

WAITAKERE CITY COUNCIL

BYLAW NO. 4 1990

GENERAL BYLAW

(Incorporating Amendments)

The Waitakere City Council acting on behalf of the Mayor, Councillors and Citizens of the City of Waitakere **HEREBY MAKES BY SPECIAL ORDER** the following bylaw pursuant to the powers contained in the Local Government Act 1974, and the Standards Act 1965 and any other Act or authority in any way enabling the Council in that behalf.

1. **SHORT TITLE**

The Short Title of this Bylaw shall be the Waitakere City Council General Bylaw No. 4 1990 (incorporating amendments, 1, 2, 3, and 4).

2. **COMMENCEMENT**

This Bylaw shall come into force on the 13th day of March 1990.

3. **INTERPRETATION**

The expression 'NZS' and 'NZSS' when used herein shall mean a specification declared by the Standards Council to be a New Zealand Standard Specification pursuant to the provisions of the Standards Act 1965.

4. **ADOPTION OF NZS 9201, THE MODEL GENERAL BYLAW**

The standard specification known as NZS 9201, Model General Bylaw is hereby adopted as the general bylaw of the Waitakere City Council and shall be subject to the provisions of the SECOND SCHEDULE to this Bylaw and shall be read in conjunction therewith. The titles of documents, and amendments thereto hereby adopted are listed in the FIRST SCHEDULE to this Bylaw, and these documents are annexed hereto.

THE FIRST SCHEDULE

The First Schedule shall comprise those documents contained the New Zealand Model General Bylaw NZS 9201, as follows:

Chapter 1	:	1972	-	Introductory
Chapter 2	:	1972	-	Public Places
Chapter 4	:	1972	-	Mobile or Travelling Shops, and Hawkers and Itinerant Traders.
Chapter 6	:	1972	-	Removal of Refuse, Baling and Disposal
Chapter 7	:	1973	-	Water Supply
Chapter 9	:	1972	-	Scaffolding and Deposit of Building Materials
Chapter 11	:	1972	-	Nuisances
Chapter 13	:	1972	-	The Keeping of Animals, Poultry and Bees.
Chapter 15	:	1972	-	Public Libraries
Chapter 16	:	1972	-	Public Swimming Pools
Chapter 17	:	1972	-	Parks and Reserves
Chapter 20	:	1975	-	Control of Noise

THE SECOND SCHEDULE

The Second Schedule shall comprise of modifications to Chapters 1, 2, 4, 6, 7, 11, 13, 16 & 20 as detailed hereunder:

CHAPTER 1

Clause 101.1 is amended as follows:-

- (a) By deleting the words "Town Clerk" where they appear in the definition of "Clerk" and replacing them with the words "Chief Executive Officer".
- (b) By including the following interpretation in the appropriate place - "Council" means 'Local Authority'.
- (c) By deleting the words "Health Inspector" where they appear within the definition of 'Health Inspector' and replacing them with "Environmental Health Officer".
- (d) By adding in the appropriate place the following definition:

"RESIDENTIAL LAND" means land used for residential purposes and does not include land used primarily for farming or any other non-residential use.

Clause 110.1 is amended by deleting the penalties of \$100 and \$10 and replacing with the penalties of \$500 and \$50 respectively.

Clause 114 is included to read:-

“Entry of Guide Dogs

11.4.1 Wherever throughout this bylaw, entry by animals to premises is restricted, it shall be considered that Seeing-Eye Dogs and Hearing-Ear Dogs be exempted.

CHAPTER 2

Clause 204A is included to read:

“No persons shall leave or place or cause to be left or placed on any public place unless specifically authorised so to do by the Chief Executive Officer, any advertising sign, notice or placard or any vehicle carrying or displaying any advertising sign, notice or placard and being used solely or principally for advertising or publicity purposes while so left or placed on such public place.”

Clause 237 is deleted.

