place and, for the avoidance of doubt, includes:

- a beach
- a road
- an aircraft, hovercraft, ship, ferry or vehicle carrying passengers for reward
- a cemetery or crematorium
- the foreshore
- a park
- a reserve under the Reserves Act and
- premises used by the Council for the purposes of service delivery, including (but not limited to) an administrative office, community centre, swimming pool, library or art gallery

“public notice” has the same meaning as in s 5 of LGA 02 and “publicly notified” has a corresponding meaning

“RMA” means the Resource Management Act 1991

“road” has the same meaning as in s 315 of the Local Government Act 1974 and includes all land, including any berm, footpath, cycle path or carriageway, within the legal boundaries of the road

“rural area” means those parts of the district defined as “Rural Areas/Zones” in the district plan

“shared zone” means part of a road intended to be used by pedestrians and vehicles

“sports field” means any part of a public place which is laid or set aside for playing organised games or sports and includes an area used for practising a sport or game but, for the avoidance of any doubt, does not include an area beside a sports field used by spectators

“stock” means animal which may be farmed for the production of meat, milk, fibre or hides, extends to include a horse, donkey or mule and, for the avoidance of doubt, includes any animal kept as a pet

“urban area” means those parts of the district defined as “Urban Areas/Zones” in the district plan

“vehicle” has the same meaning as in the Land Transport Act 1998 and, for the avoidance of doubt, includes a bicycle, hovercraft, skateboard, in-line skates and roller skates

“working day” means a day of the week other than:

- a Saturday, Sunday or public holiday as observed throughout New Zealand
- Hawkes Bay Anniversary Day and
- Any day in the period commencing with 20 December in a year and ending with 10 January in the following year

1.4 Interpretation

1.4.1 The Interpretation Act 1999 applies to this Bylaw.

1.4.2 The interpretation rules set out below apply to all parts of the Bylaw.

1.4.3 In this Bylaw:

- (a) Words referring to the masculine, feminine or neuter gender refer also to the other genders;
- (b) Singular words include the plural and vice versa;
- (c) The phrase “part of the Bylaw” refers to a Chapter of the Bylaw or to part of a Chapter, as the context requires;
- (d) In the event of inconsistency or interpretation conflict between this part of the Bylaw and any other part of the Bylaw, the latter prevails;
- (e) In the event of any inconsistency or conflict between the provisions of any part of the Bylaw and any rule in the district plan, the latter shall prevail;
- (f) In the event of any inconsistency or conflict between the conditions of an approval and the conditions of a resource consent granted under RMA relating to the same activity, the latter prevails.

1.5 Approvals and dispensations

1.5.1 A person proposing to do anything or to cause any condition to exist for which a licence, permit, approval or dispensation (however described) is required under the Bylaw must first obtain an approval.

1.5.2 A person seeking an approval must make application on the prescribed form (if any), supply any supporting information that may be required and pay the application fee.

1.5.3 An approval may be granted for a single event, on a temporary basis, for a fixed term or until further notice and upon such terms and conditions as the Council thinks fit.

1.5.4 An application for an approval, or the payment of the application fee, does not confer any right, authority or immunity on the person making that application or payment. The Council shall be under no obligation to grant an approval.

- 1.5.5 If the Council believes that a condition of an approval has been breached or is being breached the Council may, without the need to give any preliminary or warning notice:
- (a) prosecute the person responsible for the breach for an offence under the Bylaw; and
 - (b) suspend the approval for a specified period; or
 - (c) cancel the approval.
- 1.5.6 A person whose application for an approval was declined, or who is unhappy with a decision made under clause 1.5.3 or clauses 1.5.5(b) or (c) may apply to the Council for a review of that decision.
- 1.6 Service of notices**
- 1.6.1 Any notice or document required to be given under the Bylaw may be delivered to that person either personally or by sending it to the person's last known address, place or abode or business, and in the case of a company to its registered office, by messenger or by ordinary post.
- 1.6.2 If the person to whom the notice or document is to be given is:
- (a) deceased; or
 - (b) absent from New Zealand,
- the notice or document may be sent to that person's personal representative, executor, attorney or other authorised agent .
- 1.6.3 If the person to whom the notice or document is to be given is not known, or is absent from New Zealand and has no known agent in New Zealand, and the notice or document relates to any premises, the notice or document may be served occupier of those premises or, if there is no occupier, may be affixed to some conspicuous part of the premises.
- 1.6.4 Where a notice or document is sent by post it shall be deemed to have been served at the time when the letter would be delivered in the ordinary course of post.
- 1.7 Offences**
- 1.7.1 Every person who acts contrary to any prohibition contained in the Bylaw, or to any condition of an approval, or any requirement or condition made by publicly notified resolution in accordance with the Bylaw, commits an offence against the Bylaw.
- 1.8 Fees and Charges**
- 1.8.1 The Council may by publicly notified resolution set or vary any fee or charge in respect of any matter provided for in this Bylaw. Where a fee or charge relates to the use of or entry to a public place, payment of the fee or charge shall be a condition of use or entry.

CHAPTER 2 PUBLIC PLACES

2.1 ACCESS WAYS

- 2.1.1 A person must not attempt to use or enter an access way (as defined in s 315 of LGA 74) which has been shut by locked gates in accordance with a publicly notified Council resolution.

2.2 ACTIVITIES

- 2.2.1 A person must not undertake any activity in a public place in a manner which may result in damage to property, injury to another person in that public place or unreasonably interfere with that other person's use and enjoyment of that public place. For the avoidance of doubt, this obligation applies notwithstanding that the activity might otherwise be able to be lawfully undertaken in a public place under this bylaw.
- 2.2.2 Notwithstanding clause 2.2.1, the safe operation of a RPA (as defined in clause 2.11.1) over an organised event in a public place with an approval and the consent of the organiser of the event will be deemed not to be an unreasonable interference of the use and enjoyment of that public place by another person

2.3 ADVERTISING DEVICES

- 2.3.1 The provisions in this part of the Bylaw are in addition to any rules in the district plan dealing with advertising devices. In the event of conflict or ambiguity between a provision in this Bylaw and a rule in the district plan, the district plan rule will prevail.
- 2.3.2 The Council may by publicly notified resolution on its own motion grant dispensation from the requirements of clause 2.9.1(b) for specified types of advertising device generally or in specified locations.
- 2.3.3 The owner of an advertising device erected or standing on a public place, whether under an approval or a dispensation granted under clause 2.3.2 must at all times ensure that:
- (a) the placement of the advertising device does not interfere with the free and safe passage of people and vehicles using the public place;
 - (b) the advertising device is constructed of appropriate materials and is designed and maintained so that it is unlikely to cause injury to persons damage to vehicles using the public place;
 - (c) the advertising content is suitable for display in a public place;
 - (d) the advertising device is maintained in good order and condition and does not become a safety hazard to people or vehicles using the public place, an eyesore or otherwise detract from the amenity of the locality;
 - (e) the advertising device is removed when the premises to which it relates are closed for business or is otherwise redundant.

2.4 BEACHES

2.4.1 A person must not:

- (a) drive a vehicle on any part of a beach from which vehicles have been banned by publicly notified resolution of the Council;
- (b) except in the case of an emergency attempt to land an aircraft, microlight, motorised glider or glider on a beach;
- (c) swim from any part of a beach from which swimming has been banned by publicly notified resolution;
- (d) appear nude or insufficiently dressed on a beach, except for a beach which the Council has designated as a “clothing optional” beach by publicly notified resolution;
- (e) obstruct, hinder or interfere with any person carrying out life-saving operations, or engaged in life-saving activities, practices or competitions.

2.4.2 Clause 2.4.1(a) is made under s 22AB(1)(f) of the Land Transport Act 1998.

2.5 CEMETERIES AND CREMATORIUM

2.5.1 This part of the Bylaw is made under s 16 of the Burial and Cremation Act 1964.

2.5.2 in this clause:

“cemetery” means any cemetery owned or operated by the Council;

“crematorium” means any crematorium owned or operated by the Council and extends to include the grounds surrounding the crematorium;

“plot” means a plot in a cemetery or crematorium and extends to include any niche provided in any structure for the interment of ashes.

2.5.3 A person must not:

- (a) undertake the burial or disinterment of any body, or the cremation of any body or the interment or disinterment of any ashes in a cemetery or crematorium;
- (b) install any fence, enclosure, tombstone, vault, headstone, other monument, inscription or memorial of any kind on a plot;
- (c) undertake any other work within a cemetery or the grounds of a crematorium;

without an approval.

2.5.4 An approval is not required under clauses 2.5.3(b) or (c) if the items to be installed or the work to be done will comply with specifications set by the Council from time to time, by publicly notified resolution.

- 2.5.5 The owner, or the personal representative of the owner, of a burial plot must keep all fences, enclosures, tombstones, vaults, headstones and other monuments or memorials on any plot in good tidy order and repair.
- 2.5.6 Any items installed on a plot in breach of clause 2.5.3 and 2.5.4 may be removed by the Council.
- 2.5.7 Subject to clause 2.5.8 a person must not bring any animal onto a cemetery or a crematorium without an approval.
- 2.5.8 An approval is not required under clause 2.5.7 to bring onto a cemetery or crematorium:
- (a) a special purpose dog (as defined in clause 3.2.1); or
 - (b) a dog under leash control

2.6 COUNCIL FACILITIES

- 2.6.1 The Council may by publicly notified resolution set conditions of entry and/or use of any Council facility.
- 2.6.2 A person who is admitted to a Council facility which is a swimming pool as the person having responsibility for the supervision of a child aged 8 years or younger accompanying that person, must be over the age of 16 years and must actively supervise that child at all times while in that facility.
- 2.6.3 The Council may, or a constable at the request of the Council may, exclude or remove any person from a Council facility:
- (a) who has acted in a manner that is contrary to conditions of entry and/or use of that facility set under clause 2.6.1;
 - (b) who is not using the facility for its intended purpose;
 - (c) who has contravened any other provision of this Bylaw;
 - (d) for any reason relating to the efficient, reasonable and fair management of the facility.

2.7 CYCLES AND SKATEBOARDS

- 2.7.1 This part of the Bylaw is made under s 22AB(1)(h) of the Land Transport Act 1998.
- 2.7.2 Except as provided in clause 2.7.3, a person must not ride a cycle on a footpath or on a lawn, garden, or other cultivation in a public place.
- 2.7.3 For the avoidance of doubt, clause 2.7.2 does not apply to a person who rides a cycle on a footpath:
- (a) in the course of delivering newspapers, mail, or printed material to letterboxes;

- (b) which has been designated as a shared footpath by the Council by publicly notified resolution.
- 2.7.4 A person must not stop stand or park a cycle on any footpath without due care and with regard to the convenience and safety of other persons using that footpath.
- 2.7.5 A person must not use a skateboard on a footpath without exercising due care and with regard to the convenience and safety of pedestrians.
- 2.7.6 Notwithstanding clause 2.7.5, a person must not use a skateboard in a public place within the skateboard ban areas specified in Schedules A, B and C to this part of the Bylaw, or in any other part of the district designated by the Council by publicly notified resolution as a skateboard free area.

2.8 DAMAGE

- 2.8.1 A person must not:
 - (a) dig up, disturb, damage or remove the surface of any public place;
 - (b) affix any signs or posters to any structure in or about a public place;without an approval.

