



# WE FOSTER.

**Safe, happy communities.**

## The Ruapehu Bylaw 2018

The Ruapehu Bylaw 2018 revoke's and replace's:

- Animal Control Bylaw 2012
- Public Places Bylaw 2012
- Public Health and Safety Bylaw 2013



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Ruapehu.**



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## **PART ONE**

### **1 TITLE**

This bylaw is The Ruapehu Bylaw 2018

### **2 COMMENCEMENT**

This bylaw comes into force on 1 January 2018

### **3 AUTHORITY**

This Bylaw has been made pursuant to:

- (a) Sections 145, 146 and 147 of the Local Government Act 2002
- (b) Section 11 of the Freedom Camping Act 2011
- (c) Section 12 of the Litter Act 1979
- (d) Section 64 of the Health Act 1956, and
- (e) Section 20 of the Dog Control Act 1996

### **4 PURPOSE**

The Ruapehu Bylaw promotes responsible citizenship in the Ruapehu community. It seeks to:

- (a) protect the public from nuisance;
- (b) protect, promote and maintain public health and safety;
- (c) minimise the potential for offensive behaviour in public places.
- (d) regulate the keeping and control of animals;
- (e) regulate trading in public places;
- (f) manage, regulate against or protect from damage, misuse or loss of cemeteries, reserves and recreation grounds or other land under the control of the Ruapehu District Council;
- (g) prohibit, regulate or control the consumption of, the bringing into, or the possession of alcohol in public places including in vehicles in public places;
- (h) define areas in the Ruapehu District where freedom camping is restricted and defining those restrictions, and defining where freedom camping is prohibited;
- (i) regulate and control the storage, collection and disposal of refuse, litter, offensive materials, and recycling materials.

### **5 RELEVANT STATUTORY PROVISIONS**

This bylaw seeks to complement rather than duplicate existing statutory provisions including (but not limited to) the following and any subsequent amendments:

- (a) Local Government Act 2002
- (b) Resource Management Act 1991
- (c) Building Act 2004
- (d) Health Act 1956
- (e) Litter Act 1979
- (f) Food Act 2014
- (g) Freedom Camping Act 2011
- (h) Manawatu-Wanganui Regional Council, regional policy statement and regional plan (The One Plan)
- (i) Reserves Act 1977
- (j) Dog Control Act 1996
- (k) Sale and Supply of Alcohol Act 2012
- (l) Amusement Devices Regulations 1978
- (m) Health (Hairdressers) Regulations 1980
- (n) Ruapehu District Plan

### **6 SCHEDULES**

Every schedule to this bylaw forms part of this Bylaw. Council may, from time to time, by resolution publicly notified, add to, delete, or amend any schedule of this bylaw, or any provision of such schedules.

## **7 REVOCATIONS**

The Ruapehu Bylaw 2018 revokes and replaces the following bylaws:

- (a) Ruapehu District Council Animal Control Bylaw 2012
- (b) Ruapehu District Council Public Places Bylaw 2012
- (c) Ruapehu District Council Public Health and Safety Bylaw 2013

## **8 TRANSITIONAL PROVISIONS**

This clause applies to:

- (a) Ruapehu District Council Animal Control Bylaw 2012
- (b) Ruapehu District Council Public Places Bylaw 2012
- (c) Ruapehu District Council Public Health and Safety Bylaw 2013

- 8.1 Any resolution or other decision made under the bylaws referred to in this clause remains in force in the area to which it applies until revoked or replaced by an equivalent resolution or decision made by the Council under this bylaw.
- 8.2 Any licence, consent, permit, dispensation, permission or other form of approval made under the bylaws referred to in this clause continues in force but:
  - (a) expires on the date specified in that approval; or
  - (b) can be renewed only by application made and determined under this bylaw.
- 8.3 Any licence, consent, permit, dispensation, permission or other form of approval made under the bylaws referred to in this clause that has no expiry date remains valid but is subject to the provisions of this bylaw from the day this bylaw comes into force.
- 8.4 Any application for a licence, consent, permit, dispensation, permission or other form of approval made under a bylaw referred to in this clause that was filed before the day on which this bylaw comes into force must be dealt with by Council as if it had been made under this bylaw.
- 8.5 All food businesses registered in Ruapehu must obtain a food grading certificate by Nov 30 2018 (see section 23.)