Clause 240.3 is amended by deleting the work “designing” and substituting the word “desiring”

The following clause is inserted after Clause 240.4:

Clause 240.5 is amended by inclusion of the following:

“If in the opinion of the Engineer it is necessary that a properly constructed crossing or crossings be constructed to protect any footway, channel or grass plot in any public place from damage or injury which might be caused by driving, riding, propelling or wheeling of any vehicles, or cattle upon, over or across any such footway, channel or grass plot he may by notice in writing under his hand inform the owner or occupier of the premises to which such crossing or crossings would provide access of that opinion and require such owner or occupier to pay to the local authority within the period specified in such notice such sum of money as in the opinion of the Engineer would be necessary to construct the said crossing or crossings. Every owner or occupier who shall fail to comply with any such notice within the period therein specified shall be guilty of an offence against this Part of this Bylaw.”

249.2 is amended by deleting sub-clause (a) and (b), and substituting respectively therefore, the following:

- (a) At all times along such streets as may be prescribed from time to time by resolution of Council;
- (b) Along the streets prescribed by resolution of Council from time to time, during the hours provided in the resolution; or

CHAPTER 4

Clause 402 is amended by deleting clause 402 and substituting the following:

402.1 The provisions of this Part of this bylaw as to hawkers and keepers of mobile or travelling shops shall not apply to the owner of a fishing boat registered under Part I of the Fisheries Act 1983 and in respect of which a boat-fishing permit is for the time being in force, where he or a person appointed by him in that behalf, sells fresh fish or fresh shellfish (being fresh fish or fresh shellfish taken from that boat in accordance with the conditions of the permit) from that boat at the place where it is moored, berthed, or beached or from a stall (including a vehicle used as a stall) within 450 metres of that place, or to sellers of printed books, pamphlets, magazines or newspapers.

Clause 410 is amended by deleting sub-clause 410.1

Clause 411 is amended by the inclusion of the following sub-clauses:

411.3 No mobile or travelling shop shall be permitted to operate during the hours of darkness as defined in the Traffic Regulations 1956.

411.4 Any musical chimes operated in or on a mobile or travelling shop shall be used in a properly modulated manner and only while the said shop is moving, and not at all within the vicinity of any hospital or place of worship where a service is being conducted.

411.5 Every mobile or travelling shop shall be fitted with a wash hand basin connected to an adequate supply of hot and cold water and shall also be fitted with a suitable refuse water container except in such case where only pre-wrapped goods are sold from the mobile shop in which case the Inspector may require a sink or similar facility, and/or a suitable container to be provided if, in his opinion, such fittings or containers are necessary for cleaning working utensils, and/or for disposing of waste fluids.

411.6 Every keeper of a mobile or travelling shop shall wear clean overclothing, and shall cause such clothing to be kept in a clean and sanitary condition at all times to the satisfaction of the Inspector.

411.7 Every hawker, peddler, keeper of a stall or keeper of a mobile or travelling shop shall conduct his business in such a manner that selling shall be done at the kerbside only and where possible entirely off the carriageway.

411.8 Every hawker, peddler, keeper of a mobile or travelling shop, upon being requested so to do by an Police Officer, Traffic Officer, or duly authorised Officer of Council, and as often as so requested, shall alter the position from which he is conducting his business on any road or public place to such other part of the road or public place indicated by such Officer. In no case shall any stop of any road or public place be long than 10 minutes. This clause shall not apply where a permit for a stand has been issued under the provisions of Clause 417 of this Bylaw.

Clause 417 is amended by the inclusion of the following subclause 417.2 after sub-clause 417.1:

417.2 Notwithstanding anything in this part of this Bylaw no hawker, peddler, keeper of a stall, or keeper of a mobile or travelling shop shall carry on the streets or parts of streets specified in the Fourth Schedule of this Chapter and such other streets or parts of streets as Council may from time to time by resolution determine provided that where the stall is to be established for a charitable cause, this prohibition shall not apply where the stand is established on a recognised shopping centre on a site approved by the local authority.

The following is included in the Schedules:

Fourth Schedule

Streets and public places where stands etc prohibited.