2.9 ENCROACHMENTS

- 2.9.1 A person must not:
 - (a) erect any building, fence, tent, temporary shelter, kiosk or stall;
 - (b) place or leave any hoarding, advertising device, furniture, material or thing; or
 - (c) hang any gate or door so that it opens;on or over a public place except as expressly provided in this Bylaw or in an approval.
- 2.9.2 Without limiting the generality of clause 2.9.1, the Council may give approval to the following activities:
 - (a) the erection of retail displays, kiosks or stalls on a public place;
 - (b) the provision of seating, tables or other furniture for use in association with trading activities being conducted from contiguous premises;
 - (c) the erection or construction of an advertising device, awning, verandah, balcony, window box or other device attached to a building on contiguous premises which does not obstruct free passage along or over the public place.

2.10 FENCES

- 2.10.1 A person must not incorporate barbed wire in a fence on the boundary between any premises within the urban area and a public place unless the barbed wire is at least 2 metres above ground level (when measured on the outside of the fence at a distance of 1 metre from the base of the fence).

2.11 FLYING ACTIVITIES

- 2.11.1 In this clause:

“aircraft” has the same meaning as in the Civil Aviation Rule and includes an aeroplane, balloon, glider, hang glider, helicopter or microlight

“RPA” means any remotely piloted aircraft and includes: an unmanned or free flight aircraft and a model aircraft under line control

- 2.11.2 A person must not take off or land, or attempt to take off or land, an aircraft in a public place except in the case of an emergency or with an approval.
- 2.11.3 A person must not operate an RPA over a public place in breach of clause 2.2
- 2.11.4 A person must not operate a RPA from or over a road, cemetery or crematorium without an approval.
- 2.11.5 Nothing in clause 2.11.4 applies to a person operating a RPA for the purposes of a civil defence, accident or other emergency service response, at the direction of the person in charge of that response.

2.12 HAZARDS

- 2.12.1 A person must not place or leave any hazardous substance, or any other material or substance which may cause injury to any person, in or about a public place.
- 2.12.2 The owner or occupier of premises contiguous to a public place must:
- (a) ensure that any advertising device, wall, fence, balcony, window box, awning or verandah on those premises does not fall into such a condition or state of disrepair that it constitutes a health and safety risk to persons using the public place;
 - (b) ensure that no tree or shrub is allowed to grow from the premises into the public place, or overhang the public place, so as to obstruct passage over or along the public place or any lighting in the public place;
 - (c) ensure that any railing, gate, fence or cover protecting the entrance to a cellar under the premises is maintained in safe condition and that appropriate steps are taken when the entrance is open for use to prevent any accident or injury to vehicles or persons using the public place;
 - (d) not fail to remedy any non-compliance with clauses 2.12.2 (a), (b) or (c) within a reasonable time of service of a notice by the Council specifying

the matters of non-compliance and requiring that remedial work be undertaken.

2.13 PROCESSIONS AND PUBLIC MEETINGS

- 2.13.1 A person must not hold a public meeting or conduct a procession in a public place without an approval.
- 2.13.2 An approval under clause 2.13.1 will not be required for a public meeting held in any place within the district which is identified in a publicly notified resolution as suitable for the conduct of public meetings and forums, subject to compliance with any terms and conditions set out in the resolution.
- 2.13.3 A person must not expose to view in or from a public place any object or material which is lewd, indecent, or intended to give or likely to give offence.
- 2.13.4 A person must not display any placard, handbill or poster which is visible from or within a public place the contents of which are lewd, indecent or intended to give, or likely to give offence.

2.14 REFUSE DISPOSAL

- 2.14.1 A person must not dispose of any household refuse, hazardous substance, commercial waste or offensive matter in a Council refuse receptacle provided in a public place.

2.15 SPORTS AND GAMES IN A PUBLIC PLACE

- 2.15.1 A person must not use a sports field which has been closed for use by the Council.
- 2.15.2 A person must not enter onto or remain on a sports field while any game, sport or practice is in progress.
- 2.15.3 A person must not use any part of a public place for planned team games and sporting activities, marching drill, musical or other group activity without an approval.

2.16 STREET NUMBERING AND PRIVATE ROAD SIGNS

- 2.16.1 In this clause:

“private road” means a private road as defined in s 315 LGA 74 and extends to include an access way, access lot or right of way serving more than 5 premises.
- 2.16.2 An owner or occupier of premises must ensure that:
 - (a) the premises are marked with the street number allocated by the Council;
 - (b) the marking complies with the minimum dimensions and specifications set by the Council by publicly notified resolution;

- (c) the marking is suitably located upon or about the premises so that it is clearly visible from the road at all times.
- 2.16.3 Clause 2.16.2 is made under s 22AB(1)(x) of the Land Transport Act 1998.
- 2.16.4 An owner of premises served by a private road must ensure that all times the private road is adequately identified by signage which meets the requirements laid down by the Council for such signage and that the sign is maintained in a good and legible condition at all times.

2.17 STOCK

- 2.17.1 A person in charge of stock must:
 - (a) take all reasonable steps to ensure that they do not wander onto a public place;
 - (b) ensure that they are under proper control and supervision at all times when driven or passing across or along a road;
 - (c) not drive stock along or across a carriageway when a reasonable alternative is available;
 - (d) not lead, ride or swim any stock on a beach in circumstances where a nuisance, danger or inconvenience is or may be created for other users of the beach;
 - (e) not lead, drive or permit stock to go along or over any footpath, cycle path, or grass plot or flower bed within a public place;
 - (f) not allow stock to graze on a public place without an approval from the Council, or as permitted under clause 2.17.2;
 - (g) immediately dispose of any droppings left in a public place;
 - (h) in any case where stock are driven or pass across or along a road on a recurring basis, ensure that there is no build up of mud or faecal matter on the carriageway over time;
 - (i) immediately report any damage caused to road markers, road signs, culverts, water tables or other roading infrastructure and reimburse the reasonable cost of repair or replacement to the Council.
- 2.17.2 An approval to graze stock on a road in the rural area is not required under clause 2.17.1(f) if:
 - (a) grazing is undertaken on the berm contiguous to premises:
 - (i) owned or occupied by the person in charge of the stock; or
 - (ii) owned by some other person who has given consent to that grazing;

- (b) measures are taken (by means of tethering or the erection of temporary fences) to ensure that stock cannot graze within one metre of the carriageway;
 - (c) all other reasonable precautions are taken to ensure the safety and convenience of neighbours, people droving stock on the road and any other persons or traffic using the road;
 - (d) any other conditions, including the payment of grazing fees, laid down by the Council by publicly notified resolution are observed.
- 2.17.3 For the purposes of clause 2.17.1(b) stock is deemed to be under proper control and supervision if the guidelines in the New Zealand Transport Agency publication “Stock under control (crossing and droving)”, or some other guideline approved by the Council by publicly notified resolution, have been observed.

2.18 TRADING, BUSKING AND COLLECTIONS

- 2.18.1 The provisions in this part of the Bylaw are in addition to any rules in the district plan dealing with trading in public places. In the event of conflict or ambiguity between a provision in this Bylaw and a rule in the district plan, the district plan rule will prevail.
- 2.18.2 In this clause

“mobile shop” means any vehicle from which goods or services can be purchased, hired or ordered.
- 2.18.3 A person must not:
- (a) carry on any business trade or profession;
 - (b) sell, or offer for sale or hire, any goods or services;
 - (c) sing or play any musical instrument;
 - (d) use or operate any broadcasting system or loud speaker;
 - (e) accept or solicit donations or gifts;
 - (f) undertake a street appeal or charity fundraiser;
- in a public place without an approval from the Council.
- 2.18.4 A person holding an approval under clause 2.18.3(b) to operate a mobile shop must not conduct business from that vehicle:
- (a) within those parts of Hastings, Havelock North and Flaxmere which are zoned “Central Commercial” (including the Central Character Precinct) or Large Format Retail, Havelock North Village Centre Retail or Havelock North Village Centre Business, Flaxmere Commercial or Flaxmere Commercial Service in the district plan;
 - (b) from the berm, or premises adjoining the berm, of a road which has a speed limit of 80 km/h or more; and
 - (c) on any of the roads listed in Schedule D to this Chapter

2.19 VEHICLE CROSSINGS AND BERMS

2.19.1 The owner or occupier of premises must:

- (a) obtain an approval from the Council before commencing construction, widening, alteration or removal of a permanent or temporary vehicle crossing serving those premises;
- (b) not use a vehicle crossing, or operate a vehicle on a footpath, cycle path or berm for construction purposes without an approval;
- (c) maintain the vehicle crossing in good repair at all times, in the manner and to the standard prescribed by the Council from time to time by publicly notified resolution;
- (d) maintain the berm in front of the premises in a neat and tidy condition reasonably free from wind blown litter and other rubbish and, but only if the berm is sown in grass, regularly mow the berm and remove the clippings;
- (e) repair any damage to the berm caused by the owner, the occupier or their invitees.

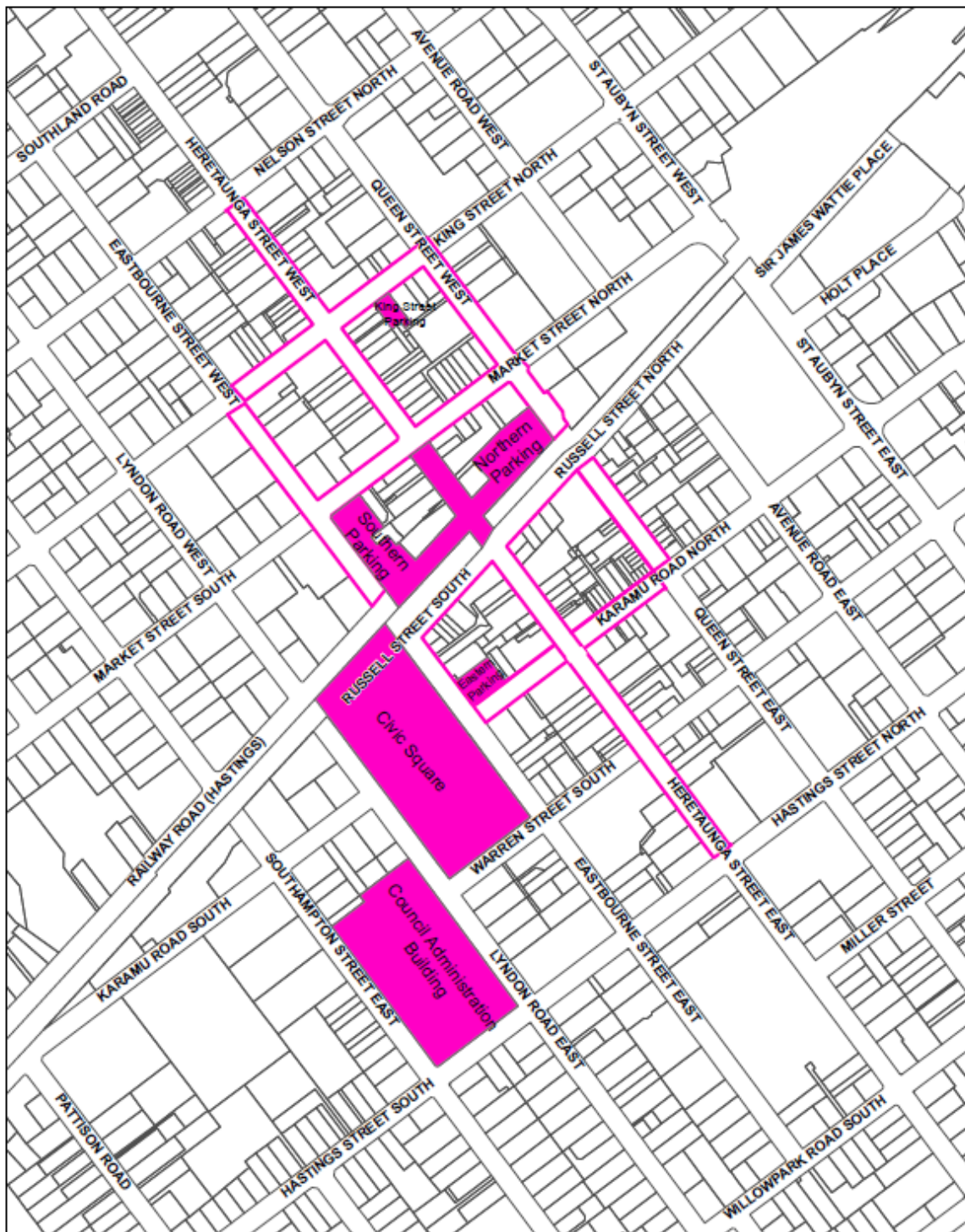
SCHEDULE A TO CHAPTER 2

(Clause 2.7.6)

