



**THE MASTERTON AND SOUTH
WAIRARAPA DISTRICT COUNCILS'
CONSOLIDATED BYLAW 2012**

PART ONE

INTRODUCTORY

Masterton District Council

The Consolidated Bylaws 2012 comprising parts one to eighteen were adopted at the Council Meeting held on Wednesday 14th August 2013.

The Consolidated Bylaws 2012 came into force throughout the Masterton and South Wairarapa Districts on the 1st September 2013

South Wairarapa District Council

The Consolidated Bylaws 2012 comprising parts one to six and parts eight and nine and parts eleven to sixteen were adopted at the Council Meeting held on Wednesday 31st July 2013.

The Consolidated Bylaws 2012 came into force throughout the Masterton and South Wairarapa Districts on the 1st September 2013

THE MASTERTON AND SOUTH WAIRARAPA DISTRICT COUNCILS' CONSOLIDATED BYLAW 2012

Part 1 – INTRODUCTORY

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REFERENCED DOCUMENTS

Reference is made in this document to the following:

New Zealand Legislation

Building Act 2004

Dog Control Act 1996

Health Act 1956

Land Transport Act 1998

Local Government Act 1974

Local Government Act 2002

Reserves Act 1977

Reserves and Domains Act 1953

Resource Management Act 1991

Litter Act 1979

FOREWORD

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 Under the 2002 Act, a current Bylaw made before 1 July 2003 under a now repealed provision of the Local Government Act 1974, was to have been automatically revoked on 1 July 2008.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

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

This Part contains definitions and provisions of a general nature which apply to all parts of the Masterton and South Wairarapa District Council Consolidated Bylaw. References to Statutes have been updated and some definitions have been revised or added.

1 GENERAL

1.1 Title

The Masterton and South Wairarapa District Councils hereby make by special order the following Bylaw, pursuant to the Local Government Act 2002 and all other acts, powers and authorities enabling the Council to make Bylaws comprising Parts 1 to 18 as they are attached to the said Special Order.

The title of this Bylaw is the Masterton and South Wairarapa Consolidated Bylaw 2012.

The Bylaw is divided into parts as follows:

- Part 1 Introductory
- Part 2 Public Places
- Part 3 Trading in Public Places
- Part 4 Solid Waste
- Part 5 Water Supply
- Part 6 Fires in the Open Air
- Part 7 Control of Dogs (MDC only)
- Part 8 The Keeping of Animals, Poultry and Bees
- Part 9 Cemeteries and Crematoria
- Part 10 Water Races (MDC only)
- Part 11 Wastewater Drainage
- Part 12 Trade Waste
- Part 13 Traffic
- Part 14 Speed

- Part 15 Beauty Therapists, Solarium Operators, Nail Technicians, Tattooists, and Skin Piercers
- Part 16 Food Safety
- Part 17 Liquor Control (MDC only)
- Part 18 Airport (MDC only)

1.2 Commencement

Except as otherwise provided in this Bylaw, the Bylaws including Parts 1 to 18 shall come into force throughout the district on 1 September 2013 following the consultation and adoption process.

1.3 Repeal

As from the date this Bylaw comes into force, any previous Bylaws, or parts of any Bylaw and their amendments in force in the Masterton and South Wairarapa Districts, including former territorial local authorities that now comprise the Masterton and South Wairarapa District Councils with the exception of the, South Wairarapa District Council Control of Dogs Bylaw 2007, South Wairarapa District Council Prostitution Bylaw 2009, South Wairarapa District Council Bylaw for Camping in Coastal Areas 2009, South Wairarapa District Council Moroa Water Race Bylaw 2007, South Wairarapa District Council Longwood Water Race Bylaw and the South Wairarapa District Council Liquor Control Bylaw 2011 is hereby revoked.

All Bylaws hereby revoked shall remain in full force and effect so far as relates to anything done or any offence committed, penalty incurred, prosecution or proceeding commenced, right or liability accrued, licence used, notice given, or order made, under or against any of the provisions thereof before the coming into force of this Bylaw. All licences issued under any revoked Bylaw shall after the coming into operation of Bylaw, be deemed to have been issued under this Bylaw and are subject to the provisions thereof.

All inspectors and other officers appointed by Council under or for the purpose of any revoked 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.

All fees and charges fixed by resolution of Council in regard to any goods, services, inspections or licences provided for in any revoked Bylaw shall apply under the corresponding provisions of this Bylaw until altered by further resolution of Council.

1.4 Scope

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

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

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

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

1.5 Definitions

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

ACCEPTABLE DISCHARGE (PART 11 – WASTEWATER DRAINAGE)

Means wastewater with physical and chemical characteristics which comply with the requirements of the wastewater authority as scheduled in the Trade Waste Bylaw.

ACCEPTABLE MEANS OF FIRE SUPPRESSION (PART 6 - FIRES IN THE OPEN AIR)

A hose connected to a reticulated water supply or an alternative means of fire suppression approved in writing in a particular case by the authorised officer.

ACCESS POINT (PART 12 – TRADE WASTE)

Is a place where access may be made to a private drain for inspection (including sampling or measurement), cleaning or maintenance. The location of the access point shall be in accordance with the New Zealand Building Code and Part 10 – Wastewater Drainage.

AGENT

A person or business authorised to act on another's behalf.

ANALYST (PART 12 – TRADE WASTE)

A testing laboratory approved in writing by an authorised officer on behalf of the Wastewater Authority (WWA).

KEPT ANIMAL (PART 8 – THE KEEPING OF ANIMALS, POULTRY AND BEES)

Means any animal of any age or sex that is kept in a state of captivity or is dependant on human beings for its care and sustenance.

ANIMAL (PART 8 – THE KEEPING OF ANIMALS, POULTRY AND BEES)

Means fish, bird, stock, poultry and any other vertebrate animal of any age or sex that is kept in a state of captivity or is dependent upon human beings for its care and sustenance but does not include humans or dogs.

APPROVAL OR APPROVED

Means approval or approved in writing by the Council, either by resolution of the Council or by an authorised officer of the Council for that purpose.

AUTHORISED AGENT

Any person who is not an employee of the Council but is authorised in writing by the Chief Executive or by the Council to act on its behalf.

AUTHORISED OFFICER

Any officer or agent appointed by Council irrespective of the designation given to that officer or agent and includes any officer for the time being appointed by the Council, as an enforcement officer under the Land Transport Act 1998, Health Act 1956, Local Government Act 2002 with powers of entry as prescribed by Sections 171-174, and includes a member of the police.

BACKFLOW (PART 5 – WATER SUPPLY)

The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.

BARBECUE (PART 6 – FIRES IN THE OPEN AIR)

Any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air - includes brazier.

