

# STRATFORD DISTRICT COUNCIL

## GENERAL BYLAWS 1993 (Amended August 2001) (Amended June 2008)

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### CHAPTER 1

## INTRODUCTORY

In exercise of the powers conferred on it by the Local Government Act 2002, the Bylaws Act 1910, the Transport Act 1962, the Transit NZ Act 1989 and any amendments thereof, and all other Acts, powers and authorities enabling it in that behalf, the Stratford District Council hereby makes by way of Special Order, the following bylaw:

#### 101 **TITLE**

101.1 The title of the bylaw is "The Stratford District Council General Bylaw 1993".

#### 102 **COMMENCEMENT**

102.1 This bylaw shall come into force on 1 July 1993 and shall apply to the whole of the Stratford District.

#### 103 **REPEAL AND SAVINGS**

103.1 As from the coming into force of this bylaw, all previous bylaws of similar effect and subsequent amendments thereto applying to the former authorities which now constitute the Stratford District Council are hereby repealed.

103.2 The bylaws repealed hereby shall notwithstanding such repeal remain in full force and effect so far as only relates to any offence committed, liability or penalty incurred, prosecution or proceedings commenced or notice given under any of the provisions thereof before the coming into force of this bylaw.

103.3 All acts of authority which originated under the bylaws repealed hereby, and all applications and other acts and generally all documents, matters, acts and things which so originated and are of continuing effect at the coming into operation of this bylaw shall ensure for the purposes of this bylaw as if they have originated this bylaw and shall where necessary be deemed to have so originated.

#### 104 **INTERPRETATION**

104.1 In this bylaw, unless the context otherwise requires -

**APPROVED** means approved by the Council or by any officer of such Council authorised in that behalf.

**AUTHORISED OFFICER** means any officer appointed by the Council with authorisation to act under the Stratford District Council General Bylaws.

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

**COMMUNICABLE DISEASE** means any communicable disease as defined in the Health Act 1956 and includes any disease for the time being specified as an "infectious disease" in Section A of Part I and Part II of the First Schedule of that Act.

**COUNCIL** means the Stratford District Council.

**DISTRICT** means the district of Stratford District Council.

**DROVER** means any adult with the necessary skills and experience to lead or drive stock on a public road.

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

**HOURS OF DAYLIGHT** means any period between half an hour before sunrise on any one day and half an hour after sunset on that day.

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

**INSPECTOR** means any officer appointed by the Council for the time being to carry out or exercise the duties of an inspector under this bylaw.

**KEEPER** in relation to any mobile or travelling shop, means the person by whom or on whose behalf any business is carried on by means of that mobile or travelling shop.

**LICENSED** means holding a licence under this bylaw or under any statute.

**MEDICAL OFFICER OF HEALTH** means the Medical Officer of Health appointed under the provisions of the Health Act 1956 for the health district, which includes the district under the jurisdiction of the local authority.

**MOBILE OR TRAVELLING SHOP** means a vehicle, whether self-propelled or not, from which goods, wares, or merchandise are offered or exposed for sale in the street, or from which goods, wares, or merchandise may be ordered (whether or not in pursuance of any invitation to call with the goods, wares, or merchandise) or from which services are offered for sale in the street; but does not include any vehicle on or from which food is sold for consumption in or at the vehicle, or any vehicle used for the purpose of transporting and delivering goods, wares or merchandise pursuant to a prior order placed for the delivery of goods, wares, or merchandise.

**MOTOR VEHICLE** shall have the meaning assigned to it from time to time by the Transport Act 1962.

**NUISANCE** shall have the meaning assigned to it by Section 29 of the Health Act 1956.

**OCCUPIER** means in relation to any premises, the owner and includes any tenant, agent, manager, foreperson or other person apparently acting in the general management or control of the premises.

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

**OFFICIAL CONTAINER** means any mobile garbage bin ("MGB"), plastic bag or multi-wall paper bag or other such container from time to time approved by the Council and collected by or on behalf of the Council.