Hastings skateboard ban area

Any part of the roads (including footpaths) and other public places listed below, as shown on the attached plan (number 1)

- Heretaunga Street (both sides) between Hastings Street and Nelson Street
- The pedestrian mall in the Commercial area between Russell Street and Market Street
- Queen Street between Karamu Road and King Street
- Eastbourne Street between Karamu Road and King Street
- King Street between Eastbourne Street and Queen Street
- Market Street between Eastbourne Street and Queen Street
- Railway Road between Eastbourne Street and Queen Street
- Russell Street between Eastbourne Street and Queen Street
- Karamu Road between Eastbourne Street and Queen Street
- Northern, Southern, Eastern and King Street parking areas
- Council Administration Building Lyndon Road East and associated grounds
- Civic Square
- “Hastings City Square” which includes the water feature and stage area.



Plan Number1 - Hastings



HASTINGS
DISTRICT COUNCIL

Map Produced using ArcMap



Scale 1:5,000



Projection: NZTM
Datum: D_NZGD_2000

Original Size: A4
Date: Thursday, 28 January 2015

DATA SOURCE: Cadastral information derived from the Land Information New Zealand's Core Record System (CRS).
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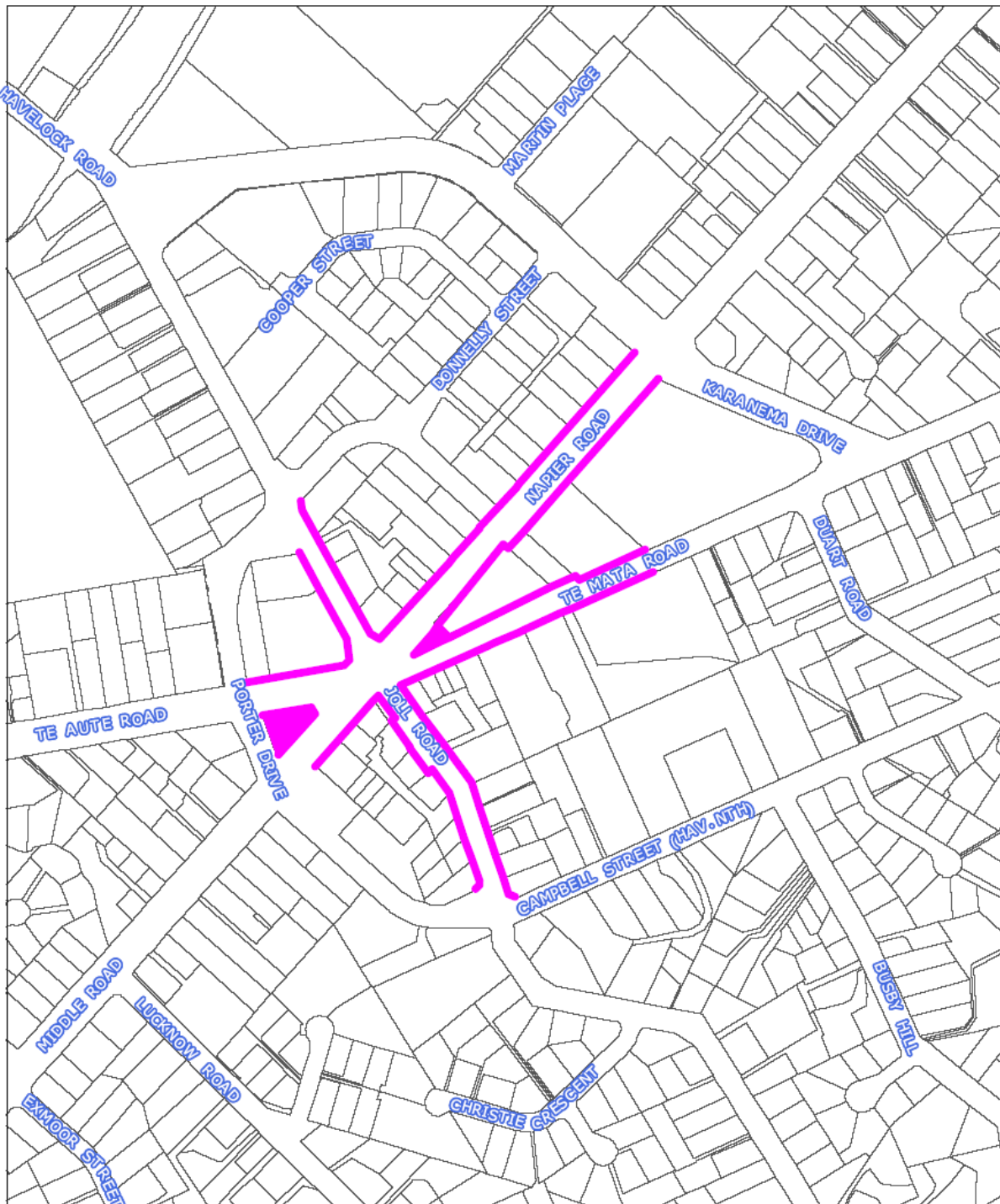
SCHEDULE B TO CHAPTER 2





(Clause 2.7.6)

Havelock North skateboard ban area

Any part of the roads (including footpaths) and other public places listed below as shown on the attached plan (number 2):

- Joll Road from the Central Roundabout to the intersection with Campbell Street
- Middle Road from the Central Roundabout to the intersection with Porter Drive
- Te Aute Road from the Central Roundabout to the intersection with Porter Drive
- Havelock Road from the Central Roundabout to the intersection with Porter Drive
- Napier Road from the Central Roundabout to the intersection with Karanema Drive
- Te Mata Road from the Central Roundabout to the boundary between the Havelock North Function Centre and 38 Te Mata Road
- Centotaph and surrounding paved area
- The Village Green, including the paved areas surrounding the information site/ toilet block, water feature and surrounding paved area.



 <p>HASTINGS DISTRICT COUNCIL</p> <p>GIS Powered by </p>	<h2>PLAN NUMBER 2</h2> <h2>HAVELOCK NORTH</h2>		<p><small>DATA SOURCE:</small> Cadastral information derived from the Land Information New Zealand's Core Parcel System (CPS). CROWN COPYRIGHT RESERVED</p> <p><small>COPYRIGHT:</small> Copyright in this drawing is owned by the Hastings District Council. Any unauthorised copying or adaptation of the whole or a substantial part of the work in two or three dimensions is an infringement of copyright.</p> <p><small>DISCLAIMER:</small> The Hastings District Council cannot guarantee that the data shown on this map is 100% accurate.</p>
	<p><small>Grid: New Zealand Map Grid Height Datum: Mean Sea Level Coordinates in Metres Geodetic Datum 1949</small></p> <p><small>Date : Wed Nov 21 2007</small></p> <div style="text-align: center;"> <p>Scale 1 : 4500 (on A4)</p>  <p>Metres</p> </div> <div style="text-align: right;">  </div>		

SCHEDULE C TO CHAPTER 2

(Clause 2.7.6)

Flaxmere skateboard ban area

All of the land described as Lot 2 DP 14853 and known as the Flaxmere Shopping Centre.

SCHEDULE D TO CHAPTER 2

(Clause 2.18.4)

Roads on which the conduct of business from a mobile shop is not permitted

Entire length

Pakowhai Road

Maraekakaho Road

Heretaunga Street

Omahu Road

Railway Road

Karamu Road North

Southampton Street

St Aubyn Street

Hastings – Havelock Road

Karanaema Drive

Porter Drive

Columba Way

Te Mata Road

Part only

Napier Road, Middle Road and Te Aute Road, from the end of the 80km/h or 100 km/h speed restriction to the Havelock North Village Centre zone boundary.

CHAPTER 3 DOG CONTROL

3.1 Authority

3.1.1 This part of the Bylaw is made under s 20 of the Dog Control Act 1996

3.2 Definitions

3.2.1 In this part of the Bylaw

“at large” means that the dog is not under leash control when required under this bylaw”

“DCA” means the Dog Control Act 1996

“dog exercise area” means an area within the district where dogs may be exercised off leash and includes the areas listed in Schedule A to this chapter and any other area of the district designated by the Council, by publicly notified resolution as a dog exercise area.

“dog prohibited area” means an area within the district listed in Schedule B to this chapter, and any other area of the district designated by the Council by publicly notified resolution as an area prohibited to dogs

“leash controlled area” means:

- any public place or private way within the urban area of the district; or
- any park, reserve, beach, walkway or cycleway within the rural area of the district; or
- the beach front of the Ocean Beach settlement north to the surf club during daylight saving hours between 7.30am and 7.30pm and during the remainder of the year between 7am and 6pm; or
- the beach front at Waipatiki Beach Settlement, on the seaward side of the reserve, during daylight saving hours between 7.30am and 7.30pm and during the remainder of the year between 10.00am and 4.00pm; and

not otherwise being an area or place referred to in Schedules A or B to this Chapter)

“neutered” means spayed or castrated

“owner” has the same meaning as in s 2 of DCA

“private way” has the same meaning as in s 315(1) of the Local Government Act 1974

“road” has the meaning given to it in Chapter 1 but extends to include a state highway or a motorway

“special purpose dog” means all working dogs other than dogs kept principally for the purposes of herding or driving stock

“working dog” has the same meaning as in s 2 of DCA

3.3 Dog prohibited areas

3.3.1 An owner must not allow a dog to enter, or take a dog into, a dog prohibited area.

3.3.2 Nothing in clause 3.3.1 applies to the owner of a special purpose dog.

3.4 Leash control

3.4.1 An owner must keep a dog under leash control at all times when:

- (a) within a leash controlled area
- (b) the dog is in some other place and is causing or is likely to cause danger, distress or nuisance to a person or another animal

3.4.2 Nothing in clause 3.4.1 (a) applies to the owner of a special purpose dog or to the owner of a dog which is kept solely or principally for the purposes of herding or driving stock when the dog is engaged in that activity.

3.4.3 An owner must not leave a dog unattended within, or on the open tray of, a vehicle without ensuring that the dog is restrained by a leash, or some other effective means, from leaving the vehicle and lunging or snapping at people passing by the vehicle.

3.5 Limiting the number of dogs kept

3.5.1 A person must not keep, or allow to be kept, more than two dogs on any premises within the urban area, without an approval.

