



RUAPEHU DISTRICT COUNCIL

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Public Health and Safety Bylaw 2006

The Ruapehu District Council pursuant to its powers under the Local Government Act 2002, and any other Act or authority in any way enabling it to make Bylaws hereby makes the following Bylaw, entitled RUAPEHU DISTRICT COUNCIL PUBLIC HEALTH AND SAFETY BYLAW.

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1.0 TITLE

This Bylaw may be cited as the Ruapehu District Council Public Health and Safety Bylaw 2006 (the Bylaw).

2.0 COMMENCEMENT

This Bylaw shall come into force after the passing of the resolution confirming the adoption of the Bylaw.

3.0 PURPOSE

- (a) The Public Health and Safety Bylaw regulates a diverse range of activities. It seeks to protect the public from nuisances, minimise the potential for offensive behaviour and to protect and promote public health and safety within the District.
- (b) The Bylaw does not duplicate statutory provisions. It seeks to compliment existing statutory provisions that may also affect Public Health and Safety such as under the Local Government Act 2002, the Resource Management Act 1991, Building Act 1991, the Health Act 1956, and the Litter Act 1979 by addressing specific needs assessed in the community overtime.
- (c) Bylaws are recognised by the Council as part of a wider approach to the control of undesirable actions or matters that involve both regulatory and non-regulatory methods.
- (d) Council does not accept any liability for any damage arising from the activities that could be detrimental to public health and safety in any public or private place and permitted under this Bylaw.
- (e) This Bylaw is made pursuant to Sections 145, 146, 147, 169 and 170 of the Local Government Act 2002 and with consideration to the decision-making and consultation sections of the Local Government Act 2002.

4.0 INTERPRETATION

For the purposes of this Bylaw the following definitions shall apply:

ACCEPTABLE MEANS OF FIRE SUPPRESSION means a hose connected to a reticulated water supply or an alternative means of fire suppression approved in writing in a particular case by Council.

ACT means Local Government Act 2002 and its amendments.

ANIMAL means 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.

APPROVED means approved by the Council or by any officer authorised on that behalf by the Council.

AUTHORISED AGENT means any person who is not an employee of the Council but is authorised by the Council to act on its behalf.

AUTHORISED OFFICER means any person appointed or authorised by the Council to act on its behalf and with its authority.

BARBECUE means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.

BODY PIERCING any process involving piercing, cutting and puncturing the skin or any other part of the human body, or applying a dye or other substance for the purposes of colouring part of the skin. Body piercing includes such processes as acupuncture, pedicure, epilating (hair removal), body piercing, hair restoration and tattooing.

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.

CERTIFICATE means a certificate in Food Safety that meets unit standards prescribed by the New Zealand Qualifications Authority or alternatively any certificate that has been approved by the Council.

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

COUNCIL means the Ruapehu District Council or any Officer authorised to exercise the authority of the Council.

DISTRICT means the district within the jurisdiction and under the control of the Council.

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.

ENGINEER means the District Engineer or his or her representative appointed by Council.

ETHNIC COOKING FIRE means any hangi, umu or similar fire in the open air and used for the preparation of food using ethnic cooking methods.

EXEMPTED FOOD HANDLER means:

- (a) Any person employed in any food premises that is not involved in the manufacture, preparation or packing of food but does handle pre-packaged foodstuffs at the point of sale or in storage.

- (b) Any other person employed in food premises or who works in connection with any food premises who in the opinion of an Authorised officer is an exempted food handler.
- (c) Exempted food handlers may include:
 - (i) Supermarket checkout operators.
 - (ii) Persons employed exclusively in the handling of packaged goods in storage or the carriage of goods to and from storage.
 - (iii) Persons employed exclusively in the delivery of packaged goods to and from food premises.
 - (iv) Persons employed predominantly in the wholesale or retail sale of fruit or vegetables.

FIRE PERMIT means a permit to light a fire in the open air granted in accordance with 16.10 of this Part of this Bylaw.

FOOD shall have the same meaning as it has in section two of the Food Act 1981.

FOOD HANDLER means any person employed in or on any food premises that at any time may be involved in the manufacture, preparation or packing of food.

FOOD PREMISES shall have the same meaning as in Regulation two of the Food Hygiene Regulations 1974 but shall not include occasional food premises as defined in that Regulation.

GANTRY means a framework of steel bars raised on side supports to bridge over or around something.

GUEST means a person for whom any room or part thereof or rooms in a hostel is or is provided as a lodging or for his/her use or occupation and to whom whole or partial board may also be supplied.

HOARDING means a temporary wooden fence around a building or structure under construction or repair.

INCINERATOR means 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.

INCINERATOR FIRE means a fire within an incinerator.

LICENSED means holding a licence under this Bylaw or under any statute.

LOCAL AUTHORITY means the Council, person, or group of persons authorised by any Act to make Bylaws, and which has made this Bylaw, and includes the body corporate on behalf of which any such Council, person, or group acts.

NUISANCE shall have the meaning assigned to it by section 29 of the Health Act 1956 and its amendments.

OCCUPIER means the inhabitant occupier of any property, and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner as hereinafter defined.

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 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.

OPEN AIR means in the open either on or above ground level.

OPEN FIRE SEASON means a period of time, whether fixed or indefinite during which the lighting of fires in the open air is permitted.

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

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

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 attached.

POULTRY means any bird including domestic fowls, ducks, geese, turkeys, guinea fowl, pheasants and pigeons.

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.

PRINCIPAL ADMINISTRATIVE OFFICER means the principal administrative officer of Council, irrespective of the designation given to that officer, and includes any person for the time being appointed by the Council to perform the duties or a particular duty of the principal administrative officer.

PROHIBITED FIRE SEASON means the period of time, whether fixed or indefinite during which the lighting of fires in the open air is prohibited in accordance with 16.12 of this Part of this Bylaw.

PUBLIC NOTICE shall have the meaning assigned to it from time to time by the Local Government Act 1974.

PUBLIC PLACE means any place that, at any material time, is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge; and includes any road whether or not it is under the control of the Council. It also includes every reserve, park, domain, beach, foreshore and recreational grounds under the control of the Council.

RESERVE means any land set aside for any public purpose and shall have the same meaning as in the Reserves Act 1977.

ROAD shall have the same meaning as in the Local Government Act 1974 and shall where the context requires include a street.

RECYCLABLES means paper, aluminium cans, tins, bottles, glass jars, small ferrous items and plastic containers coded “1” or “2” and other items that are specifically identified.

REFUSE CONTAINER in relation to household refuse means any household refuse 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.