Airport Road
Beach Valley Road
Brighams Creek Road
Bruce McLaren Road
Clarke Street
Edmonton Road
Glendale Road
Godley Road
Great North Road
Henderson Valley Road
Hobsonville Road
Huia Road
Larnoch Road
Lincoln Road
Marine Parade South
Pomaria Road
Portage Road
Railside Avenue
Rathgar Road
Scenic Drive
State Highway 16
Swanson / West Coast Road
Te Atatu Road
Titirangi Road
Waitakere / West Coast Road

CHAPTER 6

By inserting the following:

REMOVAL OF REFUSE, BALING & DISPOSAL

617 INTERPRETATION

617.1 In this Bylaw and in all resolutions of the Council passed pursuant to the provisions of this bylaw, unless the context otherwise requires:

COUNCIL means the Waitakere City Council, a body corporate constituted under the Local Government Act 1974;

DISPOSE OF in relation to any refuse, means discard and get rid of such refuse by any means except by placing the same in any proper container in any proper place for collection by lawful means; and includes the action of depositing at any place which has been collected; and “disposal of” has a corresponding meaning;

EXPLOSIVE has the same meaning as the Explosives Act 1957;

FACILITY means any premises or place established by the Council (or by an person with the approval of the Council given pursuant to this bylaw) for the purpose of receiving refuse for baling and/or disposal including the deposit of baled refuse and includes every part of the land and structures thereon within the boundaries of the property at the place whether such place shall be a place owned, occupied, or under the control of the Council, or to which Council has access for that purpose by agreement, licence or otherwise.

LAND has the same meaning as in the Rating Powers Act 1988.

OCCUPIER has the same meaning as in the Rating Powers Act 1988.

OFFICER means any person who:

- (a) has been appointed to be an officer for the purposes of this bylaw by:
 - (i) the Council; or
 - (ii) any other person authorised by the Council pursuant to the provisions of this bylaw to provide or operate a facility; and
- (b) holds current evidence of his appointment;

ORIGINATES in relation to any refuse means first becomes first and “originating” has a corresponding meaning;

PUBLIC NOTICE means a notice published in some newspaper circulating in the district, and “published” or “publicly notified” have corresponding meanings’

REFUSE includes any unwanted material or thing which is not lawfully deposited in a sewer, water course or other water, and any scrap motor body; but does not include any explosive;

REGION means the district of the Waitakere City Council and all other areas from which by contract, agreement or arrangement refuse is supplied to or accepted at any facility.

618 **POWERS OF COUNCIL IN RELATION TO FACILITIES**

618.1 The Council may from time to time, by resolution:

(a) Classify refuse, by reference to:

- (i) its nature;
- (ii) its point of origin;

and so that classifications of refuse may differ from place to place within the region;

- (b) provide for the emergency disposal of any refuse, either at particular facilities or at any facility upon such conditions as the Council shall think fit;
- (c) prohibit the depositing of any class of refuse at any facility except at a place or in a container provided for refuse of that class;
- (d) prescribe and vary scales of charges payable for the disposal of refuse and may prescribe difference charges for different classes of refuse and for different types of vehicles and may prescribe different days or at different times on any day.

618.2 The Council shall give public notice of every such resolution by publishing the same in at least one newspaper (whether daily or otherwise) circulating in the district or region to which such resolution relates and such resolution shall come into force on a date to be specified in such resolution or in any separate resolution, but not being earlier than the date of public notice under this subsection.

619 **FACILITIES TO BE PROVIDED BY COUNCIL ALONE**

No person shall provide or operate any facility for the disposal of refuse in the Waitakere City except with the prior written consent of the Council and then only during the currency, and strictly in accordance with the terms and conditions, of the consent: Provided that this section shall not apply in relation to the disposal of clean fill.

620 **DISPOSAL OF REFUSE**

No person shall dispose within Waitakere City any refuse of any class (other than clean fill) whether originating in the region or elsewhere other wise than by depositing the same in accordance with the provisions hereof and of any resolution made or direction given hereunder at a facility provided or authorised by the Council for the reception of refuse of the class concerned and open at the time to refuse of that class:

Provided that nothing in this section shall prevent the occupier of land on which any refuse originates from disposing of that refuse on any land of which he is the occupier in such manner as he might lawfully do if this bylaw had been made.

621 **CONTROL OF FACILITIES**

621.1 No person shall deposit any refuse at a facility without the consent of an officer and without detracting from the generality of the officer's complete discretionary powers such consent may be refuse unless the officer is satisfied that the refuse is refuse acceptable at the facility concerned whether that facility be a baling station or bale disposal site or other facility of the disposal of refuse and in the case of a facility other than a facility for the balling of refuse or a facility for the disposal of already baled refuse originates within the district of the Council or such other districts as the Council may from time to time resolve.