3.5.2 Nothing in clause 3.5.1 applies to a dog under the age of 3 months.

3.6 Dog fouling

3.6.1 An owner of a dog which fouls in a public place, private way or on premises which are not occupied by the owner must immediately remove the faecal matter and carry it away for sanitary disposal.

3.6.2 An owner who takes a dog outside the owner's premises must at all times carry a suitable receptacle to enable compliance with clause 3.6.1.

3.6.3 For the avoidance of doubt, placing a dog's faeces in a securely tied plastic or leak proof bag in a disposal bin or a litter bin provided in a public place by the Council will satisfy the owner's obligation under clause 3.6.1.

3.7 Bitch in season

3.7.1 An owner of every bitch in season must keep it confined, but adequately exercised, while in season.

3.8 Impounding and neutering

3.8.1 A dog found at large in breach of this bylaw may be impounded by the Council.

3.8.2 The Council may give written notice to an owner of a dog which has been impounded by the Council under clause 3.8.1 on more than 3 occasions within a continuous period of 24 months, requiring that dog to be neutered at the owner's expense (whether or not the owner of the dog has been convicted of an offence against sections 52A or 53 of the Dog Control Act 1996).

- 3.8.3 An owner given notice under clause 3.8.2 must produce to the Council, within one month after service of the notice a certificate issued by a registered veterinarian that the dog has been neutered.
- 3.8.4 An owner who fails to comply with clauses 3.8.2 and 3.8.3 commits an offence under this bylaw.

3.9 Care and accommodation of dogs

- 3.9.1 An owner of a dog which is suffering from a communicable disease or infection must ensure that the dog is properly treated for the disease or complaint and, except for taking the dog for treatment, must ensure that the dog is confined to the owner's premises while it is so affected.
- 3.9.2 An owner of a dog must ensure that it is accommodated in a manner, and in a location, on the premises whereby the presence of the dog does not give rise to noises (other than barking) or smells which are a nuisance or annoyance to the occupier of adjoining premises.

Schedule A to Chapter 3

Dog Exercise areas

Havelock North

- Tainui, Tanner and Hikanui Reserves
- Tauroa Road Reserve
- Te Mata and Arataki Road Reserve
- Kingsgate Reserve from Te Mata Road to Reeve Drive, Ritchie Place, Fulford Place and Durham Drive
- The banks of the Karamu Stream, from a point adjacent to the southern most edge of Anderson Park, Havelock North to the vehicle over bridge on Havelock Road
- The southern boundary walkway of Keirunga Gardens on Tanner Street, Havelock North
- Te Mata Peak Park
- James Cook Street Reserve
- Palmbrook Reserve

Hastings

- Karamu Road South, from Pattison Road south to Murdoch Road
- Ebbett Park during daylight saving hours between 7.30pm and 7.00am the following day, and between 6.00pm and 7.00am the following day during the remainder of the year.
- Duke Street Reserve.
- Pakowhai Country Park.

Flaxmere

- Portsmouth Road, from Wilson Road, west to the end of Portsmouth Road
- The Flaxmere Green Belt to the west of Tarbet Street, Arklow Place and Frobisher Street between Kirkwood Road and Flaxmere Avenue.

Haumoana and Te Awanga

The Haumoana-Te Awanga coastal beach front area from the mouth of the Tukituki River south to the boundary of the Clifton No. 2 camp, Te Awanga, excluding the beach front between numbers 3 and 41 Clifton Road Haumoana.

Waimarama and Ocean Beach

- The beach front of the Ocean Beach settlement north to the surf club during daylight saving hours between 7.30pm and 7.30am the following day, and 6pm and 7am the following day during the remainder of the year
- Ocean Beach north of the surf life saving club to 100m south of the predator proof fence
- Waimarama Beach north to the Puhokio Stream river mouth during daylight saving hours between 7.30pm and 7.30am the following day, and during the remainder of the year 6pm and 7am the following day
- Waimarama Beach north of the Puhokio Stream river mouth to Pututaranui Point at any time

Whirinaki and Eskdale

- The North Shore and Whirinaki to Tangoio Beach road reserve
- Eskdale Park along the southern or right-hand side of, and to the end of the park driveway.

Waipatiki Beach

The beach front of Waipatiki Beach Settlement, coast-wards of the reserve, during daylight savings hours between 7:30pm and 7:30am the following day, and during the remainder of the year.4:00pm to 10:00am the following day

Wapatiki beach north and south of the area referred to above

Schedule B to Chapter 3

Prohibited Areas

1. The Hastings District Council Civic Building.
2. Public libraries.
3. Swimming pools and paddling pools.
4. Children's playing areas.
5. Sports fields.
6. Rangaiika Beach at Ocean Beach/Cape Kidnappers.

CHAPTER 4 ALCOHOL BANS

4.1 AUTHORITY

4.1.1 This part of the Bylaw is made under s 147 of LGA 02.

4.2 DEFINITIONS

4.2.1 In this part of the Bylaw: -

“alcohol” has the same meaning as in s 5(1) of the Sale and Supply of Alcohol Act 2012

“alcohol ban” means a ban:

- under clause 4.3.1; or
- made by resolution under s 151(2) of LGA 02, in accordance with clause 4.3.2.

“alcohol ban area” means an area from which alcohol is banned in accordance with 4.3

“licensed premises” has the same meaning as in s 5(1) of the Sale and Supply of Alcohol Act 2012

“public place” has the same meaning as in s 147(1) of LGA 02

“restricted place” means a public place where an alcohol ban is in force

4.3 ALCOHOL BANS

4.3.1 A person must not consume, bring into, or possess alcohol in a public place within the areas specified in Schedules A, B, C, D and E to this part of the Bylaw at the times and during the periods specified in the Schedules.

4.3.2 The Council may at any time and from time to time by publicly notified resolution declare that alcohol may not be consumed, brought into or possessed in any other public place or area within the district, at the times and during the periods specified in the resolution.

4.3.3 A person who consumes, brings into, or possesses alcohol in an area for which alcohol is banned at any time when an alcohol ban is in force commits an offence against this Bylaw.

4.4 LICENCES AND DISPENSATIONS

4.4.1 For the avoidance of doubt, nothing in this part of the Bylaw restricts the ability of the Council to grant:

- (a) a licence under the Sale and Supply of Alcohol Act 2012 to premises within an alcohol ban area; or

- (b) a dispensation under clause 1.5 of the Bylaw from the operation of an alcohol ban to a specified place for a special event.

SCHEDULE A TO CHAPTER 4

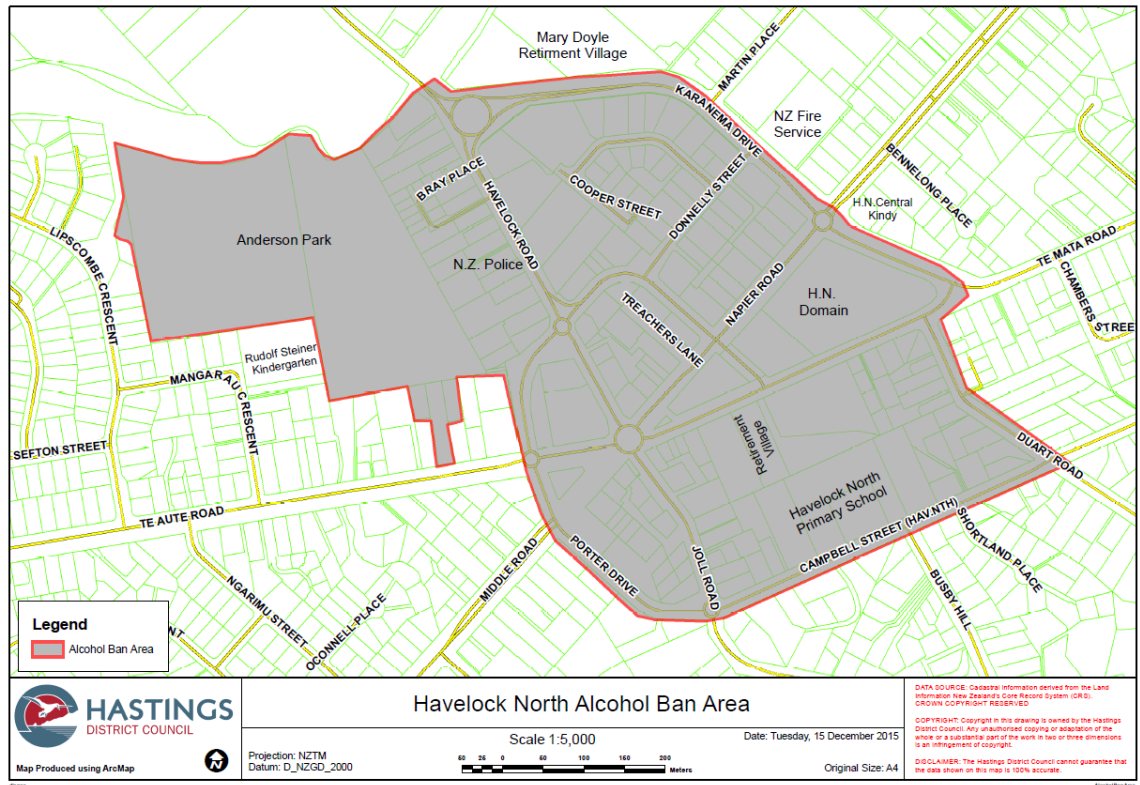
Havelock North alcohol ban area

All public places in Havelock North, as shown on the attached plan, within the area bounded by:

- The northern side of Karanema Drive from the Havelock North Bridge over the Karamu Stream to and including the intersections of Martin Place, Havelock Road, Napier Road and Te Mata Road,
- The southern side of Te Mata Road to and including the intersections with Karanema Drive and Duart Road,
- The eastern side of Duart Road to and including the intersections of Te Mata Road and Campbell Street,
- The southern side of Campbell Street to and including the intersections with Duart Road, Shortland Place, Busby Hill, Joll Road and Porter Drive,
- The south western and western side of Porter Drive to and including the intersections with Campbell Street, Middle Road, and Te Aute Road to the pedestrian access way into Anderson Park off Porter Drive,
- The southern side of the pedestrian access way between Porter Drive and Anderson Park,
- The southern and western boundaries of Anderson Park, including the car park and environs of the Havelock North Rugby Club accessed from Te Aute Road,
- The Karamu Stream boundary of Anderson Park, and
- The intersection of Havelock Road and the Karamu Stream Bridge

This ban prohibits the consumption, bringing into, or possession of alcohol within the ban area on every day and at any time.

