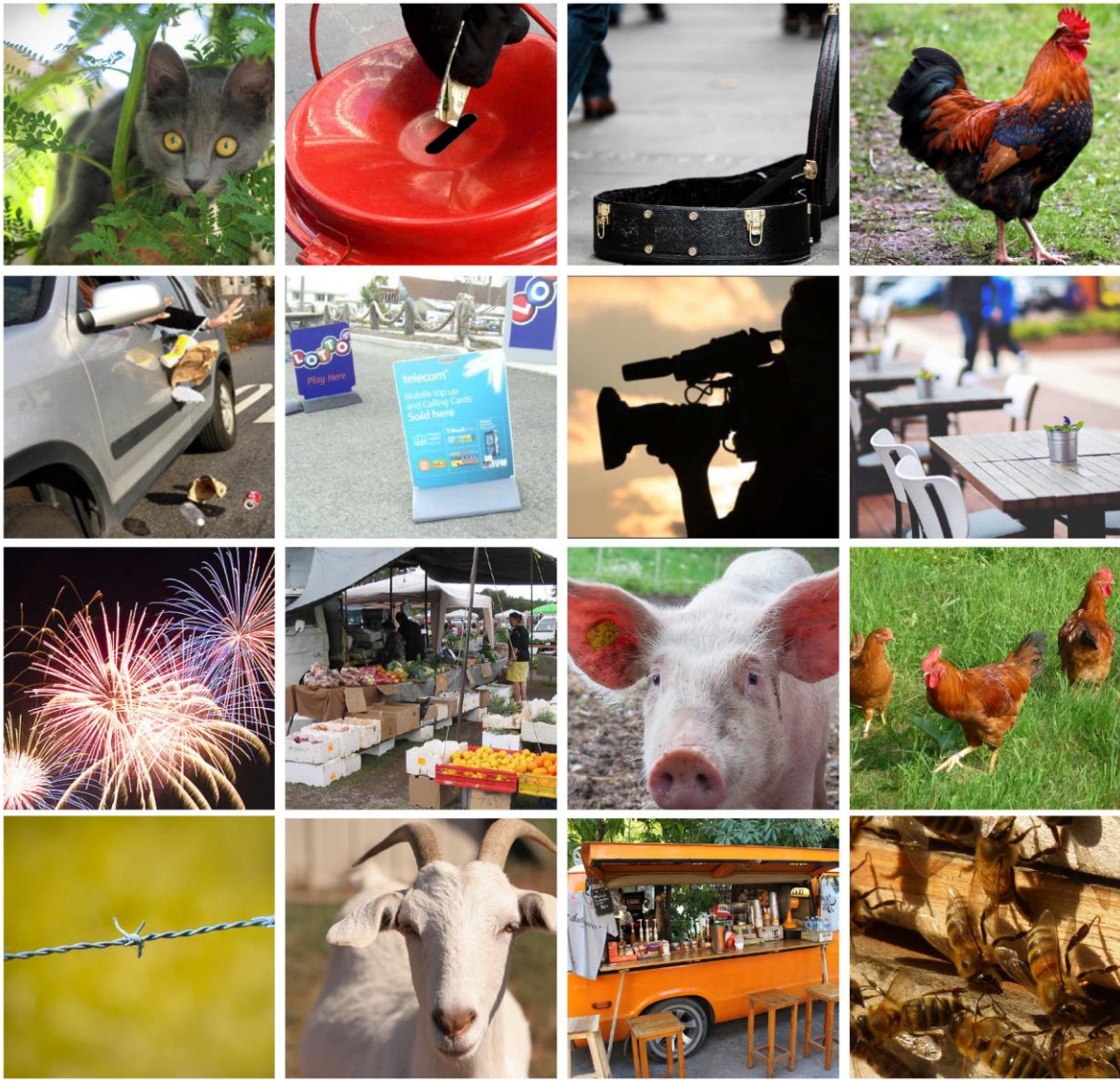




# Waitaki District General Bylaws 2018

May 2018



**Waitaki District General Bylaws 2018**

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The Waitaki District General Bylaws 2018 were made by the Waitaki District Council at a meeting of the Council held on 8 May 2018.