BATCH DISCHARGE (PART 12 – TRADE WASTE)

Means any discharge of accumulated trade waste over a short duration that has not been approved for discharge under any existing consent, and can include the discharge of tankered waste to designated points into the wastewater system.

BEAUTY THERAPISTS, NAIL TECHNICIANS SKIN PIERCING AND TATTOOIST PRACTICES (PART 15 – BEAUTY THERAPISTS, NAIL TECHNICIANS, TATTOOISTS, AND SKIN PIECERS)

Include tattooing, permanent make-up, skin piercing, epilation (including electrolysis and waxing), pedicures, manicures, nail augmentation, solarium, paraffin treatment and comedone extractions.

BERM (PART 3 – PUBLIC PLACES)

Means the edge of a road reserve between the kerb or surface water channel and property boundary.

BEST MANAGEMENT PRACTICE PLAN (PART 12 – TRADE WASTE)

Means a plan as part of a trade waste consent submitted by a trade premises occupier, showing how the occupier is to mitigate against the effects of the trade's operational impacts on drainage discharge. This can include emergency management, environmental management, and a spill management plan.

BIOSOLIDS (PART 12 – TRADE WASTE)

Sewage sludge derived from a sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial wastewater treatment plants. The term biosolid/biosolids is used generically throughout this document to include products containing biosolids (e.g. composts).

BUILDING

A temporary or permanent, movable or immovable, structure (including a structure intended for occupation by people, animals, machinery, or chattels).

BURIED SERVICES (PART 11 – WASTEWATER DRAINAGE)

Means all public sewers, rising mains, trunk sewers and other underground utilities, under the responsibility of the wastewater authority.

BYLAW

A Bylaw of the Council for the time being in force, made under the provisions of any enactment or authority, enabling the Council to make Bylaws.

CARRIAGEWAY

Means that portion of the road, (including any shoulder, edging, kerbing or channelling) devoted particularly to the use of travelling vehicles.

CEMETERY

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

CEMETERIES AND CREMATORIA

Any crematorium maintained by the Council.

CERTIFICATE OF TITLE

Means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.

CHIEF EXECUTIVE

The principal administrative officer of the Council, irrespective of the designation given to the officer, and includes any person for the time being appointed by the Council to perform the duties or a particular duty of the Chief Executive.

CLEANER PRODUCTION (PART 12 – TRADE WASTE)

The implementation on trade premises, of effective operations, methods and processes, appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes.

This is required to minimise and manage trade waste by:

- Using energy and resources efficiently, avoiding or reducing the amount of wastes produced;
- Producing environmentally sound products and services;
- Achieving less waste, fewer costs and higher profits.

COMBUSTIBLE MATERIAL

Material capable of catching fire and burning.

CONDENSING WATER OR COOLING WATER (PART 12 – TRADE WASTE)

Any water used in any trade, industry, or commercial process or operation in such a manner that it does not take up matter into solution or suspension.

CONDITIONAL TRADE WASTE (PART 12 – TRADE WASTE)

Is a trade waste that does not comply with the conditions in Schedule 1C of this bylaw or is not a controlled trade waste.

CONSENT (PART 11 - WASTEWATER DRAINAGE)

A consent in writing given by the WWA and signed by an authorised officer authorising a person to discharge trade wastes to the sewerage system.

CONSENT HOLDER (PART 11 - WASTEWATER DRAINAGE)

The person occupying trade premises who has obtained a consent to discharge or direct the manner of discharge of trade waste from any premises to the WWA's sewerage system, and includes any person who does any act on behalf or with the express or implied consent of the consent holder (whether for reward or not) and any licensee of the consent holder.

CONTAMINANT (PART 12 – TRADE WASTE)

Includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat –

- When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged; or
- As described or contained in the Resource Management Act.

CONTINGENCY MANAGEMENT PROCEDURES (PART 12 – TRADE WASTE)

Those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the sewerage system.

CONTROLLED TRADE WASTE (PART 12 – TRADE WASTE)

Is a trade waste discharge that has been approved by, or is acceptable to, the WWA and as long as it has the physical and chemical characteristics which comply with the requirements of the WWA standard as defined in Schedule 1C of this bylaw which has conditions placed upon the consent holder by the WWA.

COUNCIL

Means the Masterton or South Wairarapa District Council and includes any officer authorised to exercise the authority of the Council.

CUSTODIAN

Any person for the time being appointed by the Council to control or manage or to assist in the control and management of any land, or premises belonging to, or under the jurisdiction of the Council.

CUSTOMER (PART 5 – WATER SUPPLY & PART 11 - WASTEWATER DRAINAGE)

Means a person who either discharges, or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to the public sewer of the wastewater authority or who uses, or has obtained the right to use or direct the manner of use of, water supplied by the water supply authority.

DEBRIS

Means a collection of loose material derived from rocks or an accumulation of animal or vegetable matter, scattered items, or pieces of rubbish.

DESTINATION (PART 12 – TRADE WASTE)

Means the exact location at which the liquid or solid waste is discharged or dispatched from the vehicle that has collected and transported the liquid or solid waste.

DETECTOR CHECK VALVE (PART 5 – WATER SUPPLY)

A check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use on a dedicated fire supply.

DISABILITY ASSIST DOG (Part 7 - DOG CONTROL)

Means a dog certified by 1 of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:

- (a) Hearing Dogs for Deaf People New Zealand;
- (b) Mobility Assistance Dogs Trust;

- (c) New Zealand Epilepsy Assist Dogs Trust:
- (d) Royal New Zealand Foundation of the Blind:
- (e) Top Dog Companion Trust:
- (f) an organisation specified in an Order in Council made under section 78D

DISCHARGE MANAGEMENT PLAN (PART 12 – TRADE WASTE)

Means a plan agreed between Council and the occupier for the monitoring, programming and controlling by the occupier, of the sources of trade waste from the occupier's premises, so that the discharge to the wastewater system complies with Council's requirements

DISCONNECTION (PART 11 – WASTEWATER DRAINAGE & PART 12 – TRADE WASTE)

The physical cutting and sealing of any of the Wastewater Authority's water services, utilities, drains or sewer for use by any person.

DISTRICT

The district of the territorial authority established under the LGA which has adopted this bylaw.

DOG

Includes any bitch, speyed bitch or puppy.

DOG CONTROL OFFICER

A person appointed as a dog control officer pursuant to section 11 of the Dog Control Act 1996.

DOG RANGER

A person appointed as a dog ranger by the territorial authority pursuant to section 12 of the Dog Control Act 1996, and includes an honorary ranger.

DOMESTIC SEWAGE (PART 12 – TRADE WASTE)

Means foul water or wastewater (with or without matter in solution or suspension therein) which is discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises; but does not include any solids, liquids, or gases that may not lawfully be discharged into the sewerage system and may include geothermal water.