Plan of the Havelock North Alcohol Ban Area



SCHEDULE B – CHAPTER 4

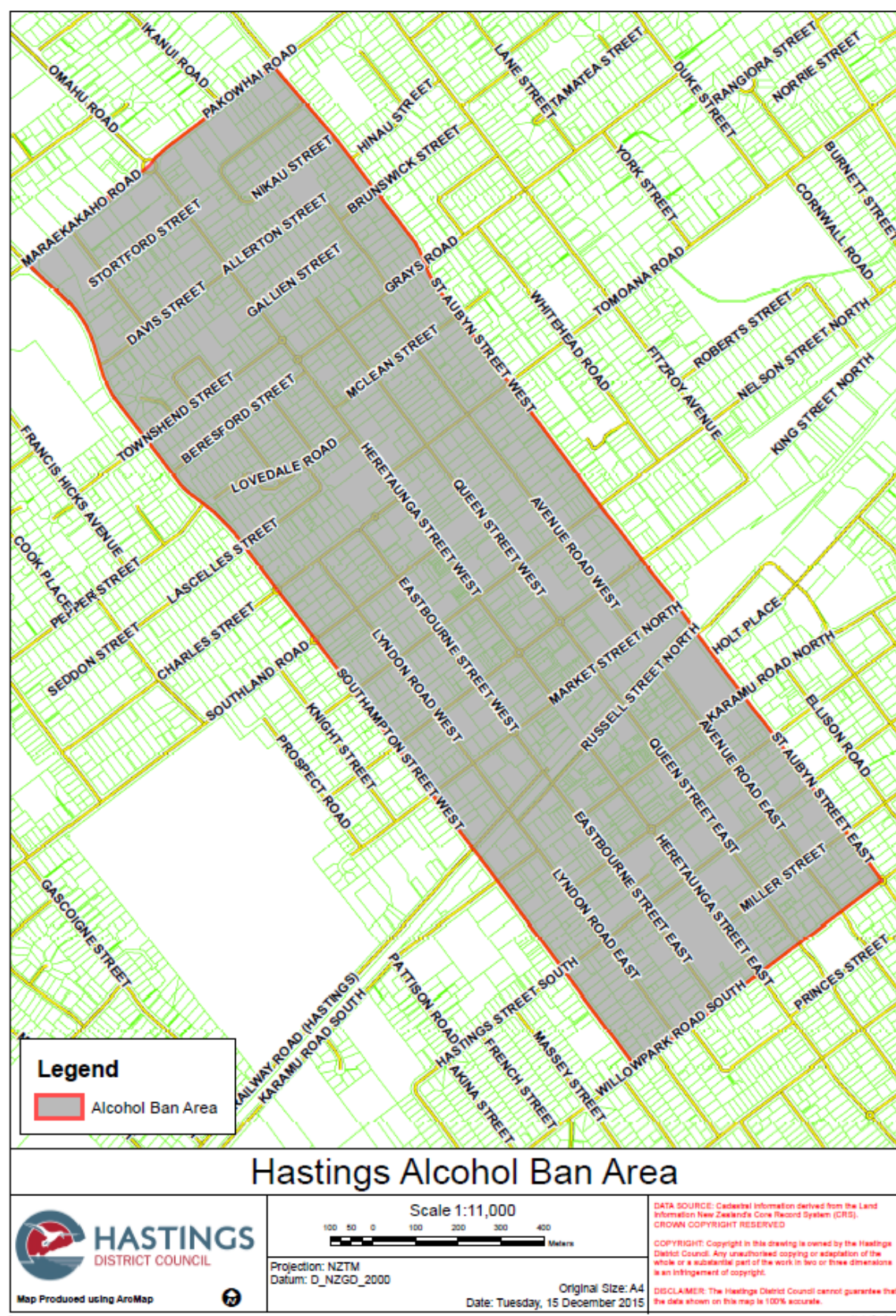
Hastings alcohol ban area

All public places in Hastings City, as shown on the attached plan, within the area bounded by:

- The eastern side of Willowpark Road (North and South) up to the boundary of private property, from St Aubyn Street East to and including the intersection with Southampton Street East, including the intersections with Avenue Road East, Queen Street East, Heretaunga Street East, Maddison Street, and Buller Street,
- The southern side of Southampton Street (East and West) up to the boundary of private property, from Willowpark Road South to and including the intersection with Maraekakaho Road, including the intersections with Hastings Street South, Karamu Road South, Railway Road, Market Street South, King Street South, Nelson Street South, Southland Road, Charles Street, Lascelles Street, Pepper Street, and Townshend Street,
- The western side of Maraekakaho Road up to the boundary of private property, from Orchard Road to and including the intersection with Omahu Road,
- The western side of Pakowhai Road up to the boundary of private property, from Heretaunga Street West to and including the intersection with St Aubyn Street West, including the intersection with Ikanui Road,
- The northern side of St Aubyn Street (West and East) up to the boundary of private property, from Pakowhai Road to and including the intersection with Willowpark Road North, including the intersections with Hinau Street, Brunswick Street, Grays Road, McLean Street, Tomoana Road, Nelson Street North, King Street North, Sir James Wattie Place, Holt Place, Karamu Road North, Warren Street North, Hastings Street North, and Miller Street North.

This ban prohibits the consumption, bringing into, or possession of alcohol within the ban area on every day and at any time.

Plan of the Hastings Alcohol Ban Area



SCHEDULE C TO CHAPTER 4

Waimarama alcohol ban area

All public places in Waimarama as shown on the attached plan, including

- All beaches and beach reserves from Pututaranui Point in the north to Te Puku Point in the south, and bounded to the west by land in private ownership and to the east by the water's edge;
- All roads, footpaths, carparks and parks within the residential area of Waimarama, from the Waimarama Bridge and the Puhokio Stream in the north to Te Puku Point in the south; and
- Tiakitai Road from its intersection with Waimarama Road.

This ban prohibits the consumption, bringing into, or possession of alcohol within the ban area at any time within the forty-two hour period commencing at 6.00 am on New Year's Eve 31 December and ending at 12 midnight on the following New Year's Day 1 January in each year.

Plan of the Waimarama Alcohol Ban Area



SCHEDULE D TO CHAPTER 4

Flaxmere alcohol ban area

All public places in Flaxmere, as shown on the attached plan, within the area bounded by:

- The western side of Caernarvon Drive up to the boundary of private property, from and including the more southern intersection with Swansea Road, to and including the intersection with Chatham Road, and including the intersections with Berwick Street and Tenby Terrace,
- The northern side of Chatham Road up to the boundary of private property, from Caernarvon Drive to a line level with the northwestern boundary of Flaxmere College, and including the intersections with Amundsen Avenue, Baffin Place, and the two intersections with Columbus Crescent,
- The western boundary of 105 Chatham Road, then the south-eastern boundaries of 105 and 103 Chatham Road, the north-eastern boundary of Flaxmere College from Chatham Road to Henderson Road along the western boundary of 36 Henderson Road,
- Henderson Road from a line level with the western boundary of 35 Henderson Road to the north-western boundary of Flaxmere Park,
- The north-eastern boundary of Flaxmere Park from Henderson Road up to and including the footpath running between Flaxmere Road and Plymouth Road, and including that area of Flaxmere Park which is bounded by Flaxmere Avenue,
- The footpath running through Flaxmere Park from between 95 and 101 Flaxmere Avenue to between 30 and 32 Plymouth Road,
- The south-western boundary of Flaxmere Park from the footpath running between Flaxmere Road and Plymouth Road, to Bristol Crescent, and including the grounds of the Council owned property at 38 Bristol Crescent,
- The boundary of Flaxmere Park with the boundary of 40 Bristol Crescent to the intersection of Bristol Crescent and Swansea Road,

- The southern side of Swansea Road up to the boundary of private property, between and including the intersections with Bristol Crescent and Caernarvon Drive, and including the intersections with Peterhead Avenue and Sunderland Drive.

This ban prohibits the consumption, bringing into, or possession of alcohol within the ban area on every day and at any time.

Plan of the Flaxmere Alcohol Ban Area



SCHEDULE E TO CHAPTER 4

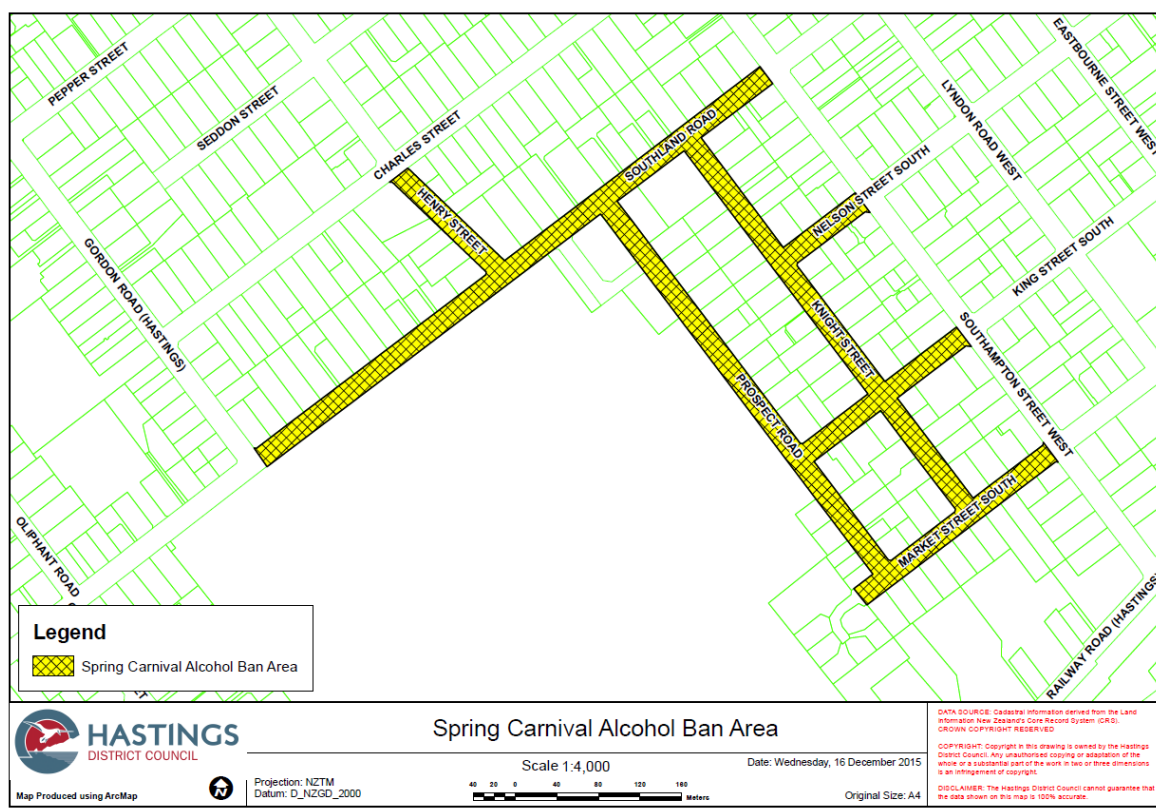
Spring Carnival alcohol ban area

The roads or parts of roads in Hastings City shown on the attached plan, being:

- All of Knight Street and Prospect Road
- Market Street South, from Southampton Street to the racecourse entrance
- King Street, from Southampton Street to Prospect Road
- Nelson Street, from Southampton Street to Knight Street
- Southland Road, between Southampton Street and Gordon Road
- Henry Street between Charles Street and Southland Road

This ban prohibits the consumption, bringing into, or possession of alcohol within the ban area on the first Saturday in October between 7.00am and 11.00pm.

Plan of Spring Carnival Alcohol Ban Area



CHAPTER 5 PARKING AND TRAFFIC

5.1 AUTHORITY

- 5.1.1 This part of the Bylaw is made under s 145 of LGA 02 and s 22AB of the Land Transport Act 1998.

5.2 DEFINITIONS

- 5.2.1 In this part of the bylaw

“container” means a shipping container or crate and extends to include any bin used for the temporary storage or disposal of demolition material, building material, soil or refuse

“emergency vehicle” has the same meaning as in rule 1.6 of the Land Transport (Road User) Rule 2004

“LGA 74” means the Local Government Act 1974

“mobility parking permit” means a current mobility parking permit issued by CCS Disability Action or any other permit approved or issued by the Council

“parking” has the same meaning as in s 2 of the Land Transport Act 1998

“parking space” means an area marked out to indicate where a vehicle may be parked

“private road” has the same meaning as in s 315 of LGA 74

“private way” has the same meaning as in s 315 of LGA 74

“road” has the same meaning as in s 2 of the Land Transport Act 1998 and reference to “road” includes a reference to part of a road

“time expired” means that the permitted time limit has been exceeded or in the case of a parking space for which payment must be made means that the period for which payment has been made has been exceeded.