RESTRICTED FIRE SEASON means a period of time whether of fixed or indefinite duration during which permits or authorities are required for the lighting of fires in the open air in accordance with 16.7 of this Part of this Bylaw.

SEXTON means any person appointed by the Council to manage the day-to-day activities of any cemetery and crematorium under its jurisdiction. Such activities include arranging for the provision of plots for burials.

SPECIAL WASTES mean 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.

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

VEHICLE means a contrivance equipped with wheels, tracks, or revolving runners upon which it moves or is moved and includes a hovercraft, skateboards, in-line skates, roller skates or similar recreational devices, but does not include:

- (a) A perambulator or pushchair.
- (b) A shopping or sporting trundler not propelled by mechanical power.
- (c) A wheelbarrow or hand-trolley.
- (d) A child’s toy, including a tricycle and a bicycle, provided, in either case, no road wheel (including any tyre) has a diameter exceeding 335 mm.
- (e) A pedestrian-controlled lawnmower.

- (f) Any pedestrian-controlled agricultural machinery not propelled by mechanical power.
- (g) Any article of furniture.
- (h) Any other contrivance specified by the Council.
- (i) Motor vehicles as defined in the Land Transport Act 1998 from time to time.

VERMIN means any small animals or insects, such as rats or cockroaches that are destructive, annoying, or injurious to health.

5.0 BYLAWS REVOKED

5.1 The following sections of the Ruapehu District Council General and Fire Bylaw in force in the District at the time of the coming into operation of this Public Health and Safety Bylaw are hereby revoked;

- (a) Licensing and Control of Apartments and Boarding Houses.
- (b) Removal of Refuse.
- (c) Scaffolding and Deposit of Building Materials.
- (d) Amusement Devices and Shooting Galleries.
- (e) Nuisances.
- (f) Cemeteries and Crematoria.
- (g) Billiard Rooms.
- (h) Noise.
- (i) Fire Prevention.
- (j) Precautions Against Fire and Panic in Cinemas, Theatres and Places of Assembly.

5.2 All sections of the Bylaw 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 issued, 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 this Bylaw, be deemed to have been issued under this Bylaw and be subject to the provisions thereof.

6.0 FEES AND CHARGES

- 6.1 In relation to this Bylaw, Council may, at any time by resolution publicly notified, prescribe fees that may be charged in respect of any certificate, authority, approval, consent given, inspection made or service given by Council under the provisions of the Local Government Act 2002, or any other enactment where that enactment contains no provision for authorising Council to charge a fee.

- 6.2 Unless an Act, Regulation, or Bylaw provides that a certificate, authority, licence, consent or service given or inspection made shall be given free of charge then all fees and charges in respect thereof, which the Council is empowered by an Act, Regulation or Bylaw to prescribe, charge or vary by the making of a Bylaw or otherwise, may be hereby and hereafter prescribed, charged, or varied from time to time by an ordinary resolution of the Council, publicly notified in terms of the relevant Act, which shall specify when they shall come into force, and to which persons, applications, objects, and period they shall apply and (where appropriate) on what basis they may be assessed.

- 6.3 Except as otherwise provided in any Act, every fee or charge which is prescribed or charged under clause 6.2 hereof shall be such as to recover no more than the reasonable costs incurred by the Council in respect of the matter for which it is prescribed or charged.

7.0 OFFENCES

- 7.1 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.

- 7.2 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.

- 7.3 Everyone commits an offence against this Bylaw who:
 - (a) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this Bylaw,

 - or

 - (b) Omits, or neglects to do, or permits, or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done at the time and in the manner therein provided,

 - or

 - (c) Does not refrain from doing anything that under this Bylaw he or she is required to refrain from doing,

or

- (d) 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 under this Bylaw,

or

- (f) Obstructs or hinders any officer of the Council in the performance of any duty in the exercise of any power, conferred by this Bylaw,

or

- (g) Fails to comply with any notice or direction given in this Bylaw.

8.0 PENALTIES

8.1 Every person convicted of an offence against this Bylaw shall be liable to the penalties as set out in Section 242(4) of the Local Government Act 2002 and further if the offence is one to which Section 243 of the Local Government Act 2002 applies (and is therefore an infringement offence) shall be liable to infringement fees as prescribed by Regulations made under Section 259(b) of the Local Government Act 2002, or where any person is alleged to have committed an offence against this Bylaw; be proceeded against pursuant to any other enactment so empowering the Council.

8.2 The continued existence of any work, building, land, premises or thing in such a state or form as to be in contravention of any provision of this Bylaw, shall be deemed to be a continuing offence under this Bylaw.

9.0 SCHEDULES

9.1 Every schedule to this Bylaw shall be deemed to form part of this Bylaw. The Council may from time to time by resolution publicly notified, add, delete or amend any schedule of this Bylaw, or any of the provisions of any schedule of this Bylaw.

10.0 GENERAL CONDITIONS

10.1 The Council is authorised from time to time to make resolutions to impose such prohibitions, restrictions, controls or directions concerning public places as deemed necessary.

10.2 In all cases where this Bylaw provides for the issue of any order, notice or licence, such an 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 for that purpose.

10.3 All officers appointed by 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 be appointed under this Bylaw.

10.4 Any person who in the opinion of any authorised officer of the Council commits a breach of any of the provisions of these Bylaws shall if so requested by the officer supply their full and correct name and address.

11.0 SCAFFOLDING AND DEPOSIT OF BUILDING MATERIALS

11.1 Introduction

11.2 This part of the Bylaw is made pursuant to Council's powers under the following Acts and Regulations hereunder and any other Act or authority in any way enabling it to make Bylaws:

- Local Government Act 2002

11.3 Authority Required for Scaffolding and Deposit of Materials

11.4 No person shall without first obtaining from Council a permit so to do

- (a) Erect or cause to be erected any scaffolding, gantry, hoarding or barricade on or over any public place or part thereof,

or

- (b) Deposit any building material or building rubbish on or make or maintain a hole in order to deposit any building material or building rubbish or excavation in or disturb the surface of any public place or any part thereof,

or

- (c) Prepare building materials on any public place or part thereof.

11.5 Shutting of Fence or Hoarding

11.6 No person shall erect or demolish any building, or alter, add to, repair, plaster, paint, clean or, cause to be altered, added to repaired plastered, painted or cleaned, the walls roof or other external part of any building abutting on any street, public place or footway thereof, unless that person has erected a fence or hoarding so as to shut off and render safe the traffic passing or which may pass along the street, public place or footway, or otherwise shall have obtained a certificate from Council dispensing with such fence or hoarding.