**OMNIBUS** means a motor vehicle -

- (a) Designed for the carriage of nine or more persons inclusive of the driver, and
- (b) Used for hire or reward for the carriage of passengers on defined routes.

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

**PERSON** includes a corporation sole and also a body of persons, whether corporate or unincorporate.

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

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

**PUBLIC NOTICE** shall have the meaning assigned to it from time to time by the Local Government Act 2002.

**PUBLIC PLACE**

- (a) means a place—
  - (i) that is under the control of the territorial authority; and
  - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and
- (b) includes—
  - (i) a road, whether or not the road is under the control of a territorial authority; and
  - (ii) any part of a public place.

**RECYCLABLES** means paper, aluminium cans, tins, bottles, glass jars, small ferrous items and plastic containers, as approved for recycling by the Council, and other items which are specifically approved by the Council for recycling. All recyclables shall be clean and dry and unbroken as appropriate.

**RECYCLING CONTAINER** means a specially marked refuse container for recyclables only.

**REFUSE CONTAINER** in relation to household refuse means any household refuse container, approved by the Council from time to time, and includes any recycling container, and all references to refuse containers shall, where the context permits, include official containers.

**ROAD** shall have the meaning assigned to it from time to time in the Local Government Act 2002, and shall where the context requires include a street.

**SPECIAL WASTE** mean any waste whether from a trade premise or any other source which is hazardous, toxic or by its nature requires special disposal because of environmental considerations or disposal requirements.

**STOCK** includes any domesticated/grazing animal or bird.

**STREET, PRIVATE STREET, FOOTWAY** and **PRIVATE WAY** shall have the respective meanings assigned to them in the Local Government Act 1974, and shall where the context requires include a road.

**TRADE REFUSE** means any scrap or waste material resulting from the carrying on of any business, manufacture, process, trade, market, or other undertaking.

**POLICE OFFICER, TAXI-CAB,** and **MOTOR VEHICLE** shall have the meaning assigned thereto by the Transport Act 1962;

**TRAILER** shall have the meaning assigned to it from time to time by the Transport Act 1962.

**VEHICLE** means (other than for the purposes of Chapter 21 of these Bylaws) a contrivance equipped with wheels or revolving runners upon which it moves or is moved.

**WATERWORKS** includes all waterworks as defined in the Local Government Act 2002 and a water race as defined in Part III of the Local Government Act 1974 for the time being belonging to the Council or under its control.

**WRITING, WRITTEN** or any term of like import means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied, and where anything is required to be, written it may be partly in writing and partly in printing.

104.2 Words importing the singular number include the plural number, and words importing the plural number include the singular number; and words importing the masculine gender include the feminine gender.

104.3 Words referring to any district, locality, place, person, office, officer, functionary, party, or thing shall be construed distributively as referring to each district, locality, place, person, office, officer, functionary, party, or thing, to whom or to which the provision is applicable.

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

104.5 Every Schedule to this bylaw shall be deemed to form part of this bylaw.

#### 105 **OFFICERS TO CONTINUE IN OFFICE**

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

#### 106 **SERVING OF ORDERS AND NOTICES**

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

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

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

106.4 Where an order or notice is sent by registered post it shall be sent so as to arrive in the due course of post on or before the latest time on which such order or notice is required to be served.

#### 107 **POWERS OF DELEGATION**

107.1 In all cases where this bylaw provides for the issue of any order, notice or licence, such order, notice or licence shall be deemed to be issued in compliance with this

bylaw if the same be issued by any officer of the Council authorised by the Council for that purpose.

107.2 Where pursuant to this bylaw any powers or duties are imposed on the Authorised Officer, that officer may with the consent of the Council delegate any of those powers or duties either generally or particularly to any other officer of the Council.

108 **INSPECTION**

108.1 For any of the purposes of this bylaw any inspector or other person duly appointed by the Council in that behalf may at all reasonable times enter upon any land, building, or premises in order to carry out an inspection thereof.

108.2 Every person who obstructs or hinders any such inspector or other person as aforesaid in the execution of his powers hereunder shall be liable to prosecution for an offence against this bylaw.