The Common Seal of the Waitaki District Council was affixed in the presence of:

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Gary Kircher  
Mayor

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Fergus Power  
Chief Executive

The Reserves Bylaws for the Waitaki District Council were approved by the Minister of Conservation under section 108 of the Reserves Act 1977:

Dated at Wellington this day      of      2018.

Eugenie Sage,  
Minister of Conservation.

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## Statutory authority

The Waitaki District General Bylaws 2018 are made pursuant to the statutory powers under the Local Government Act 2002, the Reserves Act 1977, the Health Act 1956, and the Land Transport Act 1998.

### Title

1. These Bylaws may be cited as the Waitaki District General Bylaws 2018 (the Bylaws).

### Commencement

2. These Bylaws will come into force throughout the district on 1 July 2018.

### Revocation

3. The Waitaki District Council General Bylaw 2006 is revoked at the time the Waitaki District General Bylaws 2018 comes into force.

### Application of this Bylaw

4. These Bylaws should be read in conjunction with the operative Waitaki District Plan and any other relevant legislation or Waitaki District Council Bylaws.

## **PART 1: PRELIMINARY PROVISIONS**

### Interpretations and Definitions

5. Any words, phrases or expressions used in these Bylaws which have meanings assigned to them by the Local Government Act 2002, the Reserves Act 1977, the Health Act 1956, and the Land Transport Act 1998 (and subsequent amendments to these acts) will have the meanings as are respectively assigned in those Acts and any subordinate legislation, unless inconsistent with the context in which such words occur.

6. In these Bylaws, if not inconsistent with the context:

#### **Animal**

Means any domestic animal dependent on a human for its care and sustenance, and includes, but is not limited to, stock such as cattle, deer, lamas, alpacas, donkeys, mules, horses, sheep, goats, pigs and domestic companion cats. This definition **does not include dogs**. Dogs are excluded from the provisions of this Bylaw, and are covered in the Waitaki Dog Control Bylaw 2014 or any subsequent amendment.

#### **Authorised officer**

Means a person appointed by Council to carry out duties and exercise powers under these Bylaws.

#### **Chief Executive**

Means the chief executive of the Council and any person delegated to perform any duties of the chief executive.

**Council**

Means the Waitaki District Council.

**District**

Means the district of the Waitaki District Council.

**Domestic companion cat**

Means a common domestic cat (excluding a kitten under the age of 6 months) that lives with humans as a companion and is dependent on humans for its welfare.

**Encroach**

Means to occupy, develop, use, trespass or intrude on a reserve or public place for private benefit. This includes without limitation, allowing something to hang over or onto any reserve or public place from an adjoining property.

**Hive**

Means a box or container for the keeping or housing of bees.

**Itinerant Trader**

Means any person who carries or takes about any goods, wares or merchandise for speculative sale to any person, whether or not that sale is intended to be conducted on public or private property. This definition excludes any person who in response to an invitation by the owner or occupier of any private property to call, conducts a sale of any goods, wares or merchandise on private property; or any person who operates a mobile shop.

**Mobile Shop**

Means a vehicle, whether self-propelled or not, from which goods, wares or merchandise (including food) are offered or exposed for sale, or from which such goods, wares or merchandise may be ordered; while such vehicle is in any public place. This definition excludes any vehicle used for the purpose of transporting and delivering goods, wares or merchandise pursuant to a prior order placed for the delivery of such goods, wares or merchandise.

**Permit**

Means any licence, permit or written approval granted under this Bylaw which includes all associated conditions.

**Reserve**

Has the same meaning as in the Reserves Act 1977 or subsequent amendment, and includes reserves under the control, or management of Council.

**Road**

Has the same meaning as in the Land Transport Act 1998 or subsequent amendment.

**Public place**

Means any place under Council control, or management, and open to or used by the public as of right, including, but not limited to, roads, footpaths and beaches.