11.7 Issue of Permit and Security for Possible Damage

11.8 Council may issue a permit subject to the provisions of this part of the Bylaw for the safety and convenience of the public and protection of the street. An applicant must deposit with the Council such a sum as Council shall direct, to be held as security for

the making good by the applicant of any damage that may be caused to the public property by such work or act. If the applicant does not make good such damage Council may repair or make good to the original standard, and charge the cost of such work to the applicant or deduct the cost needed aforesaid.

- 11.9 Council shall not grant approval until satisfied that the applicant has a Health and Safety Plan.

11.10 Works to be Carried Out for the Protection of the Public

- 11.11 Where in the opinion of Council it is necessary in the public interest, the person intending to erect any scaffolding shall, before commencing the erection of the scaffold, form a gantry, so that it is stable over the public footway to allow pedestrians to pass beneath it. Such gantry shall be substantially constructed to the approval of Council. The gantry shall be constructed so as to prevent tools, dust, materials, or water to fall upon the pedestrians, vehicular traffic and adjoining properties. The applicant erecting such a gantry shall keep the public way clear so as not to obstruct the flow of people or vehicles beneath it.

- 11.12 Where a gantry is not required over the footway, the lower stage of the scaffold shall be close-boarded. Such close boarding is to extend further than a line parallel with the outside edge of the curb. The close boarding shall have the effect of preventing tools, dust, materials, or water falling on pedestrians or vehicular traffic.

- 11.13 No material shall be positioned under a scaffold that obstructs members of the public.

- 11.14 Where needed or where required by Council, a boarded platform not less than 1m wide with sturdy post rails and wheel-kerbs on the outside of it shall be constructed outside the scaffolding.

- 11.15 In all cases where street channels are covered over, the person who was issued the permit shall make sure that such channels are not obstructed of during the currency of the permit.

11.16 Hoardings and Scaffolding to be Lit

- 11.17 All hoardings and scaffolds shall be well and sufficiently lit to the satisfaction of Council during the hours of darkness, being:

- (a) The period of time between half an hour after sunset to half an hour before sunrise.
- (b) Any other period of time when any hoarding or scaffolding within 2.5m of the ground is not clearly seen.

11.18 Fire Hydrants

- 11.19 All fire hydrants shall be left unenclosed in recesses formed of such size and in such a manner as to enable the hydrant to be easily accessible.

11.20 Access shall be provided to all underground services within the enclosed area.

11.21 Street Lamps

11.22 Street lamps shall not be enclosed without the permission of Council. When such enclosure is permitted, the applicant shall put a lamp or lamps temporarily outside the scaffold so that the public way may be properly lighted.

11.23 Permit not Transferable Without Authority

11.24 The permit of Council, as aforementioned for the erection of any scaffold, shall not be transferred to any other person without the written consent of Council.

11.25 Construction of Hoardings

11.26 Builders' hoardings shall be more than two metres in height; they shall be constructed in a substantial and workmanlike manner of approved material, the ends shall be splayed, and the outside sheeting whatever the material shall be left with a smooth even finish. Council at its discretion, may require the hoarding to be painted as directed.

11.27 Openings in hoardings shall be provided with sliding panels, hung with approved hangers, and shall slide inside the line of the hoarding or such openings may be provided with a door, fixed so as to allow the door to swing only inside the hoardings.

11.28 No such hoarding shall be used for advertising purposes.

11.29 Permit Fees

11.30 There shall be a fee payable to Council for such permit. Such fee may from time to time be prescribed by resolution, publicly notified of Council, such permit may be renewed from time to time if in the opinion of Council unavoidable delays have occurred.

11.31 Offences

11.32 Any person who shall commence any such work aforesaid without first obtaining the required permit or who works outside the conditions of which the permit was granted or who after the expiry date of the permit fails to leave the place in the previous condition shall be guilty of an offence against this part of the Bylaw.

11.33 Responsibility for Accidents

The granting of a permit under this part of the Bylaw shall not relieve the permit holder from responsibility for accident or injury to persons or property public or private, or for the proper maintenance of all necessary guards or a full compliance with this part of the Bylaw.

12.0 NUISANCES

12.1 Introduction

12.2 This part of the Bylaw is made pursuant to Council's powers under the following Acts and Regulations hereunder and any other Act or authority in any way enabling it to make Bylaws:

- Local Government Act 2002
- Health Act 1956
- Litter Act 1979

12.3 The purpose of this part of the Bylaw is to control the accumulation and disposal of litter, rubbish, offal, excrement, manure, and any other offensive material on private land.

12.4 Deposit of Refuse

12.5 No person shall deposit or permit others to deposit or accumulate any refuse or litter as defined in the Litter Act 1979 or rubbish of any description including sawdust, plastic material, waste paper, shavings, filth, tins, glass, rags, straw, garden refuse, tree cuttings, iron, or steel on any land not set apart for such purposes by Council.

12.6 Dead Animals on Private Premises

12.7 No person shall throw or leave, or permit or allow remaining any dead animal or vermin on private property, land or premises.

12.8 Offensive Drainage

12.9 No person shall cause or permit any waste or impure water or offensive liquid or matter to remain in any cellar or place within any building or premises. No Person shall cause or permit the contents of any water closet, privy drain, cesspool or other receptacle to soak and therefore to be offensive or run over any land or through a drain so as to create a nuisance or become offensive.

12.10 Defective Sanitary Appliances

12.11 No person being the owner or occupier of any building or premises, shall permit or suffer any water closet, urinal, bath, lavatory basin, sink, cistern or any other sanitary fitting in connection therewith, to be in such a state or defective condition as to render such appliance incapable of proper and hygienic use.

12.12 Creating Nuisance

12.13 No person shall cause or permit any drain, water closet, or animal enclosure including but not limited to, a stable, fowl house, fowl run, dog kennel, pigeon house or yard to

be or become a nuisance either by neglect or default on the part of such person to provide proper cleaning.

12.14 Encouraging Vermin

12.15 No person shall:

- (a) Cause or permit or suffer any refuse, waste material, material or thing to remain or be kept in such a manner or for such a time as to afford shelter or likely harbourage for vermin to visit or frequent, or be in such a building, land or premises.
- (b) Fail to protect from access of vermin as far as practicable any article which is likely to be food vermin.
- (c) Neglect any such building, land or premises where vermin exist or are harboured, or where there is evidence of the existence vermin.
- (d) Fail to remove or obliterate nests burrows or habitual haunts of vermin in any building land or premises.