DOMESTIC WASTEWATER (PART 11 – WASTEWATER DRAINAGE)

Means either that wastewater which is discharged from premises used solely for residential activities, or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Such activities shall include the draining of domestic swimming and spa pools subject to 1.6.1 of the Wastewater Drainage Bylaw.

DRAIN (PART 11 – WASTEWATER DRAINAGE)

Means that section of private drain between the customer's premises and the point of discharge through which wastewater is conveyed from the premises. This section of drain is owned and maintained by the customer (or group of customers).

DRAINAGE DISTRICT (PART 11 – WASTEWATER DRAINAGE)

Means the district or part thereof of the territorial authority for which the Council may provide a drainage system, including, with the consent of the territorial authority, any area within that district.

DRAINLAYER (PART 11 – WASTEWATER DRAINAGE)

Means person registered or authorised by legislation to perform work on a customers drain.

DWELLING OR DWELLINGHOUSE

Any house, 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.

EMERGENCY VEHICLE

Means a vehicle used for attendance at emergencies and operated—

- (a) by an enforcement officer:
- (b) by an ambulance service:
- (c) as a fire service vehicle:
- (d) as a civil defence emergency vehicle:
- (e) as a defence force emergency vehicle

ENACTMENT

Means the whole or part of an Act or regulation.

ENFORCEMENT OFFICER

Means

- (a) a person appointed by a local authority to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Act, including enforcement of the bylaws of the local authority; or
- (b) a constable; or
- (c) a Police employee who is not a constable who is authorised for the purpose by the Commissioner of Police; or
- (d) a person who is appointed to that office by warrant under section 208 of the Act or who holds that office by virtue of the Act

ENVIRONMENTAL HEALTH OFFICER

Means an Environmental Health Officer appointed by the Council under the authority of the Health Act 1956 or any other Act.

ETHNIC COOKING FIRE (PART 6 - FIRES IN THE OPEN AIR)

Any hangi, umu or similar fire in the open air and used for the preparation of food using ethnic cooking methods.

EXCREMENT (PART 8 – THE KEEPING OF ANIMALS, POULTRY AND BEES)

Waste matter discharged from the bowels.

EXTRAORDINARY SUPPLY (PART 5 – WATER SUPPLY)

A category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations.

FARMING PURPOSES (PART 10 - WATER RACES MDC ONLY)

The provision of water for stock to drink.

FEES AND CHARGES

The list of items, terms, and prices for services associated with the supply of water as adopted by the Council in accordance with the LGA 2002 and the Local Government (Rating) Act 2002.

FIRE PERMIT (PART 6 - FIRES IN THE OPEN AIR)

A permit to light a fire in the open air granted in accordance with 5.4 of the Fires in the Open Air Bylaw.

FOOD

Anything that is used or represented for use as food or drink for human beings; and includes—

- (a) any ingredient or nutrient or other constituent of any food or drink, whether that ingredient or nutrient or other constituent is consumed or represented for consumption by human beings by itself or when used in the preparation of or mixed with or added to any food or drink; and
- (b) anything that is or is intended to be mixed with or added to any food or drink; and
- (c) chewing gum, and any ingredient of chewing gum, and anything that is or is intended to be mixed with or added to chewing gum shall have the same meaning as it has in Section 2 of the Food Act 1981.

FOOD PREMISES

Any premises requiring registration under Regulation 4 of the Food Hygiene Regulations, or operates under a registered food safety plan and includes factory canteens and kitchens.

FOOD WORKER

Any person, who at any time, is involved in the manufacture, preparation for consumption or packing of food on food premises. It does not include bar or waiting staff not handling food, or persons exclusively handling pre-packaged food, or storing or transporting food.

FOOTPATH

So much of any road as is laid out or constructed by authority of the council primarily for pedestrian use; and includes the edging, kerbing, and channelling thereof.

FOUL WATER (PART 12 - TRADE WASTE)

The discharge from any sanitary fixtures (any fixture which is intended to be used for sanitation – the term used to describe activities of washing and/or excretion carried out in a manner or condition such that the effect on health is minimised, with regard to dirt and infection) or sanitary appliance (an appliance which is intended to be used for sanitation which is not a sanitary fixture – included are machines for washing dishes and clothes).

FREIGHT CONTAINER

An article of transport equipment that is:

- Of a permanent character and strong enough to be suitable for repeated use;

- Specifically designed to facilitate the transport of goods, by one or more modes of transport, without intermediate loading; and
- Designed to be secured and readily handled having fittings for these purposes.

GOODS

Means any product or service.

HAZARDOUS WASTES (PART 12 – TRADE WASTE)

Means, unless expressly provided otherwise by regulations, any substance—

(a) with 1 or more of the following intrinsic properties:

(i) explosiveness:

(ii) flammability:

(iii) a capacity to oxidise:

(iv) corrosiveness:

(v) toxicity (including chronic toxicity):

(vi) ecotoxicity, with or without bioaccumulation; or

(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a)

HEAVY MOTOR VEHICLE

Means a motor vehicle that has a gross vehicle mass exceeding 3,500 kg.

HOUSEHOLD REFUSE AND LITTER

Sweepings, dust, paper, bottles, bones and waste food, cans, cartons, or other food containers (non recyclable), or any other refuse arising or resulting from domestic housekeeping operations.

INCINERATOR (PART 6 - FIRES IN THE OPEN AIR)

A container used for burning of waste material, which is made of non-combustible materials and which has a grate and a lid or spark arrester.

INFILTRATION (PART 11 – WASTEWATER DRAINAGE)

Means water entering a public sewer or private drain from groundwater through defects such as poor joints, and cracks in pipes or manholes. It does not include inflow.

INFLOW (PART 11 – WASTEWATER DRAINAGE)

Means water discharged into a private drain from non-complying connections or other drainlaying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.

INFRINGEMENT

An offence as specified by this bylaw under Subsection 243 and 259 of the LGA.

INFRINGEMENT OFFENCE

An offence for which any person can be punished on indictment, by summary process, or by infringement process.

KENNEL

Any building or structure intended or occupied for use or, used solely or principally as a shelter for a dog or dogs, and includes any enclosed space for a dog run attached or adjacent to such building or structure.

LEVEL OF SERVICE (PART 11 - WASTEWATER DRAINAGE)

Means the measurable performance standards on which the wastewater authority undertakes to receive wastewater from its customers.

LEVEL OF SERVICE (PART 5 - WATER SUPPLY)

The measurable performance standards on which the WSA undertakes to supply water to its customers.

LICENCE

A licence or approval issued under this Bylaw.

LITTER

Any refuse, rubbish, animal remains, glass, metal, garbage, material, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter or any other thing of a like nature.

LOCAL AUTHORITY

Means a regional council or territorial authority.

LONG TERM PLAN

A long term plan adopted under Section 93 of the LGA.