5.3 PARKING RESTRICTIONS AND CHARGES

- 5.3.1 The Council may from time to time by publicly notified resolution:

(a) limit, restrict or prohibit the parking of:

- (i) all vehicles,
- (ii) vehicles of any specified class or description;
- (iii) vehicles belonging to or used by particular persons or class of persons
- (iv) vehicles used for particular purposes;

on any road, public place or other land under the control of the Council;

(b) fix charges to be paid in connection with the use of any parking space, as measured by parking meters or parking ticket machines.

5.3.2 The limitations, restrictions or prohibitions imposed by the Council under clause 5.3.1(a), and the charges fixed under clause 5.3.1(b), will apply on the days, for the periods or at the times specified in the resolution.

5.4 PARKING OFFENCES

5.4.1 A person must not:

- a) park a vehicle in contravention of any limitation, restriction, or prohibition imposed by the Council under clause 5.3.1(a);
- b) fail to pay any charges fixed under clause 5.3.1(b) for a parking space, or spaces, occupied by the vehicle;
- c) fail to remove a vehicle from a parking space before it becomes time expired;
- d) fail to visibly display on the dashboard of a parked vehicle a parking receipt or mobility parking permit when required to do so;
- e) park a vehicle in a parking space so that the vehicle is not entirely contained within the boundaries of the parking space, as near as reasonably possible to the middle of the space;
- f) park a vehicle in a parking space or metered parking space which is already occupied by another vehicle;
- g) park a vehicle so that any part of the vehicle, or the load carried upon the vehicle, intrudes over a footpath or vehicle crossing or obstructs access to a private road or a private way;
- h) park or place any container on a parking space which is the subject of a parking limitation, restriction or prohibition made under clause 5.3.1(a) or for which charges have been fixed under clause 5.3.1(b) without an approval
- i) park or place any container on any other parking space, or on a road or public place in a manner which causes, or is likely to cause, a traffic safety hazard;
- j) park a vehicle on a road or public place for a continuous period of more than 7 days;
- k) display a “for sale” sign on a vehicle parked on a road or public place;
- l) park a vehicle which is leaking oil, grease or fuel in a parking place or on a road, public place or other land under the control of the Council;
- m) park a motorcycle, power cycle or cycle by leaning it against a parking meter or parking ticket machine;
- n) park a cycle on the carriageway;

- o) insert or attempt to insert in a parking meter or parking ticket machine where payment is accepted by cash anything other than a coin or banknote which is legal tender in New Zealand.
- 5.4.2 Nothing in clauses 5.4.1(a), (b) or (c) applies to the driver of an emergency vehicle, the driver of a Council vehicle who is actively engaged in the enforcement of this Bylaw or the driver of any other vehicle for which a dispensation has been given by the Council under clause 1.5 of the Bylaw.
 - 5.4.3 Nothing in clause 5.4.1(e) applies to the parking of a vehicle which cannot be safely parked without encroaching over more than one parking space and, if charges are payable for the use of the parking spaces so occupied, a parking fee has been paid for every parking space occupied.
 - 5.4.4 Nothing in clause 5.4.1(f) applies to the parking of a motor cycle, or a motor cycle and sidecar, in a parking space occupied by another motor cycle or motor cycle and sidecar.
 - 5.4.5 In any case where more than 1 motor cycle, or motor cycle and sidecar, are parked in a time expired parking space the person in charge of each motor cycle or motorcycle and sidecar will be in breach of clause 5.4.1(c).

5.5 TRAFFIC MOVEMENT AND SAFETY

- 5.5.1 The Council may from time to time by publicly notified resolution:
 - (a) prohibit or restrict any specified class of traffic, or any specified vehicle or class of vehicle from using any road;
 - (b) prohibit or restrict the use of vehicles on beaches;
 - (c) regulate the type of vehicle that may use a cycle track or shared zone;
 - (d) restrict the direction of travel on any road to one direction;
 - (e) prohibit turning, or restrict the type of vehicle which may turn, from one road to another road or prohibit turning turn about on a road (to face the other direction);
 - (f) prohibit or restrict the display on private property of any advertisement, sign, notice or light which is visible from a road in the immediate vicinity of a pedestrian crossing or an intersection and is causing or is likely to cause confusion to persons using the road;

5.6 TRAFFIC OFFENCES

- 5.6.1 A person must not:
 - (a) drive a vehicle in contravention of any regulation, restriction or prohibition imposed under clause 5.5.1(a) – (e) inclusive;
 - (b) fail to comply with a prohibition or restriction under clause 5.5.1(f);
 - (c) drive a vehicle in a manner which interferes with or obstructs a funeral procession or a procession approved by the Council;

- (d) drive a vehicle over a fire hose which is in use unless a hose bridge has been provided or unless directed to do so by a constable, an enforcement officer or a fireman;
- (e) drive a vehicle which is leaking oil, grease or fuel on a road, public place or other land under the control of the Council.

5.7 ENFORCEMENT

- 5.7.1 Any vehicle container or other thing (in this clause all referred to as “vehicle”) parked in contravention of this Bylaw may be towed away or removed by the Council and impounded. An impounded vehicle may be recovered upon payment of all reasonable towing, removal and storage charges and any unpaid fines relating to that vehicle. If the vehicle has not been recovered within 14 days of impounding the Council may proceed to sell or otherwise dispose of the vehicle in the same manner as if it was a vehicle removed by the Council under s 356 LGA 74.
- 5.7.2 The power in clause 5.7.1 may be exercised in addition to any other enforcement action that the Council may lawfully take.
- 5.7.3 The provisions of this bylaw may be enforced by a parking warden, an enforcement officer or a constable.

CHAPTER 6 FOOD SAFETY

6.1 AUTHORITY

- 6.1.1 This part of the bylaw is made under s 145 of LGA 02 and s. 64 of the Health Act 1956

6.2 DEFINITIONS

- 6.2.1 In this part of the Bylaw

“certificate” means a qualification in food safety approved by the District Environmental Health Officer as issued by the New Zealand Qualifications Authority or an equivalent certificate assessed by the District Environmental Health Officer

“food” has the same meaning as in s 2 of the Food Act 1981

“food handler” means any person employed in or on any food premises who at any time may be involved in the manufacture, preparation, packing or handling of food

“food premises” has the same meaning as in Regulation 2 of the Food Hygiene Regulations 1974 but shall not include occasional food premises as defined in that Regulation or fully exempted premises

“HACCP” means hazard analysis control point

“NZQA” means the New Zealand Qualifications Authority

“occupier” means an owner of food premises or any person, occupying food premises and includes any supervisor, food handler, manager or agent acting or apparently acting in the general management or control of food premises

6.3 COMPULSORY TRAINING FOR FOOD HANDLERS

- 6.3.1 All food premises must have food handling staff trained to the appropriate certificate levels as set out under the Schedule A to this part of the Bylaw.
- 6.3.2 The occupier of every food premises must ensure that new, temporary, or replacement staff are already trained to the appropriate level required by Schedule A or will gain the required level within three months of employment.
- 6.3.3 Every food premises must have at least one person employed in a supervisory and staff training capacity who is trained to the level required under Schedule A.
- 6.2.4 In the case of food premises which consist of separate departments or sections, each of which functions more or less in isolation from the others at least one person must be appointed to act in a supervisory position within each separate department or section in accordance with clause 6.2.3.
- 6.2.5 An occupier must ensure that adequate records are kept relating to staff training under Schedule A and that copies of all certificates gained by staff are displayed publicly on the premises for perusal by the Council or the public at all times.

Photocopies or facsimiles of all certificates are to be provided to Hastings District Council for record purposes.

6.3 CLOSURE OF PREMISES

6.3.1 Where any food premises or part of any food premises or any appliance, fitting or fixture or other equipment on any food premises by reason of their situation, construction, disrepair, or state are in such a condition that any food in the food premises may be exposed to contamination or taint or become dirty or deteriorated, the Council may serve a notice in writing on the occupier of the premises requiring him/her:

- (a) To cease to use the premises as food premises, and / or to clean or reconstruct, or to repair the premises, or part of the premises, or;
- (b) To cease to use or to clean, reconstruct, or repair any appliance, fittings, fixture or other equipment on those premises

in accordance with the requirements and within the time specified in the notice.

6.3.2 Where an occupier has been directed to cease to use any food premises the occupier shall not recommence use of those food premises until permission has been given in writing by the Council.

SCHEDULE A TO CHAPTER 6

STAFF ACTIVITY ON PREMISES	STAFF TRAINING REQUIRED REQUIRED LEVEL OF TRAINING
<ul style="list-style-type: none"> • Handling of pre-packed, non-readily perishable foods • Fruit and vegetable sales (excluding salads). • Wine makers/bottlers. • Staff working under an NZFSA Food Safety Programme or Food Control Plan 	<p>No training required</p>
<ul style="list-style-type: none"> • Heating of pre-packaged foods. • Preparation of milkshakes and/or ice creams. 	<p>Level 1: Basic or Elementary Food Hygiene – must include a basic understanding and the reasons for:</p> <p>(i) Personal hygiene practices; (ii) the prevention of cross contamination; and (iii) temperature control and critical limits.</p> <p>Or such training that may be approved by Council's Environmental Health Officer.</p>
<ul style="list-style-type: none"> • All other staff involved in food preparation not mentioned above. • Supervisory staff in charge of heating pre-packaged foods or preparation of milkshakes and/or ice creams. 	<p>Level 2: An Equivalent Level to NZQA Unit 168 – Food Safety – which must ensure that the food handler can: (i) demonstrate knowledge of the hazards that can cause food-borne illness and food spoilage in a food business; and (ii) demonstrate knowledge of methods used in a food business to control hazards that can cause food-borne illness and food spoilage.</p> <p>Or such training that may be approved by Council's Environmental Health Officer.</p>
<ul style="list-style-type: none"> • All other supervisory staff not mentioned above. 	<p>Level 3: Food Safety Planning – the supervising food handler should be able to:</p> <p>1. Identify and understand basic food safety legislation.</p> <p>(i) Food Hygiene Regulations 1974</p>

	<ul style="list-style-type: none"> • Understand the requirements for registration of premises with the Local Authority • Application submitted and approved before opening of premises • Payment of appropriate fee • Renewal of registration • Notification to Council of transfer of ownership within 14 days • First Schedule Requirements – Physical requirements of the building • Conduct of workers • Particular sections of the regulations relating to different kinds of premises: e.g. butchery, bakehouses, delicatessens <p>(ii) Food Act 1981, Amendments for exemption to registration.</p> <ul style="list-style-type: none"> • Know that you may register a Food Safety Programme or Food Control Plan with NZFSA and gain exemption from registration under the Food Hygiene Regulations • Recognise what is meant by a Food Safety Programme or Food Control Plan • Understand the requirements for approval of the Food Safety Programme or Food Control Plan • Understand the requirements for audit <p>2. Understand what is meant by HACCP and Risk Management Practice.</p> <p>(i) The principles of HACCP</p> <ul style="list-style-type: none"> • Being able to identify the hazards; Microbiological, Chemical and Physical • Being able to determine control points. Know the difference between control points and critical control points • Establish critical limits • Establish a monitoring system
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	<ul style="list-style-type: none"> • Establish corrective action • Establish verification procedures • Establish record keeping and documentation requirements <p>(ii) Relate the principles of HACCP to your own food premises.</p> <ul style="list-style-type: none"> • Be able to construct a simple flow diagram of the process/es involved in your work place and include the HACCP steps • Know and understand the meaning of Good Hygienic Practice in relation to your own food business. (Knowledge gained from Levels I & II of the Food Safety Bylaw) <p>3. Understand the role of supervisors in achieving and maintaining compliance and good hygienic practice within the workplace.</p> <p>Minimum 4-hour course with compulsory assignment on "Designing a HACCP Plan for Food Premises". Certificate of Achievement required on completion.</p> <p>Or such training qualification that may be approved by Council's Environmental Health Officer.</p>
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CHAPTER 7 WATER SERVICES

7.1 DEFINITIONS

7.1.1 In this part of the Bylaw unless the context otherwise requires:

“Controlled Stormwater” means stormwater with the characteristics listed in Schedule A to this Chapter. (Controlled Stormwater may only be discharged into the Network with an approval).