12.16 Flies Mosquitoes and Other Such Insects

12.18 The owner or occupier of any building land or premises whereon exist conditions giving rise or likely to give rise to the breeding of flies, mosquitoes or other insects dangerous to health shall execute and do such disinfecting spraying or applying of larvicide's, cleaning, screening, removal or destruction of breeding grounds or places as may be necessary to prevent the breeding of flies, mosquitoes or other such insects.

12.19 Paving of Yards

12.20 Where it is deemed that a yard, or other open space is the source of unsanitary conditions an authorised officer can require the owner of the premises to rectify the said area by the construction of a sealed impervious area. This area must be paved with concrete, asphalt or other impervious material, sloping to allow the effective drainage of liquid from the area, into an appropriately designed and permitted treatment system or drain.

12.21 Drainage of Stagnant Water

12.22 The owner of any land or premises upon which any stagnant water, drainage, or other such impure water collects shall cause such land or premises to be effectively drained or filled in so as to prevent the collection of stagnant water or other impure water.

13.0 FOOD SAFETY

13.1 Introduction

13.2 This Part of the Bylaw is made pursuant to Council's powers under the following Acts and Regulations hereunder and any other Act or authority in any way enabling it to make Bylaws:

- Local Government Act 2002
- Health Act 1956

13.3 The purpose of this Part of the Bylaw is to set requirements so that all premises, where food is prepared for sale, employ staff that are adequately trained in food hygiene. The Bylaw also allows territorial authorities to close premises that are unsanitary.

13.4 The aim of this Part of the Bylaw is to ensure that safe food is available in all food premises throughout the District.

13.5 This Part of the Bylaw is made pursuant to section 145 of the Local Government Act 2002 and section 64 of the Health Act 1956.

13.6 Compulsory Training For Food Handlers

13.7 All food premises are required to have food handling staff that have passed or are in the process of acquiring an NZQA approved basic food hygiene or food safety certificate, with the exception of those premises that have a Food Safety Programme approved by the Food Safety Authority.

13.8 It shall be the duty of the occupier of every food premise to ensure that food handling staff have passed an NZQA or are in the process of acquiring an NZQA approved basic food hygiene or food safety certificate.

13.9 Every food premise shall have at least one person employed in a supervisory and staff training capacity who is trained to the standard required, provided that Council may grant an exemption or partial exemption where full compliance may be unreasonable having regard to the site and the nature of the premises.

13.10 In the case of food premises which consist of separate departments or sections, each of which functions more or less in isolation from the others; at least one person shall be appointed to act in a supervisory position within each separate department or section.

13.11 The occupier of every food premise shall ensure that adequate records are kept relating to staff training and that copies of all certificates gained by staff are kept on the premises for perusal by any authorised officer upon request.

13.12 Closure Of Premises

13.13 Where any food premise or part of any food premises or any appliance, fitting or fixture or other equipment on any food premises by reason of their situation,

construction, disrepair, or state are in such a condition that any food in the food premises may become unfit for human consumption, an authorised officer may serve a notice in writing on the occupier of the premises requiring him/her:

- (a) To cease to use the premises as food premises, or to clean or reconstruct or to repair the premises, or part of the premises.

or

- (b) To cease to use, or to clean, reconstruct, or repair any appliance, fittings, fixture or other equipment on those premises in accordance with the requirements and within the time specified in the notice.

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

14.0 CEMETERIES

14.1 Introduction

14.2 This Part of the Bylaw is made pursuant to Council's powers under the following Acts and Regulations hereunder and any other Act or authority in any way enabling it to make Bylaws:

- Local Government Act 2002
- Burials and Cremations Act 1964

14.3 The purpose of this Part of the Bylaw is to enable Council to control and set standards for the operation of cemeteries within the boundaries covered by Council's responsibility or ownership.

14.4 Nothing in this Part of the Bylaw shall derogate from any provision of, or the necessity for, compliance with the:

- (a) Burial and Cremation Act 1964
- (b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967
- (c) Cremation Regulations 1973
- (d) Health (Burial) Regulations 1946

14.5 Burials And Sale Of Plots

14.6 Burial plots sold by the Council shall be sold upon the terms and conditions as decided by the Council and the exclusive right of burial may be granted for such limited period as the Council decides.

- 14.7 No burial shall be made in any cemetery without a burial warrant for that purpose obtained by the person having the management or control of the burial from the Council and presented to the Sexton as authority for burial.
- 14.8 Burials shall take place in such plots as Council shall determine and no headstone, full grave cover or surround shall be erected on the plot unless the exclusive right of burial has been purchased.
- 14.9 No person other than the Sexton or assistants of the Sexton or any other person duly authorised by the Council shall dig any grave in, or open the ground for burial in, any part of the cemetery.
- 14.10 The minimum depth of cover for any casket shall be no less than one metre.
- 14.11 Upon application and payment of the appropriate fees, the urn containing the ashes of any cremated person may be buried in the appropriate portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial.

14.12 Fees

- 14.13 The Council may by publicly notified resolution, set fees for all services provided for the operation and maintenance of cemeteries and crematoria.
- 14.14 “Out of District” fees may be payable in the case of the burial of a deceased person who has not been residing in or not been a ratepayer of the district for a predetermined time. The Council shall determine the time frame for such a requirement. This fee may also apply to the burial of a stillborn child if the parents were not residents or ratepayers of the District. For the purposes of this Bylaw, a person in a hospital or institution in the District shall be deemed as resident in the district if they have been a resident of the hospital or institution longer than three months. Council shall determine in each case whether an “Out of Districts” fee is applicable.

14.15 Hours Of Operation

- 14.16 Funerals may be held on such days and at such time as the Council shall determine.

14.17 Erection And Maintenance Of Monuments, Headstones, Structures

- 14.18 All above ground grave structures, enclosures, memorials /headstones and other monuments shall be installed so as to follow the guidelines in the Bylaw.
- 14.19 The purchaser of a plot is entitled to erect, and obliged thereafter to maintain, memorials or headstones upon the concrete berm provided by Council.
- 14.20 Plinths (concrete bases of memorials/headstones) are not to be any higher than 150mm. Plinths are not to be any wider than 1.00 metres on a single plot or two metres on a double plot provided that there is 150mm clear width on all sides. Memorials/headstones are not to exceed 850mm above the berm and are to be constructed out of granite or other similar material as approved by Council.