MANAGEMENT PLAN (PART 12 – TRADE WASTE)

The plan for management of operations on the premises from which trade wastes come, and may include provision for cleaner production, waste minimisation, discharge, contingency management procedures, and any relevant industry code of practice.

MANAGER (PART 9 - CEMETERIES AND CREMATORIA)

Any person appointed by the Council to control or manage or to assist in the control and management of any cemetery and crematorium under the jurisdiction of the Council and to carry out burials and cremations as provided in this Part of the Bylaw.

MASS LIMIT (PART 12 – TRADE WASTE)

The total mass of any characteristic that may be discharged to the WWA sewerage system over any stated period from any single point of discharge or collectively from several points of discharge.

MATERIAL (PART 3 – PUBLIC PLACES)

Means any material of whatever kind and includes jumbo bins and other containers for waste material, but excludes vehicles.

MAXIMUM CONCENTRATION (PART 12 – TRADE WASTE)

The instantaneous peak concentration that may be discharged at any instant in time.

MEMORANDUM OF ENCUMBRANCE

Means an agreement for the payment by any person or persons by yearly or periodical payments or otherwise of any annuity, rent, charge, or sum of money other than a debt where land owned by the person or persons is legally defined and used as security should failure to pay occur.

METERED AREA

Any road or portion of a road or any area of land or any building owned or controlled by the Council which is authorised by resolution of Council to be used as a parking place and at which parking meters or multiple space parking meters are installed and maintained.

METERED PARKING SPACE

Any part of a road, or a space, within a metered area or multiple space parking meter area, indicated by and lying within, markings made by the Council for parking of vehicles.

MIND ALTERING SUBSTANCE (PART 2 – PUBLIC PLACES)

A substance whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or impair or diminish mental capacity. It includes what is commonly known as solvent abuse, but does not include:

- Medically prescribed substances ingested by the person for whom they were prescribed;
- Substances purchased from a pharmacy without a medical prescription;
- Nicotine;
- Alcohol as defined in the Sale of Liquor Act 1989.

MINOR EARTHWORKS

Means any alteration to the contours of the land and includes the excavation, backfilling or recompaction of metal backfill, topsoil or vegetation.

MOBILITY PARKING PERMIT

A permit or concession card, issued by the New Zealand Crippled Children Society (CCS) Incorporated, to persons with physical disabilities for the purpose of its operation mobility programme.

MOBILITY PARKING SPACE

A parking space set aside under 3.1 b) of the Traffic Bylaw for use by people who hold a mobility parking permit.

MOTOR VEHICLE

Means a vehicle drawn or propelled by mechanical power; and includes a trailer; but does not include—

- (i) a vehicle running on rails; or
- (iii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or

- (iv) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
- (v) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
- (vi) a pedestrian-controlled machine; or
- (vii) a vehicle that the Agency has declared under section 168A of the Land Transport Act 1998 is not a motor vehicle; or
- (viii) a mobility device

NUISANCE

Without limiting the meaning of the term **nuisance**, a nuisance shall be deemed to be created in any of the following cases, that is to say:

- (a) where any pool, ditch, gutter, watercourse, sanitary convenience, cesspool, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health:
- (b) where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health:
- (c) where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin:
- (d) where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health:
- (e) where any building or part of a building is so overcrowded as to be likely to be injurious to the health of the occupants, or does not, as regards air space, floor space, lighting, or ventilation, conform with the requirements of this or any other Act, or of any regulation or bylaw under this or any other Act:
- (f) where any factory, workroom, shop, office, warehouse, or other place of trade or business is not kept in a clean state, and free from any smell or leakage from any drain or sanitary convenience:
- (g) where any factory, workroom, shop, office, warehouse, or other place of trade or business is not provided with appliances so as to carry off in a harmless and inoffensive manner any fumes, gases, vapours, dust, or impurities generated therein:
- (h) where any factory, workroom, shop, office, warehouse, or other place of trade or business is so overcrowded while work is carried on therein, or is so badly lighted or ventilated, as to be likely to be injurious to the health of the persons employed therein:
- (i) where any buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive or likely to be injurious to health:

- (j) where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health:
- (k) where any noise or vibration occurs in or is emitted from any building, premises, or land to a degree that is likely to be injurious to health:
- (l) where any trade, business, manufacture, or other undertaking is so carried on as to be unnecessarily offensive or likely to be injurious to health:
- (m) where any chimney, including the funnel of any ship and the chimney of a private dwellinghouse, sends out smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health, or in any manner contrary to any regulation or Act of Parliament:
- (n) where the burning of any waste material, rubbish, or refuse in connection with any trade, business, manufacture, or other undertaking produces smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health:
- (o) where any street, road, right of way, passage, yard, premises, or land is in such a state as to be offensive or likely to be injurious to health:
- (p) where any well or other source of water supply, or any cistern or other receptacle for water which is used or is likely to be used for domestic purposes or in the preparation of food, is so placed or constructed, or is in such a condition, as to render the water therein offensive, or liable to contamination, or likely to be injurious to health:
- (q) where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease

OCCUPIER

The inhabitant occupier of any property and, in any case where any building, house, tenement, or premises is or are unoccupied includes the owner.

OCCUPIER (PART 11 – WASTEWATER DRAINAGE)

The person occupying trade premises connected to the sewerage system.

OCCUPIER (PART 17 - FOOD SAFETY)

The owner of the food premises or stall, or persons occupying the premises, and shall include the supervisor, food handler, manager or agent acting in the general management or control of the food premises or stall.

OFFENCE

Any act or omission in relation to this Bylaw for which any person can be punished either on indictment or by summary process.

OFFICIAL CONTAINER (PART 4 – SOLID WASTE)

Any mobile bin, plastic bag or multi-wall paper bag or other container from time to time approved by the Council and collected by or on behalf of Council.

ON DEMAND SUPPLY (PART 5 – WATER SUPPLY)

A supply which is available on demand directly from the point of supply subject to the agreed level of service.

OPEN AIR (PART 6 - FIRES IN THE OPEN AIR)

Means in the open whether on or above ground level.

OPEN FIRE SEASON (PART 6 - FIRES IN THE OPEN AIR)

A period of time, whether fixed or indefinite during which the lighting of fires in the open air is permitted.

ORDINARY SUPPLY (PART 5 – WATER SUPPLY)

A category of on demand supply used solely for domestic purposes.

OWNER

As applied to any land, building, or premises, means any person for the time being entitled to receive the rent for such property, or who would be so entitled if it were let to a tenant at a rack rent, and where any such person is absent from New Zealand, includes their attorney or agent.

OWNER (PART 8 - THE KEEPING OF ANIMALS, POULTRY, AND BEES)

Means every person who:

- a) Owns the Animal or Bird, or
- b) Is the parent or guardian of a person under the age of 17 years who;
 - i Is the owner pursuant to paragraph (a) of this definition; and
 - ii Is a member of the parent or guardian's household living with and dependent on the parent or guardian.