**Stock**

Means any animal that is farmed, and is dependent on a human for its care and sustenance, including but not limited to cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats and pigs.

**Trading in public places**

Means an activity undertaken by any person or organisation involving the sale of goods or services in a public place for payment, reward or other.

**Urban area**

Means all residential, township or rural settlement, business, commercial or industrial zones as defined in the operative Waitaki District Plan.

**Vehicle**

Has the same meaning as in the Land Transport Act 1998 or subsequent amendment.

**Exemptions**

7. A person is not in breach of these Bylaws if that person:
- a. proves the act was taken to avoid death or injury of a person; or
  - b. was taken at the direction of an Authorised officer; or
  - c. acts in accordance with prior written permission obtained from the Chief Executive for any activity that would be in breach of any prohibition under these Bylaws.

**Offences/Penalties/Powers**

8. A person commits an offence under these Bylaws, if that person contravenes the provisions of the Bylaws contained within.

9. A person is in breach of these Bylaws, who fails to comply with these Bylaws, and commits an offence under section 239 of the Local Government Act 2002 or subsequent amendment, and is liable on conviction to the penalties set out in section 242(4) of the Local Government Act 2002, for which a person is liable on conviction to a fine not exceeding \$20,000. These fines are current at the time of adoption of these Bylaws.

10. Any person who commits a breach of a provision of these Bylaws made under section 64 of the Health Act 1956 or subsequent amendment commits an offence and is liable to a fine on conviction under section 66 of the Health Act 1956 as follows:

- a. Not exceeding the amount fixed for any breach for which an infringement notice is issued;
- b. Not exceeding \$500.00 and if the breach is a continuing one, not exceeding a further \$50.00 per day thereafter. These fines are current at the time of adoption of these Bylaws.

11. Any person that commits a breach of a provision of these Bylaws made under section 22AB of the Land Transport Act 1998 or subsequent amendment commits an offence and is liable to a fine under section 139 of the Land Transport Act 1998 as follows:

- a. Not exceeding the amount fixed for any breach for which an infringement notice is issued;
- b. Not exceeding \$500.00 and if the breach is a continuing one, not exceeding a further \$50.00 per day thereafter. These fines are current at the time of adoption of these Bylaws.

12. Any person who commits a breach of a provision of this section of these Bylaws made under section 106 of the Reserves Act 1977 or subsequent amendment commits an offence and is liable to a fine on conviction under section 104 of the Reserves Act 1977 as follows:  
 a. Not exceeding \$5,000.00 and, where the offence is a continuing one, a further fine not exceeding \$500.00 for every day on which the offence continues. These fines are current at the time of adoption of these Bylaws.

13. Council may remove, or cause to remove, from any reserve or public place, any vehicle, structure or object, that is there in breach of these Bylaws. Council may recover all charges in connection with the removal of any vehicle, structure or object from the person who has committed the offence.

14. Council may remove, or cause to be removed any animals, birds or bees, in breach of these Bylaws. Council may recover all charges in connection with the removal of any animals, birds or bees from the person who has committed the offence.

15. Any person acting contrary to these Bylaws may be asked to comply, or leave the public place or reserve by an Authorised Officer. Any person must comply with a request from an Authorised Officer to comply with these Bylaws.

### Fees and charges

16. Council may by resolution set fees and charges for the processing of approvals or permits under these Bylaws.

17. Any fee may be refunded, remitted, or waived at the Chief Executive's discretion.

## **PART 2: PUBLIC PLACES BYLAWS**

### Purpose and Scope

18. The purpose of the Public Places Bylaws is to set the requirements for public places within the Waitaki District to ensure the health and safety of any persons, and to protect the public from nuisance.

19. The Public Places Bylaws are made under the authority of section 145 of the Local Government Act 2002.

### Nuisance

20. A person must not act in a manner that causes a nuisance, or interferes with the safety, use, enjoyment or right of any other person's use of the public place.

### Damage

21. A person must not damage, interfere, move, remove, deface or destroy any Council property, vegetation or equipment on any public place.