- 14.21 Ashes plots vary in width, and memorials/headstones can be erected provided there is 150mm clear width on all sides.
- 14.22 Adornments of any type are not permitted upon any plots with the exception of vases or containers for flowers or plant containers housed in inserts within the plinth.
- 14.23 Plans and specifications for the construction of above ground vaults in cemeteries must be submitted to the Council for approval prior to any work commencing. Construction of the vault shall be to standards acceptable to the Council.
- 14.24 The Council may carry out regular audits of memorial headstones and other monuments to ensure their safety.
- 14.25 No person shall, without the written permission of the Council, remove from any cemetery or grave any headstone, monument or plaque.
- 14.26 No monuments other than approved headstones shall be erected within the precincts of a memorial park cemetery. Any memorial must comply with the requirements of the Council.
- 14.27 All vases and containers for flowers in memorial park cemeteries shall be placed in such a manner as approved by the Council.
- 14.28 No person shall construct any structure or plaque in a plaque lawn cemetery in such a manner that any part therefore shall project above the ground immediately adjoining it.
- 14.29 Any memorial plaque in a plaque lawn cemetery must consist of permanent material, be of an approved size and set in an approved position with all inscriptions relating to the persons buried in each plot to be on the one plaque.
- 14.30 No person shall, without the authority of the Sexton, remove or take from any grave in any cemetery, any vase, wreath, plant, flower or other object, except that the Council may cause to be removed any neglected or broken material of this nature.

14.31 Shrubs And Trees

- 14.32 No tree or shrub shall be planted in any part of any cemetery by any person without the consent of the Council being first obtained.

14.33 Vehicles

- 14.34 Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton or assistants of the Sexton.
- 14.35 No vehicle shall be driven at a greater speed than indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices.
- 14.36 All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

14.37 Any person installing memorial plaque or headstone or attending a memorial in a cemetery shall withdraw for the duration of an adjoining funeral service.

14.38 Soliciting Of Orders

14.39 No person shall, in any cemetery, advertise or solicit any order from any other person for any work whatsoever to be done in or in connection with any cemetery, or for the sale, preparation or supply of any article, material or item to be set up, affixed or used in any cemetery.

14.40 Except at the specific request of the purchaser of a plot or their representatives or assigns, no person shall, in any cemetery accept or take any such order of custom as aforesaid.

14.41 No person, apart from immediate family members, shall without the consent of the funeral director, or family or a special permit in writing for the occasion from the Council, take any photographs or moving images at a funeral.

14.42 Burial Or Cremation Of Poor Persons

14.43 Where application is made to the Council for the interment or cremation of any deceased poor person, the applicant shall, on making such application, provide to the Council a duly signed certificate certifying that the deceased person has not left sufficient means to pay the ordinary charge of internment or cremation fixed by this Part of the Bylaw, that the cost of burial is not covered by any Accident Compensation entitlement and that his/her relatives and friends are unable to pay the same.

14.44 Deceased Servicemen

14.45 The fee payable to the Council for the disinterment of any deceased servicemen and the re-interment in the war graves section of the cemetery, if application is made by the War Graves Branch of the Department of Internal Affairs, shall be as agreed upon between the parties at the time.

14.46 Disinterment

14.47 Where a request for a disinterment and/or a re-interment is received by the Council or other cemetery owner, the disinterment shall be conducted pursuant to sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of such fees as the Council decides are required to cover actual and reasonable costs.

14.48 Safety

14.49 No person other than the Sexton or assistants of the Sexton or any other person duly authorised by the Sexton shall fill in a grave.

14.50 Monumental Work In Cemeteries

14.51 The installations of memorial headstones, grave surrounds or overtop construction or repairs and installation of concrete ground beams or bases shall be carried out to the satisfaction of the Council.

15.0 FIRES IN THE OPEN AIR

15.1 Introduction

15.2 This part of the Bylaw is made pursuant to Council's powers under the following Acts and Regulations hereunder and any other Act or authority in any way enabling it to make Bylaws:

- Local Government Act 2002
- Forest and Rural Fires Act 1977
- Forest and Rural Fires Regulation 1979

15.3 The Purpose of this Part of the Bylaw is:
To allow Council to exercise control over burning in the open air in urban areas of the District and prevent smoke from fires in the open causing a nuisance.

15.4 Council has a further avenue of control over smoke nuisance in the nuisances provisions of the Health Act 1956 and persons responsible for causing a smoke nuisance may be prosecuted under the provisions of either the Health Act 1956 or the Bylaw.

15.5 Regional Councils have responsibility for discharges into air. Consents and approvals may be required from Regional Councils for discharges into air from fires in the open air.

15.6 Nothing in this Part of this Bylaw shall be regarded as derogating from the provisions of the Forest and Rural Fires Act 1977 and Forest and Rural Fires Regulations 1979.

15.7 Fires In The Open

15.8 No person shall in any open fire season light any fire in the open air including a barbecue, ethnic cooking fire, or an incinerator fire under the following conditions:

- (a) Where the location, wind, or other conditions cause or are likely to cause the fire to become:
 - (i) A danger to any person or property,
or
 - (ii) Out of control or spread beyond the limits of the premises on which it is lit,
or
 - (iii) A smoke or ash nuisance to any person.

or

- (b) Within three metres of any part of a building, tree, hedge, fence or other combustible material,

or

- (c) Without continuous supervision being maintained at all times,

or

- (d) Without an acceptable means of fire suppression being available where the fire is located on residential premises, or land adjoining such premises.

15.9 Restricted Fire Season

15.10 Council may at any time prescribe a restricted fire season or seasons within the District or in any specified part or parts thereof, and may at any time cancel or vary such a prescription.

15.11 Any person wishing to obtain a fire permit during a restricted fire season shall apply to Council.

15.12 Council may from time to time prescribe a form of application for the purposes of 16.10.

15.13 Upon receiving an application under clause 15.10 Council may issue a fire permit and may impose such conditions and restrictions in respect of the permit as Council considers reasonably necessary having regard to:

- (a) Any cultural requirements or practices.
- (b) The location, terrain, natural vegetation, and the existence of buildings or other structures and any other fuels.
- (c) Protection of the safety, health and convenience, of persons on the premises in respect of which the permit is issued and adjoining lands and premises.

15.14 Nothing in clause 15.13 shall apply to an ethnic cooking fire, an incinerator or a barbecue. Provided that Council may in certain circumstances include the above where it considers it necessary to do so.

15.15 Prohibited Fire Season

15.16 Council may at any time prescribe a prohibited fire season or within the District or in any specified part or parts thereof, and may at any time cancel or vary such a prescription.

15.17 In a prohibited season no person shall light any fire in the open air including an ethnic cooking fire, an incinerator or a barbecue, and no person being the occupier of any

premises shall cause, permit or suffer any fire to be lit or continue to burn in the open air on those premises.

15.18 Nothing in clause 15.17 applies to the use of gas fire barbecues. Council may in certain circumstances prohibit the use of gas barbecues.