OWNER (Part 7 - CONTROL OF DOGS)

Owner, in relation to any dog, means every person who—

- (a) Owns the dog; or
- (b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- (c) The parent or guardian of a person under the age of 16 years who—
 - (i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
 - (ii) Is a member of the parent or guardian's household living with and dependent on the parent or guardian;—
but does not include any person who has seized or taken custody of the dog under this Act or any other Act.

PARKING METER

A single space parking meter or a multiple space parking meter or a pay and display parking meter (including the stand to which the parking meter is attached) installed under this Bylaw being an instrument designed for the purpose of:

- Measuring and showing the period of time paid for or which remains to be used; or

- Issuing a receipt showing the period of time paid for and accordingly which remains to be used.

PARKING PLACE

Means a place (including a building) where vehicles, or any class of vehicles, may wait and includes all necessary approaches and means of entrance to and egress from any such place, and all such buildings, ticket offices, waiting rooms, cloak rooms, structures, appliances, and other facilities as the council considers to be necessary or desirable for the efficient use of that place for the purpose for which it is provided and the collection of charges in relation to that use.

PARKING WARDEN

A parking warden appointed under section 128D of the Land Transport Act 1998.

PASSENGER SERVICE VEHICLE

Means a vehicle used or available for use in a passenger service for the carriage of passengers; but does not include —

- i) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried; or
- ii) a vehicle specified as an exempt passenger service vehicle in the regulations and rules.

PATHOLOGICAL WASTE (PART 12 – TRADE WASTE)

Waste materials that are offensive to the senses or hazardous to public health. This applies mainly to anatomical wastes such as human tissue and organs or animal tissue organs and carcasses. Other wastes deemed to be pathological are materials that may be contaminated by highly infectious organisms.

PERMITTED DISCHARGE (PART 12 – TRADE WASTE)

A trade waste discharge that has been approved by, or is acceptable to, the WWA and as long as it has the physical and chemical characteristics which comply with the requirements of the WWA standard as defined in Schedule 1A of this bylaw.

PERSON

A natural person, corporation sole or a body of persons whether corporate or otherwise.

POINT OF DISCHARGE (PART 11 - WASTEWATER DRAINAGE)

Means the boundary between the public sewer and a private drain.

POINT OF DISCHARGE (PART 12 TRADE WASTE)

Is the boundary between the public sewer and a private drain but for the purposes of monitoring, sampling and testing, shall be as designated in the trade waste consent.

POINT OF SUPPLY (PART 5 – WATER SUPPLY)

The point on the water pipe leading from the water main to the premises, which marks the boundary of responsibility between the customer and the WSA, irrespective of property boundaries. Generally referred to as the Toby.

POTABLE

In relation to drinking water, means water that does not contain or exhibit any determinands to any extent that exceeds the maximum acceptable values (other

than aesthetic guideline values) specified in the drinking-water standards. These being (a) standards issued or adopted under section 690; or (b) if section 14(5) of the Health (Drinking Water) Amendment Act 2007 applies, the *Drinking-Water Standards for New Zealand 2000*

POULTRY

Any live domesticated or farmed bird including but not limited to: fowl, goose, duck, pigeon, turkey, parrot, budgerigar, pheasant, canary, ostrich, guinea fowl, or emu.

PREMISES

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

PREMISES (PART 12 – TRADE WASTE)

Is either:

- A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or
- A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- Land held in public ownership (e.g. reserve) for a particular purpose; or
- Individual units in buildings which are separately leased or separately occupied.

PREMISES (PART 5 – WATER SUPPLY & PART 11 – WASTEWATER DRAINAGE)

Premises include the following:

- A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or
- A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- Land held in public ownership (e.g. reserve) for a particular purpose.

PRE-TREATMENT (PART 12 – TRADE WASTE)

Any processing of trade waste designed to reduce or vary any characteristic in a waste before discharge to the sewerage system in order to comply with a trade waste consent.

PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

The most senior Environmental Health Officer available and employed by the territorial authority, who shall also be authorised as a Food Act Officer pursuant to sections 7(2) and 7(3) of the Food Act 1981.

PRIVATE DRAIN (PART 12 – TRADE WASTE)

The section of drain between the premises and the point of connection to the WWA's sewerage system. See Consolidated Bylaw 2012 Part 11 – Wastewater Drainage.

PRIVATE ROAD

Means any roadway, place, or arcade laid out or formed within a district on private land, by the owner thereof, but intended for the use of the public generally.

PRIVATEWAY

Means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally.

PROHIBITED CHARACTERISTICS (PART 11 – WASTEWATER DRAINAGE)

Means wastewater which shall not be discharged into the wastewater authority system, as scheduled in the Trade Waste Bylaw.

PROHIBITED FIRE SEASON (PART 6 - FIRES IN THE OPEN AIR)

The period of time, whether fixed or indefinite during which the lighting of fires in the open air is prohibited in accordance with 6.1 of this Part of this Bylaw.

PROHIBITED TRADE WASTE (PART 12 – TRADE WASTE)

A trade waste that has or is likely to have any prohibited characteristics or substances as defined in Schedule 1D and does not meet the conditions of Schedule 1C. The waste is not acceptable for discharge into the WWA's system unless specifically approved by them as a conditional trade waste.

PUBLIC NOTICE

In relation to a notice given by a local authority,—

(a) means a notice published in—

(i) 1 or more daily newspapers circulating in the region or district of the local authority; or

(ii) 1 or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district; and

(b) includes any other public notice that the local authority thinks desirable in the circumstances

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.

(c) Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward. (Dog Control Act 1996).

RANGER (PART 5 – WATER SUPPLY)

A person responsible for the management of a WSA controlled catchment area or water reserve.

RECYCLABLES (PART 4 – SOLID WASTE)

Paper, aluminium cans, tins, bottles, glass jars, small ferrous items and plastic containers (plastic types 1 to 7) and other items that are specifically identified e.g, paper, cardboard and some textiles.

Plastic types 1 – 7 refers to the plastic resin identification code identified on the bottom of most plastic goods.

REFUSE CONTAINER (PART 4 – SOLID WASTE)

In relation to household refuse means any household refuse or recycling container approved by the Council from time to time, and all references to refuse containers in this Part of the Bylaw shall, where the context permits, include official containers.

REQUIRED (PART 10 - WATER RACES MDC ONLY)

Is required by notice in writing under the seal of the Council; or in writing signed by an authorised officer.