109 **SUSPENSION AND REVOCATION OF LICENCES**

109.1 Save and except as may be otherwise expressly provided for in any particular case in this bylaw:

(a) Should the holder of any licence, granted pursuant to this bylaw be convicted of any offence thereunder or touching his character as a licensee the Council may immediately thereupon revoke such licence or suspend the same for as long as it may think fit.

(b) Should it be brought to the notice of the Council either by a report from the inspector or otherwise that the holder of any licence granted hereunder has acted or is acting in a manner contrary to the true intent and meaning of this bylaw or that in any way he is deemed to be unfit to hold such licence, then and in any of such cases the Council may cause to be served upon such holder a notice calling upon him to appear before the Council or a committee thereof at a time and place stated in such notice, and show cause why his licence should not be revoked or suspended, and the Council may, if it considers the matter proved or if there be no appearance by the holder of such licence revoke such licence or suspend the same for as long as it may think fit.

(c) Should it be brought to the notice of the Council either by a report from the inspector or otherwise howsoever that any premises licensed under this bylaw or any part of such premises -

(1) Have been or are being used for any other purpose than that stated in such licence; or

(2) Have fallen into a state of disrepair or are not being kept and maintained in the condition required by such licence; or

(3) That in any other manner the bylaw in respect to such premises is not being observed in accordance with its true intent and meaning:

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

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

110 **OFFENCES AND BREACHES**

110.1 No person shall do anything or cause any condition to exist for which a licence or approval from the Council is required under this bylaw without first obtaining that licence or approval, and the failure to do so shall constitute a breach of this bylaw.

110.2 No application for a licence or authority from the Council, and no payment of or receipt for any fee paid in connection with such application, licence, or authority, shall confer any right, authority, or immunity on the person making such application or payment.

110.3 Any person commits a breach of this bylaw who -

- (a) Does, or causes to be done, or knowingly permits or suffers to be done or be concerned in doing, anything whatsoever contrary to or otherwise than as provided by this bylaw; or
- (b) Omits or neglects to do, or knowingly permits or suffers to remain undone anything which according to the true intent and meaning of this bylaw ought to be done by him at the time and in the manner therein provided; or
- (c) Does not refrain from doing anything which under this bylaw he is required to abstain from doing; or
- (d) Knowingly permits or suffers any condition of things to exist contrary to any provision contained in this bylaw; or
- (e) Refuses or neglects to comply with any notice duly given to him under this bylaw; or
- (f) Obstructs or hinders any officer of the Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon him by this bylaw; or
- (g) Fails to comply with any notice or direction given under this bylaw.

110.4 Any person commits a breach of this bylaw who:

- (a) Having constructed, affixed or provided, or caused to be constructed, affixed, or provided, any building or any part of a building or any work, appliance, or material of any description whatsoever, contrary to, or otherwise than in accordance with the provision of this bylaw; or
- (b) Having omitted to construct, affix, or provide any work, appliance or materials as required thereby - and who does not within a reasonable time after notice in writing has been given to him by the Council or any officer of the Council, carry out the remedial action specified in that notice.

110.5 The notice shall state the time within which the remedial action is to be carried out, and may be extended from time to time.

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

111 **REMOVAL BY THE COUNCIL OF WORKS EXECUTED CONTRARY TO THE BYLAW**

111.1 The Council may authorise any officer thereof to pull down, remove or alter or cause to be pulled down, removed or altered any work material or thing erected or being in contravention of any bylaw of the Council.

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

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

112 **INSTALLATION ETC., NOT OTHERWISE PROVIDED FOR**

112.1 If, after the coming into force of this bylaw, any person desirous of installing or using in the district any article or thing which had not been introduced into the district prior to the coming into force of this bylaw and which while not complying entirely with the provisions of this bylaw, may, in the opinion of the Authorised Officer, be properly installed, and put into use, the Authorised Officer may either generally or specifically authorise the installation and use of such article or thing, and he may impose such conditions as he deems necessary.

113 **FORMS**

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