“Controlled Wastewater” means wastewater with the characteristics listed in Schedule B to this Chapter. (Controlled Wastewater may only be discharged into the Network with an approval).

“Contaminant” has the same meaning as in the Resource Management Act 1991.

“Culturally Offensive Characteristics” means those human wastes which, if discharged into the sea or other waters, are culturally offensive to Māori.

“Maximum Concentration” means the instantaneous peak concentration that may be discharged at any instant in time.

“Network” means the system of pipes, pumps, drains, treatment works, channels and water courses owned or used by the Council for:

- (a) extracting, treating, conveying and supplying water (“Water Supply Network”);
- (b) managing, collecting, treating, conveying and disposing of Stormwater (“Stormwater Network”);
- (c) collecting, treating, conveying and disposing of Wastewater (“Wastewater Network”); and
- (d) collecting, treating, conveying and disposing of Trade Waste separately from Wastewater (Separated Trade Waste Network”);

within the Council’s district. The Network does not extend beyond:

- in the case of water supply, the Point of Supply; or
- in the case of Stormwater and Wastewater, the Point of Discharge;

“Network Corridor” has the same meaning as in the Council’s Engineering Code of Practice.

“Point of Discharge” has the same meaning as in the Council’s Engineering Code of Practice.

“Point of Supply” has the same meaning as in the Council’s Engineering Code of Practice.

“Sewage” means human waste and includes septage and swimming pool and spa pool water.

“Stormwater” means surface water resulting from precipitation and any other water which is Controlled Stormwater.

“Tankered Waste” means Sewage or Trade Waste collected by tanker prior to discharge into the Wastewater Network or the Separated Trade Waste Network.

“Trade Waste” means any wastewater generated from activities which are not primarily residential in nature (but may include Sewage).

“Warning Notice” means a written notice given by the Council to an Owner or Occupier when the Council has reasonable grounds to believe that a condition of an Approval is being breached which specifies:

- the nature of the alleged breach;
- the steps required to be taken to remedy the breach; and
- the period within which the breach must be remedied.

“Wastewater” means Sewage, Tankered Waste and/or Trade Waste.

7.2 CONNECTION AND DISCONNECTION

7.2.1 No person may:

- (a) connect a pipe to any part of the Network; or
- (b) access any part of the Network by any other means; without an approval.

7.2.2 No person may disconnect a pipe from the Network without an approval.

7.2.3 Every person who fails to comply with:

- (a) clause 7.2.1 or clause 7.2.2; or
- (b) any condition of an Approval when undertaking work described in clauses 7.2.1 and 7.2.2;

commits an offence under this Bylaw.

7.2.4 For the purposes of section 163 of the Local Government Act 2002, Council is authorised to remove or alter any work undertaken in breach of clauses 7.2.1, 7.2.2 or 7.2.3(b) and to recover the costs of that removal or alteration from the responsible party.

7.3 NETWORK CORRIDOR

7.3.1 No person may:

- (a) erect any building, fence, retaining wall or other structure;

- (b) place any material or fill;
 - (c) undertake any works or excavation; or
 - (d) allow any tree or shrub to grow
- within the Network Corridor without an Approval.
- 7.3.2 When the relevant Network Corridor is an open watercourse, no person may plant any vegetation, or allow any vegetation to grow, within the Network Corridor which may interfere with the free flow of water within the watercourse.
- 7.3.3 A person who fails to comply with:
- (a) clause 7.3.1; or
 - (b) any condition of an Approval when undertaking an activity described in clause 7.3.1; or
 - (c) a notice given by the Council to remove vegetation which contravenes clause 7.3.2;
- commits an offence under this Bylaw.
- 7.3.4 For the purposes of section 163 of the Local Government Act 2002, Council is authorised:
- (a) to remove or alter any work undertaken in breach of clauses 7.3.1 (a) (b) and (c); or clause 7.3.3(b);
 - (b) to trim or remove any tree or shrub that contravenes clause 7.3.1(d);and
 - (c) to remove vegetation specified in a notice given under clause 7.3.3(c) which has not been removed within the time specified in the notice;
- and to recover the costs of that removal, alteration or trimming work from the responsible party.

7.4 DAMAGE TO THE NETWORK

- 7.4.1 Every person who causes damage to any part of the Network and who fails to immediately report that damage to the Council commits an offence under this Bylaw.

7.5 OFFENCES IN RELATION TO WATER SUPPLY

- 7.5.1 Every person must comply with each and every restriction on the use of water from the Water Supply Network which may be Publicly Notified by the Council from time to time.
- 7.5.2 No person may:
- (a) take water from a fire hydrant except:

- (i) in the case of a fire emergency; and
 - (ii) for the purposes of that emergency; and
 - (iii) at the direction of the Council or a member of the New Zealand Fire Service or Rural Fire Authority;
 - (b) use the pressure of water directly from the Water Supply Network for driving plant or equipment without an Approval;
- 7.5.3 No person may alter or remove a flow restrictor which has been fitted to the Water Supply Network by the Council without an Approval.
- 7.5.4 Any person who fails to comply with
- (a) clauses 7.5.1 – 7.5.3;
 - (b) any condition of an Approval given for work described in clauses 7.5.2 and 7.5.3;
- commits an offence under this Bylaw.

7.6 OFFENCES IN RELATION TO WASTEWATER

- 7.6.1 No person may:
- (a) discharge Controlled Wastewater into the Wastewater Network or the Separated Trade Waste Network without an Approval;
 - (b) discharge Wastewater containing Culturally Offensive Characteristics into the Separated Trade Waste Network;
 - (c) discharge Tankered Waste to the Wastewater Network or the Separated Trade Waste Network without an Approval;
- 7.6.2 Any person who fails to comply with
- (b) clause 7.6.1; or
 - (c) any condition of an Approval for a discharge described in clause 7.6.1(a) or (c);
- commits an offence under this Bylaw.

7.7 OFFENCES IN RELATION TO STORMWATER

- 7.7.1 No person may discharge Controlled Stormwater into the Stormwater Network without an Approval.

7.7.2 Any person who fails to comply with

- (b) clause 7.7.1;
- (c) any condition of an Approval for making a discharge described in clause 7.7.1;

commits an offence under this Bylaw.

7.8 APPROVALS

7.8.1 Without limiting the generality of Clause 1.5.3 of this Bylaw the Council may grant an Approval for a discharge of Stormwater or Wastewater to the Network:

- (a) limiting the rate and volume of the discharge (assessed on a daily, weekly or monthly basis);
- (b) limiting the hours in each day during which a discharge may occur;
- (c) subject to the payment of charges for conveyance, treatment and disposal of the discharge by the Council (at the rates prescribed by Council from time to time in accordance with the Local Government Act 2002);
- (d) on the condition that the applicant at its own expense:
 - (i) undertake on-site detention, screening or pre-treatment prior to discharge;
 - (ii) maintain equipment installed in clause 7.8.1(d)(i) to ensure correct operation at all times
 - (iii) monitor the discharge and provide the results of that monitoring to the Council; or
 - (iv) provide an inspection chamber to enable the Council to undertake sampling and monitoring of the discharge at any time and from time to time.

7.8.2 Without limiting the generality of clause 1.5.5 of this Bylaw an Approval may be cancelled by the Council by notice in writing if:

- (a) the owner or occupier of the premises to which the Approval relates is convicted of an offence under this Bylaw; or
- (b) the Council gives a Warning Notice and the Owner or Occupier of the premises to which the Approval relates fails to take the steps required by the Council within the time period specified in the Warning Notice; or

- (c) the Council has issued a Warning Notice on three (3) occasions in the previous 12 months, notwithstanding that on each occasion the steps required by the Council have been taken within the time period specified in the notices.

7.8.3 Written notice of cancellation of an Approval given under clause 7.8.2 shall have immediate effect and any discharge to which that Approval relates must be immediately discontinued.

7.8.4 Any person who fails to discontinue making a discharge immediately upon service of notice of cancellation commits an offence under this Bylaw.

SCHEDULE A TO CHAPTER 7

(Controlled Stormwater)

Stormwater, and any other water which:

- (a) discharges from impervious areas that exceed the square metre per site requirement or such larger area as may be specified in the Council's Engineering Code of Practice from time to time;
- (b) discharges exceeding the flow rate as may be specified in the Council's Engineering Code of Practice from time to time;
- (c) discharges from premises on which activities are carried out that may result in the production of Stormwater containing Hazardous Substances or Contaminants;
- (d) contains:
 - (i) Hazardous Substances or Contaminants;
 - (ii) grease, oil and scum;
 - (iii) water from ground water systems, bores, water which has been heated or water from geothermal activity;
 - (iv) swimming or spa pool water arising from emptying or backwashing;
 - (v) detritus solids or silt in concentrations that will cause any build-up of sediment within the Network;
 - (vi) any other substance or characteristic which Council is required to manage as a condition of a discharge consent for the Network held by the Council under the Resource Management Act 1991 from time to time.

Advisory Note:

The HDC Engineering Code of Practice provides guidance on the assessment of applications to discharge 'Controlled Stormwater' to the Stormwater Network. An Approval may require the applicant to comply with any conditions imposed as part of a resource consent and/or any applicable industry guidelines.