## **9 INTERPRETATION**

Unless the context otherwise requires, words used in this Bylaw shall have the meaning set out in the Glossary of this Bylaw.

## **10 OFFENCES AND PENALTIES**

No person shall do anything or cause any condition to exist for which a licence or approval from 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.

- 10.1 No application for a licence or authority from 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.
- 10.2 Any person 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 or it 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 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.

- 10.3 Where any person is alleged to have committed an offence that person may either:
- (a) be proceeded against summarily for the offence; or
  - (b) be served with an infringement notice if the offence is one that may be an infringement offence; or
  - (c) be proceeded against pursuant to any other enactment so empowering the Council.
- 10.4 Any person who commits an offence against this Bylaw shall be liable to
- (a) the penalties as set out in Section 242(4) of the Local Government Act 2002 or 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.
  - (b) If the offence is not with respect to a provision of this Bylaw made under the Local Government Act 2002, then to the penalties set out from time to time in the Act or Regulation pursuant to which the provision offended against was made, and if more than the one such Act or Regulation, then the maximum penalty under them.
- 10.5 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.

## **11 FEES AND CHARGES AND RECOVERY OF COSTS**

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.

- 11.1 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 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 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.
- 11.2 Except as otherwise provided in any Act, every fee or charge which is prescribed or charged under Section 11 hereof shall be such as to recover no more than the reasonable costs incurred by Council in respect of the matter for which it is prescribed or charged.
- 11.3 In addition, Council may, pursuant to Section 151(3) of the Local Government Act 2002, recover costs incurred by it in relation to any activity licensed under or pursuant to the Bylaw

## **PART TWO**

### **12 PUBLIC SAFETY**

#### **12.1 Unauthorised activities**

- (a) No person shall play any game or use any object recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to any other person or group in that public place, or damage the public place.
- (b) No person shall stand on any verandah erected over a public place, except for the purpose of inspection, maintenance or use as a fire exit unless the verandah forms part of a first floor deck for which an air space lease has been obtained from council.
- (c) No person shall place, deposit or release, or allow the placement, deposit or release of any animal or bird that has been transported to any public place with the intention for it to remain there.

#### **12.2 Activities requiring Council approval**

The following activities in public places are only permitted with the prior approval of an authorised Council officer. Any person who undertakes or permits any of these activities in any public place without Council approval is in breach of this bylaw:

- (a) solicitation of any subscription, collection or donation.
- (b) distribution of any printed or written material advertising any product, service or entertainment.
- (c) erection or placement of any structure except in compliance with any other part of this bylaw.
- (d) blasting, crushing or like action, of any rock, stone, earth, timber or other material
- (e) leaving in a condition or state of disrepair any wall, fence, or land which in the opinion of an authorised Council officer could cause damage or injury to any person passing.
- (f) erection or hanging of any awning, blind or screen from any portico.
- (g) setting off any fireworks or explosive material.
- (h) planting any tree or shrub
- (i) driving or parking any vehicle except in an area set aside for the driving or parking of vehicles.

#### **12.3 Obstructing public places**

No person shall cause, permit or allow the following in any public place:

- (a) obstruction of entrances or exits.
- (b) placement, carrying or leaving of any material or thing, including signage that could obstruct the public right of passage, without the approval of an authorised Council officer and then only in accordance with such conditions as may be imposed.
- (c) any gate or door on property abutting a public place to swing over or across the public place or any part thereof.
- (d) carrying out of any work on any motor vehicle except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed.
- (e) vegetation from a privately owned property to grow over or onto any public place or overhang a streetlight, obstruct or interfere with the free movement of persons using that public place or cause danger to any person or traffic in a public place.
- (f) putting any obstruction or projection or structure of any kind in such a position as to interfere with or obstruct in any way the public right of passage, except where permitted by any other part of this bylaw or a Council permit has been obtained. This restriction shall not apply to any verandah or awning erected in accordance with the requirements of the District Plan.

12.3.1 No food business may occupy space on the footpath without first obtaining a Licence to Occupy - Alfresco Dining from Council.

12.3.2 Council may require within a set timeframe the alteration or removal of any material, building or object placed on a public place in contravention of this bylaw, by giving notice to the owner.