### Fireworks

22. A person must not set off any fireworks or other explosive devices on any public place without a permit.

### Fires

23. A person must not light any fires on any public place without a permit.

### Commercial filming

24. A person may not undertake professional filming (for commercial gain) in any public place without a permit.

### Busking

25. No person shall perform as a busker in any public place without having first provided their name and contact details to an Authorised officer, and they must comply with Council's relevant guidelines related to busking in public places.

### Placement of items in public places

26. Except where permitted by the operative Waitaki District Plan, or by way of a lease, licence, consent or other written permission granted by Council, a person must not, either:

- a. construct, use or maintain any awnings, blinds, porticos or similar extension item over any public place; or
- b. place any removable items on any public place, such as, but without limitation, sandwich boards or similar, that create an obstruction to users of the public place.

### Vegetation encroachment

27. A person must not allow any vegetation to encroach on any public place that may obstruct or interfere with any person's access to that public place.

### Stock

28. A person must not lead or allow any stock, except horses, to cross any public place without the written approval of the Chief Executive.

### Animals in public places

29. The owner of any animal in a public place must at all times ensure that animal does not intimidate or cause a nuisance to any other person and ensure that animal does not damage any property belonging to any other person in a public place.

### Fences

30. A person must not construct a barbed wire fence or electric fence within 1 metre of any boundary of public place within an urban area, that could cause injury to any person using the public place.

31. A person must maintain any fence, wall or retaining wall on any boundary of any public place in a manner that is safe and unlikely to cause damage to any structures, or injury to any person.

32. A person must:
- a. keep in good repair any rail, grate, fence or cover, over or about any area or entrance to any cellar, basement or other place opening into or upon any public place; and
  - b. not keep open any cellar, basement or other place for more than a reasonable time when putting articles into or taking articles out of it, and that person must protect the entrance when open for use to prevent any other person being injured.

## **PART 3: RESERVES BYLAWS**

### Purpose and Scope

33. The purpose of the Reserves Bylaws is to set the requirements for reserves within the Waitaki District to ensure the health and safety of any persons, and to protect the public from nuisance.

34. The Reserves Bylaw are made under the authority of sections 106 to 108 of the Reserves Act 1977.

### Nuisance

35. A person must not act in a manner that causes a nuisance in a reserve, or interferes with any other person's safety, use or enjoyment of a reserve.

### Vehicles

36. A person must not use any vehicle on any reserve that causes damage to the reserve's surface or vegetation.

### Vegetation

37. A person must not damage, interfere, move, remove, deface or destroy any Council property, vegetation or equipment on any reserve.

38. A person must not allow any vegetation to encroach on any reserve that may obstruct or interfere with any person's access to any reserve.

### Encroachments

39. A person must not erect or leave any vehicle, structure or object on any reserve in any manner which causes a nuisance to other users or interferes with any person's right to use the reserve.

### Stock, birds and animals in reserves

40. A person must not ride, lead or allow any stock, bird or other animal (excluding a companion cat) onto any reserve if that person has either not first obtained the relevant written approval from the Chief Executive or a sign authorised by the Council indicates that the stock, bird or animal is allowed.

### Conducting business in reserves

41. A person must not conduct business on any reserve in the Waitaki District as an itinerant trader, or as an operator of a mobile shop, without a permit as per the requirement of Bylaws 44 and 45 of these Bylaws.

## **PART 4: TRADING IN PUBLIC PLACES BYLAWS**

### **Purpose and Scope**

42. The purpose of the Trading in Public Places Bylaws is to set the requirements for trading in public places within the Waitaki District to ensure the health and safety of any persons, and to protect the public from nuisance.

43. The Trading in Public Places Bylaws are made under the authority of section 146 of the Local Government Act 2002, and section 64 of the Health Act 1956.

### **Itinerant and mobile shop trading**

44. A person must not conduct business in the Waitaki District as an itinerant trader, or as an operator of a mobile shop, without a permit, except for an itinerant trader or a mobile shop participating in a Council approved street market or street stall.