- 621.2 (a) All persons in a facility shall comply with all instructions there posted or given by any officer;
- (b) No person shall deposit any refuse at a facility otherwise than in accordance with signs erected there or with directions given by any officer and then only during the hours indicated at the entrance to the facility.

621.3 No person shall enter or leave or move or operate a vehicle within a facility otherwise than in accordance with entrance to the facility.

621.4 Except with the prior written consent of an officer, no person shall leave a facility after depositing refuse for disposal unless he has paid in cash the appropriate charges prescribed pursuant to and assessed in accordance with the provisions hereof in respect of the refuse deposited by him;

Provide that where credit is extended to such person, he shall pay such fees within the period of credit extended.

621.5 No person, save with the authority of the Council or an officer and then only in strict accordance with the terms thereof, shall:

- (a) enter or remain upon any facility outside the hours when that facility is open of acceptance of refuse;
- (b) at any time:-
- (i) loiter in a facility, or
- (ii) disturb any article, material or refuse in a facility, or
- (iii) remove any article, material or refuse from a facility;
- (iv) interfere with or damage any property of any kind, to whomsoever it belongs, in a facility;
- (c) if any person be found contravening or committing any breach of the provisions of this section, any officer or any constable may require that person to leave the facility immediately and, if that person fails so to do, he

shall, in addition to liability to prosecution in respect of any offence against this bylaw already committed by him, be guilty of a further offence against this bylaw.

622 **DISPOSABLE REFUSE**

622.1 An officer may refuse to accept any refuse which, in his opinion, is unsuitable for processing at a baling station facility or which is unsuitable for disposal at any other type of facility.

622.2 No person shall knowingly dispose or cause to be disposed refuse at a facility which refuse may be dangerous or harmful in any part of the subsequent refuse disposal process or to any person unless he declares the nature and constituents of the refuse to an officer at the facility and that officer agrees that that refuse may be disposed of at that facility or unless that person obtains written consent of a superior officer to the disposal of the particular refuse at a stated facility.

In particular, no person shall deposit for disposal the following items except at facilities particularly designated for their disposal:-

- (a) Liquids and/or chemicals;
- (b) Containers previously used for volatile inflammables;
- (c) Explosives, firearms and fireworks;
- (d) Scrap motor vehicles (complete or with or without motors and/or transmission);
- (e) Unexpended pressurised containers (excluding aerosol cans);
- (f) Wire rope exceeding 2m in length;
- (g) Refuse bulkier or heavier than that which, according to signs posted at the particular facility, is for the time being acceptable thereat;
- (h) Radio-active materials;
- (i) Pathological waste;
- (j) Demolition material and material suitable for hard fill.

622.3 An officer may refuse to accept any refuse which in his opinion may or is likely to cause any undue hazard whether to the public health or to persons engaged in operating a baling plant, bale fill site or otherwise, or which in his opinion is inadequately covered or secured as required under this bylaw.

622.4 No person shall deposit or attempt to deposit in any facility any material or class of material which for the time being has been prohibited as aforesaid in relation to that facility or which such officer has refused to accept as aforesaid.

623 **ASSESSMENT OF CHARGES**

Where charges for disposal of refuse are levied by reference to quantity in accordance with the scale of charges applicable for the time being, such charges shall be assessed by any measuring equipment provided or as otherwise determined by an officer.

624 SECURITY OF LOADS

No person in charge of a vehicle shall bring any refuse into a facility in such vehicle unless such refuse is so transported that none of it can fall escape or be blown therefrom.

625 PARTICULARS OF NAME AND ADDRESS

Every person in a facility shall, upon request by an officer, give that person's correct name and address in full to that officer.

626 PENALTIES

626.1 Every person offending against or committing a breach of or failing to comply with or to perform any duty imposed upon him by any of the provisions of this bylaw or failing to comply with any order or direction lawfully given to him by a person empowered so to do under any of the provisions of this bylaw shall be guilty of an offence, and shall be liable upon summary conviction for each such offence to such penalty not exceeding the sum of \$500.00 for a single offence or \$50.00 a day for a continuing offence as the Court inflicting the same shall in its discretion think fit.