#### **12.4 Safety of obstructions and holes**

All obstructions and holes in a public place authorised by Council must be well lit to the satisfaction of Council during the hours of darkness, being:

- (a) 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.

#### **12.5 Damage to public places**

Except with the prior approval of an authorised Council officer, a person shall not in any public place cause or permit:

- (a) damage, interference with, destruction or removal of any grass plot, flower bed, tree, shrub, plant, street sign, natural feature or any inscription or label relating to it,
- (b) pollution, damage, defacement or disfigurement; or the application of graffiti, posters or advertising devices to; or interference with any ornament, statue, building, structure, facility or street sign,
- (c) damage to any public place, or any work or thing in, on, over or under the public place,
- (d) removal any sand, soil or other naturally occurring material found in any public place,
- (e) opening of any drain or sewer on, or disturb or remove the surface of, any public place.

12.5.1 Any person carrying out or overseeing authorised works on a public place shall undertake reinstatement of the works to a standard approved by an authorised officer.

#### **12.6 Trading in public places**

No person shall, without first obtaining a licence from Council to do so, use or permit the use of any part of any street, footpath or public place other than where it is directly related to an adjacent retail business for the purpose of:

- (a) setting up any stall, or
- (b) collecting money, or
- (c) busking, or
- (d) mobile trade, or
- (e) distribution of any food, refreshments, newspapers, periodicals, lottery tickets, or
- (f) otherwise displaying, advertising, or offering for sale or hire any product or service.

12.6.1 No person shall, without first obtaining a licence from Council to do so, operate or permit the operation of a mobile shop or as an itinerant trader in a public place.

12.6.2 All mobile shops and itinerant traders are prohibited from the areas listed in Schedule 1 of this bylaw.

#### **12.7 Control of skateboards and similar recreational devices**

No person shall ride any recreational device in any area defined in Schedule 2 of this bylaw.

#### **12.8 Road and building identification**

Council may, with the building owner's consent, paint or have affixed on a conspicuous part of a building, the name of the road or public place to which it has frontage.

12.8.1 Whether or not a building or property is identified by other means, the owner or occupier of every building or group of buildings forming part of a complex or of a property, shall mark such building and or complex with numbers no less than 50mm in height for residential buildings and not less than 150mm in height for all other buildings. Numbers shall be allocated or approved by an authorised Council officer and displayed in a position so as to be easily visible to both drivers and pedestrians.

12.8.2 Numbers required by 12.8.1 shall be maintained by the owner or occupier in such a manner as to easily identify the property at all times.

## **12.9 Freedom Camping**

Freedom Camping is permitted in any local authority area (except those stated in Schedule 3), in certified, self-contained vehicles only, and is subject to compliance with other provisions of this bylaw.

- 12.9.1 Freedom camping in any vehicle, caravan, tent or other temporary structure which does not comply with 12.9 is prohibited.
- 12.9.2 A person who commits an infringement offence is liable to a fee of \$200 (as per Section 23(1)(b) of the Freedom Camping Act 2011).

## **13 REFUSE, LITTER AND OFFENSIVE MATERIAL**

13.1 No occupier of any premises shall allow refuse to remain at such premises unless that refuse is stored in a safe and sanitary manner.

13.1.1 An authorised Council officer may issue a written notice requiring any owner or occupier of a premises to remove or dispose of any accumulated refuse or salvaged materials which exist on a property occupied by that person that is or is likely to be injurious to health, or be offensive, or harbour vermin or is likely to create a fire hazard.

### **13.2 Public Places**

No person shall deposit any offensive matter or any household, commercial or industrial refuse of any kind in public litter receptacles.

- 13.2.1 No person shall throw or leave any dead animal, or part of an animal, or offensive matter of any kind including untreated human waste on any public place, or in any waterway or on its bank.
- 13.2.2 No person shall fail to properly dispose of the body or part of the body of any animal in their possession that may have been killed or died while straying, or while being driven on any public place.
- 13.2.3 No person shall transport any refuse or offensive matter over any street or public place unless the receptacle used is covered or secured to prevent the escape of any contents.
- 13.2.4 No person shall sweep any refuse, dust or litter onto any public place, including into any kerb or channel, from any house or business.
- 13.2.5 No owner of any premises shall permit water to drip from those premises or discharge onto any public place.
- 13.2.6 No person shall place or deposit litter in any public place.