15.19 Public Notice Of Restricted Or Prohibited Fire Season

15.20 Public notice of the prescription of a restricted or a prohibited fire season made under clause 15.10 or 15.16 or the cancellation or variation of such a prescription, shall be made by:

(a) Broadcast or other similar means within the District.

or

(b) By a notice inserted in a daily or community newspaper circulating within the District.

(c) By any effective means.

15.21 Revocation Or Suspension Of Permits

15.22 Subject to clause 15.23, every fire permit issued in accordance with clause 15.13 shall remain in force from the date of issue until the expiry of the period, date or time specified in the permit, unless a prohibited fire season is declared.

15.23 Notwithstanding any other provisions in this Bylaw, any permit issued under this part of this Bylaw may be revoked or suspended by Council at any time, or suspended for such periods of time on such terms and conditions, as Council may consider reasonable in the circumstances.

15.24 Council May Extinguish Fires

15.25 Where a fire has been lit or allowed to burn in:

(a) An open fire season in breach of section 15.7,

or

(b) A restricted fire season in breach of the conditions of a fire permit issued in accordance with 15.9,

or

(c) A prohibited fire season, in breach of 15.15; any officer or agent of the Council (including the New Zealand Fire Service) may extinguish any such fire or direct the occupier of premises on which the fire is located, or the person who lit the fire, to extinguish such fire.

- 15.26 Where Council or an agent of the Council has extinguished a fire pursuant to 15.27 the Council may recover any costs incurred in extinguishing the fire from the occupier of premises on which the fire was located, or the person who lit the fire.
- 15.27 Where any occupier of premises upon which a fire in the open air is located, or person who lit such a fire, disregards a Council direction under 15.24 to extinguish the fire, Council may authorise an agent (including the New Zealand Fire Service) to extinguish the fire and to take such other steps as may be reasonably necessary to ensure the safety of any person or to protect the premises, or any other property.
- 15.28 The Council may recover from the occupier of the premises, or the person who lit the fire, any costs incurred by it as a result of its officer or agents taking any action authorised by the officer under 15.26.

15.29 Live Ashes

- 15.30 No person shall place any live cinders, embers or ashes in or upon any premises other than:
- (a) In a container made and constructed of concrete or other similarly fire resistant material to prevent the transmission of heat to any combustible material.
- or
- (b) In a pit or upon any fire-resistant substance in a manner which will prevent the spreading of fire or heat by the action of wind or otherwise.
 - (c) As part of an ethnic cooking process including hangi and umu.

15.31 Removal Of Gorse And Other Growth

- 15.32 No occupier or any other person having the control of any land shall allow any broom, gorse, bushes, scrub, dry grass, or similar growth to exist within six metres of any building or adjoining premises, in such a condition or state that it is likely to become a source of risk from fire.
- 15.33 Council may, by written notice, require an occupier or person having control of any land to remove any dangerous growth.
- 15.34 Should the owner or occupier fail to comply with the written request of the Council to remove the dangerous growth then the Council may arrange the removal of such growth and recover the cost of removal from the owner or occupier.
- 15.35 The Council may cut down or otherwise eradicate and remove any broom, gorse, bushes, scrub, dry grass or similar growth to which clause 15.32 applies, after giving verbal notice to the occupier or where there is no occupier, to the owner of the land, if life, property or any road is in imminent danger. The cost of the work shall be a charge against the land.

15.36 Storage Of Combustible Materials

- 15.37 Except as provided in clause 15.29 and 15.30, no occupier of any premises shall permit the storage or stacking in the open of any combustible material, unless the distance of the stack from any boundary other than a street boundary is at least equal to the height of the stack, but in any case not less than 1.4 metres.
- 15.38 A stack may be placed closer to the boundary than the distance specified in clause 15.37 if a brick, stone, or concrete wall extending not less than 450 millimetres above and not less than 1.4 metres beyond the length of the stack, is situated between the stack and the boundary.
- 15.39 A stack may, with the written approval of the adjoining owner and of Council, be placed closer to the boundary than the distance specified in clause 15.37 where any of the following conditions continue to exist:
- (a) Where there is a brick, stone or concrete wall as defined in clause 16.37 without openings situated on the adjoining property and within 1.4 metres of the common boundary,
 - or
 - (b) Where there are no buildings on the adjoining land,
 - or
 - (c) Where there is no danger of a stack adjacent to a boundary increasing the risk of the spread of fire.

15.40 Storage of Hay

- 15.41 No occupier of any premises shall permit the storage or stacking in the open of more than three cubic metres of hay, or similar material unless the distance of the stack from any building, boundary, fence, private road, public place, or adjacent land is not less than six metres and the intervening space is at all times kept free from any rubbish or obstruction of any kind.
- 15.42 No occupier of any premises shall permit the storage of more than 1 cubic metre of hay or similar material in any building attached to, or at a distance of less than 6 metres from, any other building unless the first mentioned building has a roof of approved fire-resistant material and walls constructed wholly of brick, stone, or concrete or any combination of brick, stone and concrete and complying with the specifications mentioned in clause 15.37.
- 15.43 The provisions of clause 15.40 shall not apply in any case where agricultural produce required for the keeping of horses is kept or stored in any building used only for the purpose of or in connection with a stable.

16.0 AMUSEMENT DEVICES AND AMUSEMENT GALLERIES

16.1 Introduction

16.2 This Part of the Bylaw is made pursuant to Council's powers under the following Acts and Regulations hereunder and any other Act or authority in any way enabling it to make Bylaws:

- Local Government Act 2002
- Amusement Devices and Regulations Act

16.3 Amusement Devices

16.4 No person shall use any land or building or any part of any land or building, structure, or enclosure, or any part of any public place as a site for an amusement device to which the public have admission or access by payment or otherwise, until he/she shall has obtained from the Council a permit under the Amusement Devices Regulations 1978 to operate such device. The term of any such permit shall not exceed one year.

16.5 Fees

16.6 The fee payable for the issue of a permit shall be such sum as is prescribed in the Amusement Devices Regulations 1978 from time to time.

16.7 Safety Precautions

16.8 In addition to regulations contained in the Amusement Devices Regulations 1978, the proprietor of an amusement device shall, for the prevention of danger from such device:

- (a) Cause such amusement device to be so placed as to have about it a clear space from the outermost point covered or which may be overhung by such device, to the satisfaction of Council.
- (b) Cause such amusement device to be erected in a proper manner, and sited on ground able to support the device under full operating conditions without risk of subsidence and to the satisfaction an authorised officer to inspect such device. Compliance with the authorised officers directions (if any) in this case will not absolve the proprietor from the prime responsibility for ensuring that the requirements of this sub clause are carried out.
- (c) Cause every part of such amusement device and of the apparatus for driving the same to be maintained at all times in good repair and condition, and to be under proper management and control.
- (d) Cause the apparatus for driving such amusement device to be tended and regulated by a competent person responsible for the care and management of such appliance.