626.2 The continued existence of any thing or activity in a state or in a manner contrary to any of the provisions of this bylaw shall be deemed to be a continuing offence.

CHAPTER 7

ORDINARY AND EXTRAORDINARY SUPPLY

702 ORDINARY SUPPLY

702.1 Water supplied from the waterworks to any separately rateable property situated within the district and recorded as consumed by any meter or other device measuring and controlling the same for such purpose shall be deemed to be an 'ordinary supply' for the purposes of this part of the bylaw and shall be charged at an amount per cubic metre from time to time fixed by resolution in that behalf publicly notified in accordance with S. 26 of the Rating Powers Act 1988 in respect of each separately used or inhabited portion of a property or building as therein defined, provided that a minimum charged may be made and levied as may be specified in such resolution as aforesaid and provided further that different charges maybe made and levied in different parts of the District.

702.2 Every person paying the local authority the appropriate rates or charges levied in respect of such properties shall be entitled to an ordinary supply of water.

703 EXTRAORDINARY SUPPLY

703.1 Extraordinary supply shall include water supplied from the waterworks to any building or lands which, in terms of the Rating Powers Act 1988, are not rateable property and water supplied to other local bodies and to consumers in areas beyond the jurisdiction of the local authority and all unmetered supply.

703.2 Extraordinary supply shall be charged, in accordance with S.26(2) of the Rating Powers Act 1988, as may be agreed with the person receiving that supply or at the amount per cubic metre from time to time fixed by resolution of the Council publicly notified provides that different charges may be made and levied in different parts of the District for such extraordinary supply.

Clause 705 is deleted.

Clause 706 is deleted.

Clause 707 is deleted.

Clause 712 is amended by adding the following:

"712.5 There shall be payable by every person applying for a supply of water, a fee for the services of the local authority of and incidental to the establishment of the supply of water. Such fee shall be of such amount as the local authority shall from time to time by resolution determine and shall be called "the connection fee".

712.6 The connection fee shall be paid to the local authority at the same time as there is delivered to it the application referred to in the proceeding subclause 712.5 hereof."

Clause 727 is deleted and the following is substituted:

“727.1 Without the prior written consent of the Engineer, no building, premises, or land shall be supplied by means of more than one service pipe.

727.2 Except with the consent of the local authority, no water shall be supplied to any building or premises from any pipe or water supply fitting or appliance laid or installed on or in connection with any other building or premises, provided that where any building is divided into units as specified in subclause 727.3 of this bylaw, the Engineer shall specify the manner in which the water shall be piped from the main to such units, and the owner of the land over, on, or under which the said pipe is laid shall be responsible for the maintenance and protection of all pipe from the said main to the satisfaction of the Engineer.

727.3 (a) Where any building is converted or divided into, or, there is erected, constructed or situated on any land, separate flats, shops, offices or any other units, being occupied or capable of being occupied as separate units, each such separate unit shall for all purposes of this part of this Bylaw be deemed to be and treated as a separate property and the occupier (as defined by the provisions of Section 2 of the Rating Powers Act 1988) thereof shall be deemed to be and treated as a separate consumer.

(b) The occupier aforesaid of every such unit shall be responsible for the payment of all charges in connection with the supply of water, save that this subclause shall not in any way derogate from the powers of the local authority under the provisions of the Rating Powers Act 1988 or any enactment passed in amendment or substitution therefore.

(c) Where it is proposed either:

- (i) To convert or divide any building into, or
- (ii) To erect, construct or situate on any land, two or more separate units, in accordance with the provisions of proceedings sub-clause (a) hereof, the applicant for the requisite building permit, in addition to any other fees, charges or deposits payable in respect of the said application, also comply with the provisions of Clause 712, NZS 9201, Chapter 7: 1973, and make application for a supply of water for each separate unit and pay the fees prescribed pursuant to the provisions of said Clause 712.”

Clause 770 is deleted.

Clause 771 is deleted.