### **13.3 Collection of Refuse and/or Recycling**

No person shall leave out for collection by or on behalf of Council any rubbish or receptacle containing refuse before 5pm on the day before collection for that area as publicly notified by Council.

- 13.3.1 The following substances or materials are prohibited from being disposed of in official Council refuse receptacles or recycling receptacles for collection:
  - (a) any prohibited refuse listed in Schedule 4 of this bylaw.
  - (b) any hazardous substances listed in Schedule 5 of this bylaw.
  - (c) any machinery or part thereof or any metal or other refuse which could damage collection or disposal equipment.
  - (d) any commercial or industrial refuse.
  - (e) any broken glass, crockery, metal containers, or other similar sharp objects unless such materials are properly wrapped so as to prevent injury to any person handling the receptacle.

- (f) hot ash.
- (g) any unwrapped cold ash, to protect any person handling the receptacle from the risk of breathing ash dust.
- (h) any liquids or wet materials unless well wrapped or contained to prevent leakage from the receptacle.

13.3.2 For occupational health and safety reasons, no person shall place any approved receptacle for collection that, with contents, weighs more than 15 kilograms.

13.3.3 Material put out for recycling must be clean and not contaminated by food or other organic or inorganic material.

13.3.4 Any approved receptacle put out for collection of refuse and/or recycling in residential areas must be placed:

- (a) as close to the kerb as possible without obstructing the footpath or carriageway,
- (b) directly in front of the residence discarding the refuse, where possible,
- (c) not earlier than 5pm on the day preceding the collection day,
- (d) at any other specified place or time as determined by the Council and publicly notified from time to time.

13.3.5 Any refuse and/or recycling not collected and any reusable receptacles must be recovered by the person who placed it out for collection on the day of the collection.

13.3.6 No person shall open, damage, interfere with or remove any receptacle placed out for refuse and/or recycling collection by Council or its agents, except in the course of collecting it on behalf of Council.

13.3.7 No person shall collect any receptacles placed out for collection on the kerbside except Council's contractor or any other person authorised by Council.

13.3.8 No person shall allow any accumulation of refuse and/or recycling in any public place unless it is contained in an approved receptacle placed for collection in accordance with this bylaw.

#### **13.4 Commercial or Industrial Refuse**

No person shall dispose of, permit the disposal of, or leave out for collection by Council any commercial or industrial refuse or recycling, other than at an approved transfer station.

### **14 PARKS AND RESERVES**

14.1 No person shall enter or remain in any Council park, reserve or sports ground where official Council signage indicates the area is closed.

14.2 A person committing a breach of this bylaw in relation to a park or reserve administered by Council shall, upon request by an authorised Council officer, immediately leave the reserve and shall be prohibited from appearing on the reserve for such period as the authorised Council officer deems fit. Any person ordered to leave is liable to be prosecuted for the breach of the Bylaw. Any person failing to leave with reasonable speed to comply with a request to leave commits a further offence.

### **15 ALCOHOL**

15.1 Unless authorised by a license issued under the Sale and Supply of Alcohol Act 2012 no person shall consume or bring into or have in their possession alcohol within the areas specified in Schedule 6 of this bylaw, 24 hours per day, seven days per week, except as provided for in Section 147(4) of the Local Government Act 2002 (the transportation of alcohol in an unopened container).

## 16 VERANDAHS OVER PUBLIC PLACES

- 16.1 Property owners of any verandahs over public places must ensure that verandahs are maintained in reasonable condition and must meet any standard or regulation required by any statute.
- 16.2 Stormwater from all verandahs must be collected in gutters and down pipes and disposed of into or onto stormwater drains or channels. No stormwater shall be allowed to drip or run onto footpaths under any verandah.
- 16.3 Verandahs that occupy the public (Council) air space above public footpaths and are constructed or modified, (with appropriate consents), for the purpose of occupation by a person or persons for recreation, al fresco or similar purpose shall first obtain an air space licence from Council.
- 16.4 Council reserves the right to remove any sign on any verandah advertising a business no longer operating at the site. Any costs incurred will be recovered from the building owner as a debt.