45. Council may when issuing a permit:

- a. Prohibit itinerant and mobile shop businesses from operating in any specified public place within the District; and/or
- b. Limit or restrict the classes or types of goods that these businesses may offer for sale; and/or
- c. Limit the hours or days during which such businesses may operate.

### **Retail displays on footpaths**

46. No operator of a business within any urban area shall place, erect, or establish any display on the footpath adjacent to their business without a permit or in conjunction with a Council approved event.

### **Street furniture on footpaths**

47. No operator of a business within any urban area shall place any street furniture on the footpath adjacent to their business without a permit.

### **Trading in public places permits**

48. A person must display and trade in compliance with the terms and conditions of the relevant Council permit to undertake trading in public places.

49. No trading in public places permit issued under these Bylaws is transferrable to another person.

50. Council may cancel, amend or review a trading in public places permit issued under these Bylaws if:

- a. it is to protect the public from unhygienic, unsafe or hazardous practices; or
- b. it is likely to cause a nuisance, obstruction or damage; and/or
- c. it is likely to interfere with public works permitted under legislation.

## **PART 5: KEEPING OF ANIMALS, BIRDS AND BEES BYLAWS**

### Purpose and Scope

51. The purpose of the Keeping of Animals, Birds and Bees Bylaws is to set the requirements for the keeping of animals, birds and bees within the Waitaki District to ensure the health and safety of any persons, animals, birds and bees, and to protect the public from nuisance.

52. The Keeping of Animals, Birds and Bees Bylaws are made under the authority of section 146 of the Local Government Act 2002, and section 64 of the Health Act 1956.

### Keeping of animals, birds and bees

53. A person must not keep animals or birds unless they are effectively contained (excluding domestic companion cats) and are housed in well-constructed and adequately maintained facilities and their welfare needs have been met to ensure the health and safety of any persons, and the animals or birds.

54. If, in the opinion of any Authorised Officer, the keeping of animals (including domestic companion cats) or birds on any Rateable Property or Dwelling house is, or is likely to become:

- a. A nuisance; or
- b. Injurious; or
- c. Hazardous

to the health, safety or amenity of any persons or their property, then the Authorised Officer may by written notice require the owner or occupier of the Rateable Property or Dwelling house to do all or some of the following:

- i) Reduce the number of animals or birds kept on the Rateable Property or Dwelling house; and/or
- ii) Take other precautions as may be considered necessary to reduce the effects listed in a. to c. of Bylaw 54.

55. Any person must comply with a written notice issued by an Authorised Officer under the Bylaws above.

### Roosters

56. A person must not keep or allow a rooster to be kept on any Rateable Property in an urban area.

57. Bylaw 56 of these Bylaws shall not apply to breeders and/or exhibitors of purebred poultry who are also members of any club or society affiliated to the New Zealand (SI) Poultry, Pigeon & Cage Bird Associations (Inc) subject to those breeders and/or exhibitors not breaching Bylaw 56 of these Bylaws.

### Pigs

58. No person may keep or allow to keep pigs in an urban area.

59. A person must not keep or allow to keep a pig-sty on any Rateable Property that is within 50 metres from any Dwelling house or any other occupied building on an adjoining property or within 30 metres of the boundary of any adjoining property.

## Bees

60. The maximum number of bee hives per Rateable Property in an urban area is **two (2)**.

61. Any person wishing to keep bee hives in an urban area must apply in writing to the Chief Executive for a permit.

62. All bee hives are required to be registered on the national register and meet the legal requirements of the national beekeeping body.

63. A person must not keep bees that cause a nuisance or threat to the health and safety of neighbours or the public.

64. A person must not keep bees unless in well-constructed and maintained facilities to ensure the health and safety of any persons and the bees.

65. Council may require the removal or relocation of a hive(s) if complaints are received and if the Authorised Officer is satisfied that the location of the hive(s) has resulted in the bees causing a nuisance or a threat to the health and safety of neighbours or the public.

66. Any person must comply with a written notice issued by an Authorised Officer under Bylaws 53-65 of these Bylaws.