SCHEDULE B TO CHAPTER 7

(Controlled Wastewater)

Wastewater which has any one or more of the following characteristics;

- Flow volume exceeding 10 m³ in any 24 hour period;
- Peak Flow (the highest average flow rate in any 2 hour period during any 24 hour period) exceeding 1 litre per second;
- Temperature exceeding 40 ° Celsius;
- Non-faecal gross solids with a maximum dimension exceeding 15 mm.
- Suspended solids exceeding 2000 grams per m³;
- Settleable solids exceeding 50 milliliters per litre;
- Non-faecal gross solids which cannot be passed through a 2mm maximum gap size screen;
- Non-faecal gross solids with a quiescent settling velocity exceeding 50mm per minute;
- Colour or colouring substances that cause the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the treated wastewaters discharge Consent;
- Fibrous, woven, or sheet film or any other materials which may interfere with the free flow of Wastewater in the Network;
- Floatable oil and grease exceeding 30 milligrams per litre for a grab sample and/or exceeding 15 milligrams per litre for a 24 hour flow proportional sample;
- Total Oil and Grease exceeding 100 grams per m³;
- The presence of a free layer (whether floating or settled) of solvents or organic liquids;
- Emulsions of paint, latex, adhesive rubber or plastic exceeding 1000 grams per m³;
- pH outside the range 6.0 and 10.0 at any time;
- Biochemical oxygen demand exceeding 1000 grams per m³;
- Any solid, liquid or gaseous substances which alone or in combination with any other matter will immediately or in the course of time interfere with the free flow of Wastewater within the Network or damage any part of the Network;

- Any solid, liquid or gaseous substances which alone or in combination with any other matter cause a health and safety risk to sewage workers;
- Any solid, liquid or gaseous substances which alone or in combination with any other matter will cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance;
- Solids, including dry solid wastes and materials which combine with water to form a cemented mass;
- Asbestos;
- Tin (as tributyl and other organo-tin compounds);
- Organo-chlorine pesticides;
- Genetically modified organisms wastes (except when discharged into the Wastewater Network in accordance with an approval given under the Hazardous Substances and New Organisms Act 1996);
- Health care waste prohibited for discharge to a Wastewater Network by NZS 4304 2002, or any pathological or histological wastes, and Trade Waste containing cytotoxic substances;
- Trade Waste containing liquid pharmaceuticals in excess of the following limits:

Volume Limit	Active Concentration
10 Litres	125mg / 5 ml
5 Litres	250mg / 5 ml
3 Litres	Above 250mg / 5 ml

- Any substance in concentrations which may cause the Council to be in breach of any discharge consent for the Wastewater Network held by the Council under the Resource Management Act 1991 from time to time; and
- Any substance exceeding any one or more of the maximum concentrations listed in the following tables 1, 2 and/or 3 below.

Table 1: General Chemical Characteristics

Characteristic	Maximum concentration (g/m ³)
MBAS (Methylene blue active substances)	500
Ammonia (measured as N)	
– free ammonia	50
– ammonium salts	200
Kjeldahl nitrogen	150
Total phosphorus (as P)	50
Sulphate (measured as SO ₄)	500 1500 (with good mixing)
Sulphite (measured as SO ₂)	15
Sulphide – as H ₂ S on acidification	5
Chlorine (measured as Cl ₂)	
– free chlorine	3
– hypochlorite	30
Dissolved aluminium	100
Dissolved iron	100
Boron (as B)	25
Bromine (as Br ₂)	5
Fluoride (as F)	30
Cyanide – weak acid dissociable (as CN)	5

TABLE 2: HEAVY METALS

Metal	Maximum concentration (g/m³)	Metal	Maximum concentration (g/m³)
Antimony	10	Manganese	20
Arsenic	5	Mercury	0.005
Barium	10	Molybdenum	10
Beryllium	0.005	Nickel	10
Cadmium	0.5	Selenium	10
Chromium	4	Silver	2
Cobalt	10	Thallium	10
Copper	10	Tin	20
Lead	10	Zinc	10

TABLE 3: ORGANIC COMPOUNDS AND PESTICIDES

Compound	Maximum concentration (g/m³)
Formaldehyde (as HCHO)	50
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	1
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Polychlorinated biphenyls (PCBs)	0.002
Polybrominated biphenyls (PBBs)	0.002 each
Pesticides (general) (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand)	0.2 in total
Organophosphate pesticides	0.1

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CHAPTER 10 MISCELLANEOUS MATTERS

10.1 CONTROL OF FIRES

10.1.1 In this clause:

“combustible material” means every type of material that burns when exposed to heat or fire, includes live and dead vegetation, coal within 20 metres of the surface of the land and peat in any form, any building or fence;

“fire ban” means a prohibition or restriction upon the lighting of fires in the open air imposed under clause 10.1.2;

“incendiary device” means any device which emits heat through a chemical or combustion process and includes fireworks, oil fired flares, candles, distress flares (except when discharged in an emergency) and lanterns in which the flame is not enclosed by glass;

“open air” in relation to fires means a fire which is lit otherwise than within:

- an enclosed fireproof place or incinerator which has been constructed in a manner approved by the Council;
- a gas barbeque;
- such other fireplace, barbeque or other apparatus which may be approved by the Council from time to time (as published in a list on its website).

10.1.2 In addition to its powers as a fire authority under the under the Forest and Rural Fires Act 1977, the Council may impose a fire ban at any time and from time to time where it believes that there is an extreme fire hazard and the risk of spread of fire. A fire ban imposed under this clause may be subject to such terms and conditions as the Council thinks fit and (without limiting the generality of that discretion) may:

- (a) be for a finite period or for an indefinite period (i.e. “until further notice”);
- (b) relate to all of the district, or to those parts of the district over which it may lawfully impose a fire ban under this Bylaw;
- (c) be limited to the use of incendiary devices or to the lighting of some types of fire;
- (d) apply to the times that fires may be lit

10.1.3 The Council resolution imposing or cancelling a fire ban must be publicly notified.

10.1.4 Any person may apply to the Council for a dispensation from a fire ban.

10.1.5 A person who lights a fire in the open air must:

- (a) continuously attend the fire until it is extinguished; and
- (b) ensure that the fire is properly controlled at all times; and
- (c) have on hand sufficient resources to control and suppress the fire in the event of an escape; and
- (d) completely extinguish a fire in the open air at sunset.

10.1.6 A person must not:

- (a) light a fire in the open air in a public place at any time;

- (b) light a fire in the open air during the period of a fire ban;
- (c) light a fire in the open air in windy conditions or when windy conditions are forecast,
- (d) light a fire in the open air within 3 metres of a building, fence or any other combustible material;
- (e) light a fire, or use an incendiary device, in the open air in circumstances where it is more likely than not that an uncontrolled fire will eventuate which may:
 - spread to a building, fence or vegetation on the premises;
 - spread beyond the boundary of the premises; or
 - result in a nuisance from smoke or ash to the occupiers of adjoining premises
- (f) accumulate, or permit the accumulation of, combustible material on any premises without taking all reasonable steps:
 - to eliminate the risk of accidental combustion; and/or
 - to ensure that there are adequate fire fighting resources available on the premises to prevent the spread of fire beyond the boundaries of the premises.

10.1.7 A person will be deemed to have taken “all reasonable steps” under clause 10.1.6(f) if:

- (a) the combustible materials were stored in a suitable fire resistant container or place designed to eliminate or reduce the risk of spread of fire; or
- (b) the premises were fitted with an automatic sprinkler system.

10.2 NUISANCES

10.2.1 This part of the bylaw is made under s 64 of the Health Act 1956.

10.2.2 A person must not cause a nuisance, or allow a nuisance to be caused, on any premises.

10.2.3 Without limiting the generality of clause 10.2.2, a person must not cause a nuisance, or allow a nuisance to be caused, by any of the following:

- (a) the burning of any matter or thing on any premises;
- (b) the emission of offensive odours, smoke, fumes, dust, sawdust or other matter from any premises;
- (c) the deposit or accumulation of rubbish, recyclable material, inorganic material, dead animals, dung, manure or fertiliser on any premises;
- (d) the failure to control or eradicate the conditions on any premises giving rise, or conducive to giving rise, to breeding by rats and other vermin, flies, mosquitoes, mites, ticks or any other insect capable of causing or transmitting disease;
- (e) the failure to eradicate an infestation of rats and other vermin, or flies, mosquitoes, mites, ticks, cockroaches or other insects, on any premises;
- (f) the failure to cleanse any drain, water closet, septic tank or outbuilding, including any outbuilding used to house animals, any premises;
- (g) the keeping of an animal on any premises, notwithstanding that the keeping of that animal may be in accordance with clauses 10.4.3 to 10.4.6

(inclusive) of this Bylaw, or the undertaking of an activity related to the keeping of that animal.

10.3 REFUSE

10.3.1 In this clause:

“approved receptacle” means a receptacle approved by the Council for storage and disposal of waste and includes receptacles for household refuse, green waste, recycling material or kitchen waste;

“collection” means collection by the Council or its contractor from the kerbside in accordance with any requirements for collection set by the Council by publicly notified resolution from time to time

“collection day” is a day nominated by the council for the collection of refuse or recycling material from premises within any part of the district

“green waste” means any compostible garden waste that Council accepts for collection

“household refuse” means waste generated from domestic residential activities but does not include green waste, demolition material, building material, inorganic waste or recycling material

“inorganic waste” means any inorganic material that is too large to be placed in an approved receptacle and includes demolition material and building material

“kitchen waste” means food scraps and other compostible materials that Council accepts for collection

“medical waste” means waste generated from any facility where illness and injuries are treated or medical procedures are carried out and includes hypodermic needles used for any purpose

“recycling material” means any material that the Council accepts for recycling

“refuse” means household refuse, green waste and kitchen waste

10.3.2 A person must not:

- (a) put out for collection any hazardous substance or medical waste;
- (b) if the approved receptacle is a plastic bag, put out for collection a bag which contains any sharp objects;
- (c) dispose, or attempt to dispose, of any hazardous substance or medical waste at a facility provided by the Council for the disposal of refuse or recycling material;
- (d) put out household refuse or recycling material for collection which is not entirely contained within, without overflowing, an approved receptacle;
- (e) put out an approved receptacle earlier than the day before the collection day for the area where the premises are located;

- (f) fails to remove an approved receptacle by the end of the day following the collection day for the area where the premises are located;
- (g) put out for collection as recycling material, material which is not accepted by the Council;
- (h) put out inorganic waste for collection except at the times directed by the Council
- (i) remove any item from an approved receptacle for recycling materials or from a pile of inorganic waste put out for collection in accordance with clause 10.3.2(h), unless that person is a resident of the premises from which the material originated

10.4 STOCK, POULTRY AND BEES

- 10.4.1 The provisions in this part of the Bylaw are in addition to any rules in the district plan dealing with the keeping of pigs, poultry, stock or bees. In the event of conflict or ambiguity between a provision in this Bylaw and a rule in the district plan, the district plan rule will prevail.
- 10.4.2 A person must not keep stock on premises within the urban area without an approval.
- 10.4.3 A person must not keep on premises within the urban area:
 - (a) a rooster; or
 - (b) more than 12 head of poultry.
- 10.4.4 If poultry are kept on premises within the urban area:
 - (a) the premises must be adequately fenced to prevent escape; or
 - (b) if confined to a poultry house or poultry run, the house or run must be located more than 2 metres from any boundary of the premises and adequately enclosed to prevent escape.
- 10.4.5 A person must not keep bees on premises if the keeping of those bees is, or is likely to become, a danger to the public or a nuisance.
- 10.4.6 A person must not keep, provide food to or provide shelter for, on any premises:
 - (a) if the premises are a stand-alone self-contained residential unit, more than four cats over the age of six months;
 - (b) if the premises are one of two self-contained residential units, more than two cats over the age of six months in each residential unit;
 - (c) if the premises are one of three or more self-contained residential units, more than one cat over the age of six months in each residential unit;
 - (d) subject to clause 10.4.7, if the premises are not used for residential purposes, more than four cats over the age of six months on those premises.

- 10.4.7 The prohibition in clause 10.4.6(d) does not apply to a veterinary clinic, a commercial cat boarding facility or an approved animal shelter.
- 10.4.8 A person who keeps a goat in the urban area must ensure that the goat is securely tethered at all times.
- 10.4.9 A person who grazes stock on any premises, or permits stock to graze on any premises, must ensure that the premises are fully enclosed by adequate stock proof fences and gates at all times.