CHAPTER 11

Clause 1107A No person shall slaughter any animal for human consumption or dismember, handle, process or dispose of the carcass or remains of any animal on any residential land so as to cause or be likely to cause a nuisance to any person in any street or public place or residing in the vicinity of such land or so as to cause or be likely to cause any public outbreak of disease or illness.

CHAPTER 13

Clause 1309 is deleted and the following new clause is substituted:

Clause 1309 KEEPING OF GOATS AND ANIMALS KEPT IN STABLES

1309.1 No person shall without the consent in writing of the Local Authority keep or allow to be kept any goat in any area of the City other than that zoned or classified as rural under the provisions of the District Scheme or the relevant Section thereof under the Town and Country Planning Act 1977 and its amendments, whether such scheme or section thereof is for the time being undisclosed proposed or operative as defined by the said Act.

1309.2 Any consent of the Local Authority referred to in sub-clause 1309.1 hereof may be granted upon or subject to any such terms, conditions or restrictions (including restrictions as to the number of goats that may be kept on premises) as may be considered by Local Authority as necessary to prevent a nuisance.

Clause 1310 is deleted.

Clause 1311 is amended as follows:

Clause 1311.1 is deleted and the following substituted therefore:

1311.1 No poultry caged or otherwise (which shall include geese, ducks, peacocks, pigeons, turkeys, and domestic fowls of all descriptions) shall be kept in any part of the Local Authority district except in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete or other approved material with a surrounding nibwall, to which may be attached a poultry run, provided in areas zoned Rural this clause shall not apply unless so required by the Local Authority.

By deleting in Clause 1311.2 the words "building bylaws of the local authority" and substituting the words "Building Code",

By deleting Clause 1311.3 and replacing it with the following:

"1311.3 No poultry house or poultry run shall be erected or maintained so that any part of it is within 10m of any dwelling, factory or other building that is wholly or partially occupied or within 2m of any boundary of adjoining land."

By amending Clause 1311.4 to include after the word "health" the words "or any condition imposed by the local authority is not being complied with".

By deleting subclause 1311.4.1 and substituting the following:

"No person shall keep any rooster or any property of less than 2000m² in an area other than an area zoned for rural purposes under the provisions of the District Plan. For the purposes of this sub-clause, a rooster shall mean the male of poultry of domestic fowl to which this bylaw relates."

Clause 1312.1

- (f) By deleting that portion of Clause 1312.1 after the words “local authority” and substituting the words “and requiring that person to abate such nuisance.”

Clause 1313.1 is deleted and replaced with the following:-

1313.1 No person shall keep or continue to keep bees if in the opinion of the Environmental Health Officer the keeping of such bees is or is likely to become a nuisance or annoyance to any person or dangerous or injurious to health.

CHAPTER 16

Clause 1604 is amended by deleting the figures “5 years” and substituting the figure “8 years”.

Clause 1617.1(f) is amended by deleting the word “goggles” and substituting the word “face mask”.

Clause 1623 is amended by deleting the words “for the use of himself or his family”.

CHAPTER 20

Clause 2003 is amended by deleting the figures \$100 and \$10 and substituting with the figures \$500 and \$50 respectively.

Clause 2004 is added as follows:-

Clause 2004 ALARM SYSTEMS

2004.1 Every alarm system in, upon or fixed to any land or building shall be fitted with an automatic cut-out device such that within 20 minutes of first sounding the alarm automatically cease to sound.

2004.2 Every person commits a breach of this Bylaw where such person is the owner or occupier of any land or building which does not: -

- (a) In the case of an existing alarm system within 90 days of this Bylaw coming into force, comply with Clause 2004.1 hereof; or
- (b) In the case of an alarm system fitted after the commencement of this Bylaw comply with Clause 2004.1 of this Bylaw.

Clause 2004.3 PENALTY

The Penalty provisions in Clause 2003.1 shall apply in the case of any breach under Clause 2004.2.

The Common Seal of the)
WAITAKERE CITY COUNCIL)
was hereunto affixed)
pursuant to a resolution)
of Council passed on)
28 February 1990 in the)
presence of)

PRINCIPAL ADMINISTRATIVE OFFICER

MANAGER: FINANCE & ADMINISTRATION