RESERVE OR PUBLIC RESERVE

Except as hereinafter provided in this definition, means any land set apart for any public purpose; and includes—

- (a) any land which immediately before the commencement of the Reserves Act 1977 was a public reserve within the meaning of the Reserves and Domains Act 1953:
- (b) any land vested in the Crown which after the commencement of the Reserves Act 1977 is reserved or set apart under Part 12 of the Land Act 1948 or other lawful authority as a reserve, or alienated from the Crown for the purpose of a reserve:
- (c) any land which after the commencement of the Reserves Act 1977 is vested in the Crown by or under the authority of any Act as a reserve:
- (d) any land which after the commencement of the Reserves Act 1977 is taken, purchased, or otherwise acquired in any manner whatever by the Crown as a reserve or in trust for any particular purpose:
- (e) any land acquired after the commencement of the Reserves Act 1977 in any manner by an administering body as a reserve within the meaning of the Reserves Act 1977, and any land vested in any local authority which, not theretofore being a public reserve, is by resolution of the local authority pursuant to section 14 declared to be set apart as a reserve:
- (f) any private land set apart as a reserve in accordance with the provisions of any Act:
- (g) any land which immediately before the commencement of the Reserves Act 1977 was a domain or public domain within the meaning of the Reserves and Domains Act 1953:
- (h) any land, other than a national park within the meaning of the National Parks Act 1980, administered under the Tourist and Health Resorts Control Act 1908:
- (i) any land taken or otherwise acquired or set apart by the Crown under the Public Works Act 1981 or any corresponding former Act, whether before or after the commencement of this Act, for the purposes of a reserve, a recreation ground, a pleasure ground, an agricultural showground, or a tourist and health resort:

but does not include—

- (j) any land taken or otherwise acquired or set apart under the Public Works Act 1981 or any corresponding former Act, whether before or after the commencement of this Act, for any purpose not specified in paragraph (i):
- (k) any land to which section 167(4) of the Land Act 1948 applies:
- (l) any land taken, purchased, or otherwise in any manner acquired, whether before or after the commencement of the Reserves Act, by a local authority, unless the land is acquired subject to a trust or a condition that it shall be held by the local authority as a reserve:
- (m) any Maori reservation

RESTRICTED FIRE SEASON (PART 6 - FIRES IN THE OPEN AIR)

A period of time whether of fixed or indefinite duration during which period permits or authorities are required for the lighting of fires in the open air in accordance with 5.1 of this Part of this Bylaw.

RESTRICTED FLOW SUPPLY (PART 5 – WATER SUPPLY)

A type of water supply connection where a small flow is supplied through a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations.

RESTRICTOR (PART 5 – WATER SUPPLY)

A flow control device fitted to the service pipe to limit the flow rate of water to a customer's premises.

RIDE A WHEELED RECREATIONAL DEVICE (PART 2 – PUBLIC PLACES)

Having either one or both feet, or any other part of the body of any person, on the wheeled recreational device when it is moving.

RISING MAIN (PART 11 – WASTEWATER DRAINAGE)

Means a sewer through which wastewater is pumped.

ROAD

includes—

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of the Land Transport Act or any other enactment

ROADING AUTHORITY

A territorial authority or New Zealand Transport Agency.

ROADWAY

That portion of the road used or able to be used for the time being for vehicular traffic in general.

RURAL AREA

Any area zoned rural in the Wairarapa Combined District Plan unless otherwise stated.

RURAL WATER SUPPLY AREA (PART 5 – WATER SUPPLY)

An area formally designated by a WSA as an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies and/or on demand supplies but not necessarily with a fire fighting capability.

SCHEDULE OF RATES AND CHARGES (PART 11 – WASTEWATER DRAINAGE & PART 12 – TRADE WASTE)

Means the list of items, terms and prices, for services associated with the discharge of wastewater or trade waste as approved by the wastewater authority.

SERVICE DELIVERY VEHICLE

Any vehicle being used for the purpose of delivering goods to the premises of any business or organisation and does not involve the sale of the goods to the general public in any public place.

SERVICE OPENING (PART 11 – WASTEWATER DRAINAGE)

Means a manhole, or similar means of gaining access for inspection, cleaning, or maintenance, of a public sewer.

SERVICE PIPE (PART 5 – WATER SUPPLY)

The section of water pipe between a water main and the point of supply.

SEWAGE (PART 12 – TRADE WASTE)

Means foul water, wastewater and may include trade wastes.

SEWAGE SLUDGE (PART 12 – TRADE WASTE)

The material settled out and removed from sewage during the treatment process.

SEWER (PART 11 – WASTEWATER DRAINAGE)

Means the main public sewer and lateral connections, that carry away wastewater from the point of discharge. The public sewer is owned and maintained by the wastewater authority.

SEWERAGE SYSTEM (PART 12 – TRADE WASTE)

The collection, treatment and disposal of sewage and trade wastes, including all sewers, pumping stations, storage tanks, sewage treatment plants, outfalls, and other related structures operated by the WWA and used for the reception, treatment and disposal of trade wastes.

SEXTON (PART 9 – CEMETERIES AND CREMATORIA)

Any person appointed by the Council to manage the day to day activities of any cemetery and crematorium under its jurisdiction, including arranging for the provision of plots for burials.

SIGNIFICANT INDUSTRY (PART 12 – TRADE WASTE)

Indicates the relative size of a given industry compared to the capacity of the sewerage system (including sewage treatment plants) which services that industry. Industry size relates to volume and/or loads discharging into the sewerage system. Loads can be the conventional loadings of BOD5 and SS or some other particular contaminant (e.g. boron, chromium) which will have an effect on the propensity to have an effect on the sizing of the sewerage system, the on-going system operation and/or the quality of the treated effluent that is discharged.

SOLARIUM

Means a commercial establishment containing one, or more, sun-tanning units. (A sun-tanning device emits ultra violet radiation to produce a cosmetic tan.)

SPECIAL VEHICLE LANE (PART 13 – TRAFFIC)

Means a lane defined by signs or markings as restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, a cycle lane, and a light rail vehicle lane.

SPECIAL WASTES (PART 4 – SOLID WASTE)

Any wastes 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 landfill operational requirements.

SPEED LIMIT

Means:

- (a) the maximum speed at which a vehicle may legally be operated on a particular road, but does not mean the maximum permitted operating speed for classes or types of vehicle specified in any Act, regulation or rule;
- (b) for a minimum speed limit, the minimum speed at which a vehicle may legally be operated in a specified lane of a road;
- (c) an urban, rural, permanent, holiday, temporary, variable or minimum speed limit.

SPILL MANAGEMENT PLAN (PART 12 – TRADE WASTE)

A plan to mitigate against accidental spillage of prohibited materials, or prohibited trade wastes entering drains.

STOCK (PART 10 - WATER RACES MDC ONLY)

Includes but is not limited to horses, sheep, dairy cows, and cattle.

STORAGE TANK (PART 5 – WATER SUPPLY)

Any container having a free or enclosed water surface.