## 17 SIGNAGE

- 17.1 All provisions in the signage section of the Ruapehu Bylaw are subordinate to provisions in the District Plan.
- 17.2 The following rules shall apply to signage within the Ruapehu District and should also be read in conjunction with the Heritage Rules of the Ruapehu District Plan with the exception of the following:
- (a) controlling authority signage, ie. traffic control, information and advisory signs; and
  - (b) signs associated with the disposal of land or premises\*; and
  - (c) temporary signs (refer to definition)\*

*\*The above signs are limited to 3m<sup>2</sup> and a maximum height of 10m.*

- 17.3 All signs must comply with the criteria laid out in Schedule 7.
- 17.4 An authorised Council officer may require the alteration or removal of any sign that is visible from a public place in contravention of this bylaw, by giving notice to the owner of that sign.
- 17.5 The owner of a sign shall comply with any such issued notice within the time stated in the notice.
- 17.6 If a sign owner fails to comply with any issued notice within the time stated in that notice authorised Council officers may, pursuant to section 163, Local Government Act 2002, enter the premises and remove any signage and supporting structures that are in contravention of this bylaw. Any costs incurred will be recovered from the sign owner as a debt.

## 18 SCAFFOLDING, HOARDINGS AND DEPOSIT OF BUILDING MATERIALS

### 18.1 Authority required for scaffolding and deposit of materials

No person shall undertake, cause or permit the following activities without first obtaining a permit from Council:

- (a) Erection of any scaffolding, gantry, hoarding or barricade on or over any public place.
- (b) Deposit of any building material or building rubbish in any public place.
- (c) Disturbance of the surface of any public place.
- (d) Preparation of building materials on any public place.

### 18.2 Transfer of permit to another person

A Council permit for the erection of any scaffold and/or hoarding may not be transferred to any other person without the written consent of Council.

### **18.3 Shutting off access ways with temporary fencing or hoarding**

No person shall undertake, cause or permit:

- (a) the erection or demolition of any building adjacent to any street, public place or footway, or
- (b) the alteration, addition, repair, plastering, painting or cleaning (excluding window cleaning) of any building adjacent to any street, public place or footway, without first erecting a fence or hoarding so as to shut off the area and render it safe for all traffic passing along the street, public place or footway and without first obtaining a permit from Council for such a fence or hoarding.

### **18.4 Construction of Hoardings**

No person shall erect a builder's hoarding unless:

- (a) they have written permission from Council, and
- (b) it is more than two metres in height, and
- (c) it is constructed in a substantial and workmanlike manner of Council approved material, and
- (d) the ends are splayed, and
- (e) the outside sheeting (regardless of the material) is left with a smooth even finish, and
- (f) the hoarding is painted as may be directed by council, and
- (g) openings in hoardings are fitted with sliding panels, hung with approved hangers, and the panels slide inside the line of the hoarding. Openings may have a fixed door so long as the door swings inside the hoarding.

18.4.1 No hoarding may be used for advertising purposes.

## **19 NUISANCES**

### **19.1 Dead animals on private premises**

No person shall throw or leave any dead animal, or part of an animal, or offensive matter of any kind including untreated human waste on any private property, or in any waterway or on its bank.

### **19.2 Defective sanitary appliances**

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

### **19.3 Encouraging vermin**

No person shall:

- (a) cause or permit or suffer any refuse or waste material to remain or be kept in a manner or for an amount of time that is likely to harbour vermin,
- (b) allow anything that might attract vermin to be accessible to vermin,
- (c) neglect any building, land or premises where vermin exist or are harboured, or where there is evidence of the existence of vermin,
- (d) fail to remove or destroy sites where vermin frequent.

### **19.4 Flies, mosquitoes and other insects**

No owner or occupier of any building, land or premises shall permit, cause or suffer conditions to exist that encourage the breeding of flies, mosquitoes or any similar pests that have the potential to be injurious to health or constitute a nuisance.

19.4.1 An authorised Council officer may require the rectification of any such conditions and destruction of any breeding pests in contravention of this bylaw, by giving notice to the owner of that building, land or premises.

## **20 COUNCIL CEMETERIES**

## **20.1 Burials**

No person may open or permit the opening of any ground for burial, dig a grave, or conduct a burial in a cemetery without first obtaining a burial warrant.

20.1.1 No person other than the Sexton or assistant of the Sexton or any other person duly authorised by the Sexton may dig or fill in a grave or ashes plot.