- (e) Cause such amusement device, if in motion and if any person riding in or upon such device be ill or be desirous of alighting wherefrom, to be stopped as quickly as may be practicable for the purpose of allowing such person to alight or to be removed from such device.

16.9 Reasonable and Proper Care

- 16.10 The proprietor or any other person for the time being having the management or control of any amusement device or of the apparatus for driving the same, or any part of such device or apparatus, shall, in the exercise of such management or control, take all reasonable and proper care so as to prevent danger to any person or property.

16.11 Speed

- 16.12 Such proprietor or other person shall not cause or suffer such amusement device to be driven at any greater speed than shall be consistent with the safety of any person riding in or upon such device and with all other circumstances attending or affecting the use thereof.

16.13 Over Loading

- 16.14 Such proprietor or other person shall not allow any person to enter or mount upon such amusement device at any time when such device shall be already occupied by the full number of persons for whose accommodation such device shall be constructed or intended or adapted to be used.

16.15 Amusement Galleries

- 16.16 Every amusement gallery shall be located and operated in accordance with the requirements of the District Plan and no amusement gallery shall be occupied or used for the purpose of any amusement unless licensed under this Part of this Bylaw.

16.17 Licence Required

- 16.18 Every amusement gallery premises shall have either an individual licence or be specified on a "multiple site licence" held by a franchise operator, such licence to be in the form approved by Council from time to time.
- 16.19 A multiple site licence shall include the name and address of the premises managers and the premises covered by the licence.

16.20 Application for Licence

- 16.21 Every application for a licence shall be in writing by the proposed manager of the amusement gallery and shall set forth the name, address and occupation of the applicant, the address of the building sought to be licensed and the type or types of amusements proposed to be engaged in.

16.22 Fee

16.23 No licence shall be granted except on payment of such fee as may from time to time be prescribed by resolution of the Council.

16.24 Character References

16.25 Prior to the issue of any licence or the renewal or transfer of any licence the Council shall be satisfied as to the character of the applicant for such licence renewal or transfer and may call upon the applicant to provide two references from responsible Persons vouching for the applicant's good character and for a police report as to the applicant's suitability.

16.26 Duration of Licence

17.27 Every such licence shall remain in force from the date of issue until the 30th day of June following and shall be renewed annually. The annual fee for each licence shall be such sum as may from time to time be fixed by the Council.

16.28 Cancellation or Suspension of Licence

16.29 The Council may at any time cancel or suspend the licence granted in respect of any amusement gallery if the manager shall be convicted of any Offence against this Bylaw or of any offence touching his or her character or conduct as such manager or if Council shall be satisfied that the manager is acting or has acted in a manner contrary to the true intent and meaning of this Part of this Bylaw. During the period of suspension the amusement gallery shall be deemed to be unlicensed, and shall cease to operate.

16.30 Display of Licence

16.31 The manager of any amusement gallery shall, display a copy of the licence in a suitable and conspicuous position in such room at all times.

16.32 Shooting Gallery

16.33 In any amusement gallery in which gallery shooting is carried on the manager shall provide complete protection, to the satisfaction of Council, against danger to every person in or about or outside such amusement gallery. At all times while firearms may be loaded in such gallery the firearms shall be kept directed towards a target and no person shall while firearms may be loaded, remove or permit to be removed, any firearm from such gallery.

16.34 No Council Liability

16.35 Council shall accept no liability for any injury or damage arising from activities in any shooting gallery licensed under this Bylaw.

16.36 Manager's Duty

16.37 The manager shall at all times:

- (a) Provide sufficient toilets in accordance with the New Zealand Building Code for use by staff and persons using the amusement gallery except where expressly provided by the licence.
- (b) Keep the amusement gallery and conveniences in good repair, in clean condition, and well ventilated, to the satisfaction of Council.

16.38 Temporary Premises

16.39 Premises equipped with amusements and operated for a period not greater than 14 days shall be regarded as temporary Premises and shall not require a licence. However temporary premises shall comply with all other relevant clauses of the Bylaw.

16.40 Contrary to True Intent

16.41 Where, in the opinion of the Council, the conduct of an amusement gallery is considered contrary to the true intent and meaning of the Bylaw the Council may require the removal of any amusements or take such other action as is deemed appropriate.

16.42 Behaviour Controls

16.43 From and after the issue of any licence issued pursuant to this Bylaw and while he or she shall be the manager of the amusement gallery, the manager shall be personally responsible for the proper conduct of such amusement gallery and shall personally see that all the provisions or requirements of this part of this Bylaw are duly carried out and observed.

16.44 Intoxicated Persons

16.45 The manager of any amusement gallery shall not allow any intoxicated person or person under the influence of alcohol or mind altering substance to enter or to remain in such amusement gallery nor shall the manager allow any person to use obscene, or improper language, or behave in a noisy or improper manner.

16.46 Sale of Food

16.47 If any food or drink is to be sold or intended to be sold in any amusement gallery, the approval of Council must be obtained before any licence is granted, renewed or transferred and the manager shall comply with all Statutes, Regulations and Bylaws relating to premises in which food or drink are sold.

16.48 Right of Appeal

16.49 Any manager or proprietor of any amusement device, amusement gallery who disagrees with any decision, order or direction given by Council shall have the right of

Appeal to the Council. On hearing the Appeal the Council committee may revoke, confirm or modify any such decision, order or direction.

17.0 BODY PIERCING

17.1 Introduction

17.2 This part of the Bylaw is made pursuant to Council's powers under the following Acts and Regulations hereunder and any other Act or authority in any way enabling it to make Bylaws, and only applies to body piercing of humans, and body piercing also means any piercing of the skin:

- Local Government Act 2002

17.3 Exemptions

17.4 This Part of the Bylaw does not apply to body piercing carried out in the practice of medicine, dentistry, nursing, physiotherapy or podiatry by:

- (a) A medical practitioner registered under the Medical Practitioners Act 1968.
- (b) A dentist registered under the New Zealand Dental Act 1988.
- (c) A nurse registered under the Nurses Act 1977.
- (d) A physiotherapist registered under the Physiotherapist Act 1949.
- (e) A Pharmacist registered under the Pharmacy Act 1970.
- (f) An Acupuncturist who is a member of the New Zealand Register of Acupuncturists Incorporated.
- (g) A person acting under the direction or supervision of any such medical practitioner, dentist, nurse, physiotherapist or podiatrist.