STORMWATER (PART 11 – WASTEWATER DRAINAGE & PART 12 – TRADE WASTE)

Surface water run-off resulting from precipitation.

SUPPLY PIPE (PART 5 – WATER SUPPLY)

The section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.

TANKERED WASTE (PART 12 – TRADE WASTE)

Is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding domestic sewage discharged directly from house buses, caravans, buses and similar vehicles.

TEMPORARY DISCHARGE (PART 12 – TRADE WASTE)

Any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from premises subject to an existing consent.

TERRITORIAL AUTHORITY (TA)

Either South Wairarapa District Council or Masterton District Council.

TRADE PREMISES (PART 11 – WASTEWATER DRAINAGE & PART 12 – TRADE WASTE)

Is either:

- Any premises used or intended to be used for any industrial or trade purpose; or
- Any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or
- Any other premises from which a contaminant is discharged in connection with any industrial or trade process;
- Any other premises discharging other than domestic sewage;
- And includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

TRADE REFUSE (PART 4 – SOLID WASTE)

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

TRADE WASTE (PART 11 – WASTEWATER DRAINAGE)

Means any liquid, with or without matter in suspension or solution, that is, or may be, discharged from a trade premises in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature, but does not include condensing water, stormwater or domestic wastewater. Condensing or cooling waters, and stormwater which cannot practically be separated from wastewater may be included subject to specific approval.

TRADE WASTE (PART 12 – TRADE WASTE)

Is any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the WWA's sewerage system from batch discharge, or trade premises, in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include condensing or cooling waters; stormwater which cannot be practically separated, or domestic sewage.

TRADE WASTE BYLAW

Means the Bylaw of the wastewater authority regulating wastewater discharges from trade premises to a sewer.

TRAFFIC CONTROL DEVICE

Means a device used on a road for the purpose of traffic control; and includes any:

- (a) sign, signal, or notice; or
- (b) traffic calming device; or
- (c) marking or road surface treatment.

TRANSPORT STATION (PART 13 – TRAFFIC)

Means a place where transport-service vehicles, or any class of transport-service vehicles, may wait between trips and includes all necessary approaches and means of entrance to and egress from any such place, and all such buildings, ticket offices, waiting rooms, cloak rooms, structures, appliances, and other facilities as the council considers to be necessary or desirable for the efficient use of that place for the purpose for which it is provided and the collection of charges in relation to that use.

TRENCHING (PART 2 – PUBLIC PLACES)

Includes any excavation including any auguring or thrusting carried out within or under a road or public place for the purpose of maintaining, locating or installing services.

TRUNK SEWER (PART 11 – WASTEWATER DRAINAGE)

Means a sewer, generally greater than 150 mm in diameter, which forms a part of the principal drainage network of the wastewater authority's wastewater drainage system.

URBAN AREA

Means any area zoned urban in the Wairarapa Combined District Plan unless otherwise stated.

URBAN WATER SUPPLY AREA (PART 5 – WATER SUPPLY)

An area formally designated by a WSA as an area serviced by a reticulated water supply system with a fire fighting capability, that is intended to supply water to customers via on demand supplies.

USED WAX, (INCLUDING PARAFFIN WAX) (PART 15 – BEAUTY THERAPISTS, SOLARIUM OPERATORS, NAIL TECHNICIANS, TATTOOISTS, AND SKIN PIERCERS)

Means wax that has been previously applied to the body, remelted and sieved for removal of hair, left over in the cartridge of a roll on/pistol system that has been applied to any part of the body, left over in a heated pot from which it has been applied by spatula using the double dipping procedure, left in the cartridge of a flow on system that has been applied to any part of the body.

VEHICLE

Has the same meaning as in the Land Transport Act 1998 being;

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include—
 - (i) a perambulator or pushchair:
 - (ii) a shopping or sporting trundler not propelled by mechanical power:
 - (iii) a wheelbarrow or hand-trolley:
 - (iv) [Repealed]
 - (v) a pedestrian-controlled lawnmower:
 - (vi) a pedestrian-controlled agricultural machine not propelled by mechanical power:
 - (vii) an article of furniture:
 - (viii) a wheelchair not propelled by mechanical power:
 - (ix) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:
 - (x) any rail vehicle

VERANDAH (PART 2 – PUBLIC PLACES)

A portico, porch, shed, shade, awning, blind, covering, or like structure, and their supports, projecting into or over any part of a public place.

WASTEWATER (PART 11 – WASTEWATER DRAINAGE)

Means water or other liquid, including waste matter in solution or suspension, discharged from a premise to a sewer.

WASTEWATER AUTHORITY (WWA)

The Masterton District Council or South Wairarapa District Council including their authorised agents, responsible for the collection, treatment and disposal of sewage.

WATER RACE (PART 10 - WATER RACES MDC ONLY)

Means the land occupied by a water channel (other than a main river)—

- (a) constructed—
 - (i) by or under the authority of a local authority;
 - (ii) in, upon, or through land for the supply of water; and
- (b) to be used—
 - (i) solely or principally for farming purposes; or
 - (ii) in the case of an existing water race, for any other purpose for which water from that water race may be used at the commencement of this section; and
- (c) includes—
 - (i) a branch of a water race taken or made through land for the purpose of supplying water as referred to in paragraph (b); and
 - (ii) an alteration, extension, or widening of a water race or branch water race, whether done by the local authority or by any person with the approval of the local authority; and
 - (iii) a flood or other bank, or a dam, sluice, flume, bridge, gauge, meter, reservoir, or other waterworks relating to, or forming part of, a water race; and
 - (iv) buildings and machinery, pipes, and other materials on the land and within the limits of a water race or relating to, or used in connection with, a water race

WATER SUPPLY AUTHORITY (WSA)

The Masterton District Council or the South Wairarapa District Council or their authorised agents.

WATER SUPPLY SYSTEM (PART 5 – WATER SUPPLY)

All those components of the network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.

WATERWORKS (PART 5 – WATER SUPPLY)

in relation to the provision of water supply, includes—

- (a) rivers, streams, lakes, waters, and underground waters, and rights relating to these; and
- (b) land, watershed, catchment, and water collection areas; and
- (c) if vested in a local government organisation, or acquired, constructed, or operated by, or under the control of, a local government organisation,—
 - (i) reservoirs, dams, bores, tanks, and pipes; and

- (ii) buildings, machinery, and appliances

WHEELED RECREATIONAL DEVICE (PART 2 – PUBLIC PLACES)

- (a) means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and
- (b) includes a conveyance to which are attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 200 W.

WORKING DAY

Any day of the week other than:

A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day; and day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year.

WORKING DOG

- (a) any disability assist dog:]
- (b) Any dog—
 - (i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or
 - (ii) Kept solely or principally for the purposes of herding or driving stock; or
 - (iii) Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
 - (iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management [plan] under the Biosecurity Act 1993; or
 - (iva) kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or]
 - (ivb) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or]
 - (ivc) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or]
 - (v) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or]
 - (vi) Declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

WRITING, WRITTEN OR SIMILAR TERM

Words, written, printed, painted, engraved; lithographed, or otherwise traced or copied.

ZONE PARKING (PART 13 – TRAFFIC)

in relation to a road, means a parking restriction imposed by the road controlling authority:

- (a) that applies to an area comprising a number of roads; and
- (b) in respect of which persons using vehicles within the area could reasonably be expected to be aware of the application of the parking restriction to the area without the need for the erection of signs at each intersection within the area, for reasons including:
 - (i) the nature of the area; or
 - (ii) the nature of the parking restriction; or
 - (iii) traffic patterns into and within the area; or
 - (iv) the nature and number of entry points to the area; and
- (c) that the controlling authority specifically declares to be a zone parking control

1.6 Interpretation

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

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

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

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

2 OFFICERS TO CONTINUE IN OFFICE

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

3 SERVING OF ORDERS AND NOTICES

3.1

Except as otherwise provided for in any other enactment, where any notice, order, or other document is required to be served on any person for the purposes of this Bylaw, service may be effected by delivering it personally to the person or by sending it by registered post to that person's last known residential or business address.

3.2

If the person is absent from New Zealand the order, notice, or other document may be served on the person's agent in the manner referred to in 3.1.

3.3

If the order, notice, or other document relates to land or buildings, then the order, notice, or other document should be served on the person who owns that land or buildings. However, if that person is not known, or is absent from New Zealand, or has no known agent in New Zealand, the order or notice may be:

- a) Served on the person who is occupying the land or buildings; or
- b) If there is no person in occupation, put up on some conspicuous part of the land or buildings.

It is not necessary in that notice to name the occupier or the owner of that land or buildings.

3.4

Where an order or notice is sent by registered post, the order or notice shall be sent so as to arrive no later than the latest time on which such order or notice is required to be served.

3.5

Any order or notice issued shall state the time within which the remedial action is to be carried out, and may be extended from time to time by written authority of an authorised office.

4 POWERS OF ENTRY FOR THE PURPOSES OF THIS BYLAW

4.1

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

5 LICENCES

5.1

Any person doing or proposing to do any thing or to cause any condition to exist for which a licence from the Council is required under this Bylaw, shall first obtain a licence from the Council or any authorised officer.

5.2

Every application for a licence shall be accompanied by the relevant fee. If the application for the licence is declined, the fee shall be refunded less any reasonable processing costs. Where a fee has been paid for which no service has been given the Council may provide a refund or waiver of all or part of the fee as it may determine.

5.3

No application for a licence, and no payment of or receipt for any fee paid in connection with such application, confers any right, authority or immunity on the person making that application or payment.

5.4

Any licence is deemed to be issued in compliance with this Bylaw if it is issued by an authorised officer, and every licence is subject to such conditions as may be imposed.

5.5

Unless this Bylaw provides otherwise, every licence and every application for a licence shall be in such form as may be prescribed from time to time by the Council.

5.6

Unless this Bylaw provides otherwise, a licence is not transferable, and no such licence authorises any person other than the licence holder to act in any way under its terms or conditions.

5.7

If, following a request for payment, any licence fee due remains unpaid, the licence shall immediately cease to have effect.

6 SUSPENSION AND REVOCATION OF LICENCES

6.1

Unless this Bylaw provides otherwise, should the licence holder be convicted of any offence relating to the holder's suitability as a licensee, the Council may immediately revoke or suspend the licence for any specified time.

6.2

The Council may by notice in writing call upon the licence holder to appear before the Council and give reasons why the licence should not be revoked or suspended, if any of the following are brought to the notice of the Council:

- a) That the licence holder –

- (i) Has acted or is acting in a manner contrary to the true intent and meaning of this Bylaw;
 - (ii) Has failed to comply with any of the conditions of the licence;
 - (iii) Is in any way unfit to hold the licence;
- b) That the premises for which the licence was issued is being used for any purpose other than that stated in the licence, or is in a state of disrepair contrary to the terms of the licence; or
- c) That the Bylaw is not being properly observed.

6.3

The Council may, if it considers the allegations correct or if there is no appearance by the licence holder, revoke, or suspend the licence for any specified time.

6.4

A person whose licence has been suspended under this clause and any premises for which that licence has been so suspended is, during the period of that suspension, deemed to be unlicensed.

7 DISPENSING POWER

7.1

Where in the opinion of the Council full compliance with any of the provisions of this Bylaw would needlessly or injuriously affect any person, or the course or operation of the business of, or bring loss or inconvenience to any person without any corresponding benefit to the community, the Council may, on the special application of that person, dispense with the full compliance with the provisions of this Bylaw; provided that any other terms or conditions (if any) that Council may deem fit to impose shall be complied with by that person.

8 FORMS

8.1

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

9 FEES AND CHARGES

9.1

The Council may from time to time by resolution publicly notified prescribe fees to be charged for any certificate, authority, approval, permit, or consent from, or inspection by, the Council under the provisions of the Act or any other enactment where that enactment contains no provision for authorising the Council to charge a fee. The setting of any fees or charges shall be in accordance with section 150 of the Act.

9.2

Where a fee has been paid under 9.1 for a service that has not been given, the Council may provide a refund, a remission, or waiver of any such fee, or portion of it as the Council may determine.

10 OFFENCES AND BREACHES

10.1

Any person commits a breach of this Bylaw who:

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

10.2

Where it is suspected that any person has committed a breach of this Bylaw, that person shall, on the direction of an authorised officer, provide their full name and address.

11 REMOVAL OF WORKS

11.1

Where the notice served under section 3 of this Bylaw has not been complied with, the Council, or any authorised officer or agent of the Council, may pull down, remove, or alter, any work, material or thing erected or being in contravention of any part of this Bylaw. Refer to section 163, and for seizure of property sections 164, 165, 167, and 168, of the Act.

11.2

The Council may recover from any person responsible for the breach of any part of this Bylaw, all expenses incurred by it in connection with such pulling down, removal or alteration. This includes the cost of debt collecting and legal fees.

11.3

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

11.4

If however the breach is such that public health, or safety considerations, or risk of consequential damage to Council assets is such that delay would create unacceptable results, the Council may take immediate action to rectify the defect, and recover all reasonable costs (as set out in 11.2).

11.5

On payment of all Council's costs, including storage where applicable, the lawful owner may claim any object, material or thing removed under 11.1.

11.6

If not claimed within a reasonable time the Council may dispose of any object, material or thing as it sees fit and apply the proceeds to meet any outstanding costs. The lawful owner shall be entitled to claim any residual sum.

12 PENALTIES FOR BREACH OF BYLAWS

12.1

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

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

12.2

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