17.5 Licensing

17.6 A person must only carry out body piercing on a premises licensed by Council for that purpose.

17.7 A person must apply for a body piercing licence if they are the owner or manager of a premises used or intended to be used for body piercing. Council will process an application for a body piercing licence if it is made by a natural person or persons, is on the form prescribed and includes all information requested by the Council and the required licence fee.

17.8 A body piercing licence will be granted by Council, if and only if the Council is satisfied that the premises and the proposed body piercing service will comply with:

- (a) The requirements of all relevant Acts and Regulations.

- (b) The relevant provisions of any District Plan.
- (c) The Ministry of Health's current Guidelines for the Safe Piercing of Skin (1998).
- (d) Relevant New Zealand and Australian Standards including AS 4031:1992, AS 2182:1994, AS 2773:1985, NZS 4303:1990, AS/NZS 3816:1998, and AS/NZS 4261:1994.

17.9 A body piercing licence will only granted if Council is satisfied that the person applying is familiar with this part of the Bylaw and with the Ministry of Health's current Guidelines for the Safe Piercing of Body. Council may require the person applying to complete a test to show that they are familiar with these documents.

17.10 Transfer of Licence

17.11 A body piercing licence may not be transferred to another person or to another premises.

17.12 The person holding the body piercing licence will be responsible for ensuring that the provisions of this part of the Bylaw are complied with and that all persons working on the premises of the body piercing operation are adequately trained and supervised to prevent any breach of the requirements of this part of the Bylaw.

17.13 A body piercing licence must be displayed in a part of the premises to which the licence relates. The licence must be displayed in an area where the public has access to so that any member of the public or can easily see it by Council visiting the premises.

17.14 Council will specify the date that the licence expires; this date will be recorded on the licence. The licence holder must apply for a renewal of expired licences, if body piercing is to continue. Applications for renewal of licences will be assessed as if it were a new application.

17.15 The Council may grant a licence on such terms and conditions as are deemed necessary. The person applying must comply with any special terms and conditions specified in the licence in addition to the general requirements for body piercing set out below.

17.16 General Requirements

The person holding the licence must comply with the Ministry of Health's current Guidelines for the Safe Piercing of Body to the extent that they are relevant to the body piercing premises and service. The Guidelines cover the following matters:

- (a) Preparing the work area.
- (b) Preparing tattooing inks and other equipment.
- (c) Skin preparation.
- (d) Use, operation and cleaning of piercing guns.
- (e) Personal hygiene.
- (f) Managing waste.
- (g) Cleaning the premises.

- (h) Accident management.
 - (i) Choice of instruments, needles and jewellery.
 - (j) Application of substances to the skin.
 - (k) Wound care.
 - (l) Sterilising instruments.
 - (m) Packaging and storing instruments.
 - (n) Cleaning instruments and articles that do not need to be sterilised.
 - (o) Planning of premises.
 - (p) Maintaining records.
- 17.17 It is the responsibility of the licence holder to ensure that no jewellery thinner than 14 gauge is used below the neck.
- 17.18 Body piercing must not be carried out on any person less than 16 years of age without the written permission of that person's parent or guardian.
- 17.19 A notice must be displayed in a prominent place within the public part of the premises asking customers to inform the licence holder if they have any communicable or infectious disease, which is likely to have an effect on body piercing.
- 17.20 If the licence holder or any other employee at the body piercing premises knows or suspects that they or any other staff member, whether paid or unpaid is suffering from or is carrying a skin infection or a communicable disease, or associated condition, body piercing must not be carried out, without first taking adequate precautions to prevent the transmission of that infection, disease or condition.
- 17.21 Before beginning body piercing on a customer, the customer must be advised of the risks associated with body piercing and the potential for infection to occur during and after the process. Written advice appropriate to the procedure to be undertaken must be given, in relation to precautions and post-piercing procedures, which should be followed by the customer.
- 17.22 Before any piercing of the skin is commenced, all potential customers must sign a consent form recording the following;
- (a) Whether they have any reason to believe they have a communicable disease or skin disease.
 - (b) Whether they have a history of haemophilia (bleeding).
 - (c) Whether they are taking any medication, such as anticoagulants, which thin the blood or interfere with blood clotting.
 - (d) Whether they have a history of allergies or adverse reactions to pigments, dyes or other skin sensitivities, or a history of epilepsy or seizures.
- 17.23 Any customer who knows or suspects that he or she has any of the above diseases or conditions is required to inform the person who appears to be in charge of the premises before the body piercing begins.

- 17.24 The licence holder may decline to carry out any body piercing on such a person, or may agree to carry out the body piercing subject to such conditions and safeguards that are considered appropriate by the licence holder in the circumstances. Nothing in this Part of the Bylaw requires the licence holder to perform body piercing on any person.
- 17.25 The licence holder must keep records of the names, phone numbers and addresses of any person who undergoes body piercing at the premises, the date on which the body piercing was carried out, the nature of the body piercing, and the location on the body where the body piercing was undertaken. Those records must be kept for at least three years and made available to an Environment Health Officer, Health Protection Officer or a Medical Officer of Health as defined in the Health Act 1956 who is carrying out any investigation pursuant to Part III of the Health Act 1956 or the Health (Infectious and Notifiable Diseases) Regulations 1966.
- 17.26 A copy of this part of the Bylaw and the Ministry of Health's current Guidelines for the Safe Piercing of skin must be kept on the premises or the licence holder and be freely available for reading by any person employed on the premises and by any person attending the premises for the purpose of undergoing any body piercing,
- 17.27 Where Council is satisfied that compliance with any requirement of this part of the Bylaw would be impractical or unreasonable having regard to the premises and body piercing service in question, Council may grant a written exemption from the requirement. The exemption will be granted on such terms and conditions, as are considered desirable in the interest of public health.

17.28 Exemptions From Licensing Requirement

- 17.29 The requirement to obtain a licence for body piercing premises does not apply to:
- (a) Carrying out acupuncture at a person's home where the person wishing to undergo acupuncture is unable to attend the licensed premises because of injury, infirmity or medical emergency, if the acupuncture is carried out in compliance with the general requirements in this part of the Bylaw,
- or
- (b) Carrying out any body piercing in any temporary structure or premises for a maximum period of five days in any 30 day period, if the person carrying out the body piercing complies with all conditions specified by Council.
- 17.30 The written approval of Council and the payment of any fee for any inspection required and payment for Council's time to consider the matter may be required before an exemption from the licensing requirement is granted.