20.1.2 No person may scatter ashes of any cremated person in any cemetery.

20.1.3 No person may bury any urn containing the ashes of any cremated person in any cemetery without first obtaining a burial warrant.

## **20.2 Erection and maintenance of monuments, headstones and structures**

No headstone, monument, full grave cover or surround may be erected in any cemetery unless a permit from Council has been issued.

20.2.1 Adornments of any type are not permitted upon any plots in any council cemetery with the exception of vases or containers for flowers or plant containers housed in inserts within the plinth.

20.2.2 No person may damage, alter, remove or repair any headstone, monument or plaque from any grave in a cemetery without a permit to erect a headstone.

## **20.3 Conduct**

No person shall conduct themselves in a manner that disturbs other cemetery users.

20.3.1 Any person installing a memorial plaque or headstone must stop work and withdraw for the duration of any funeral service.

20.3.2 Any person driving or in charge of any vehicle in any cemetery must stop or move the vehicle as directed by the funeral director or authorised officer.

20.3.3 No vehicle may be driven at a greater speed than indicated on any road within the cemetery, and in any other direction other than indicated by traffic signs.

20.3.4 All vehicles (other than hearses) must yield unconditional right of way to any funeral procession.

20.3.5 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.

20.3.6 Except at the specific request of the purchaser of a plot or their representative no person shall, in any cemetery accept or take any such order of custom or service.

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

# **21 AMUSEMENT DEVICES AND GALLERIES**

## **21.1 Amusement devices**

No property shall be used for the operation of any amusement device to which the public have admission or access (by payment or otherwise) without a permit from Council. The term of this permit may not exceed one year.



## **21.2 Amusement galleries**

No amusement gallery may be occupied or used for the purpose of any amusement unless licensed under this part of this bylaw.

## **21.3 Shooting gallery**

In any amusement gallery in which gallery shooting occurs, the manager shall provide complete protection, to the satisfaction of Council, against danger to every person in, about or outside of the amusement gallery.

21.3.1 All loaded firearms must be kept directed towards a target and no person may remove or permit the firearm to be removed from the gallery.

## **21.4 Reasonable and proper care**

Any person overseeing the operation of any type of amusement device or gallery must at all times exercise suitable management or control, and take all reasonable and proper care to prevent danger to any person or property.

21.4.1 All amusement devices or galleries must have a valid Certificate of Registration issued by WorkSafe New Zealand to ensure that all the mechanical aspects of the machinery have been approved as safe to use.

21.4.2. Council may at any time cancel or suspend any licence or permit at any time should a Council officer deem the applicant to be unsuitable or the equipment fail to be sited or operated in a safe manner.

## **21.5. No Council Liability**

Council accept no liability for any injury or damage from any amusement device or gallery licensed or permitted under this bylaw.

## **22 BEAUTICIANS, TATTOOISTS, BODY PIERCERS AND NAIL TECHNICIANS**

22.1 This section of the bylaw applies to premises at which beauty therapists, nail technicians, skin piercers and tattooists operate their trade.

22.2 Unless otherwise specified, in the following provisions in this section, beauty therapists, nail technicians, skin piercers and tattoo operators shall be referred to as “practitioners”.

22.3 Nothing in this bylaw shall be construed as requiring any person to perform a prescribed process on any other person.

## **22.4 Licencing**

No person shall use any premises for beauty therapy, nail augmentation, solarium, skin piercing and tattoo practices unless the premises is licenced by Council and the licence is still in force.

22.4.1 A licence shall not be issued unless the premises concerned complies with all requirements of this bylaw, as particularised in Schedule 8.

22.4.2 A practitioner may only practice in a premises licenced by Council for that purpose.

## **22.5 Exemptions from the requirements of licencing**

This part of the bylaw does not apply in the following circumstances:

- (a) Where beauty therapy, nail augmentation, skin piercing, solarium use and tattooing is carried out in the practice of medicine, dentistry, nursing, physiotherapy, pharmacy or podiatry, by a practitioner who holds formally recognised qualification(s) in their field,
- (b) A person acting under the direction or supervision of any such qualified practitioner,

- (c) Any tertiary educational institution authorised to train persons to become qualified in the practices of beauty therapy, nail technology, tattooists and/or body piercers,
- (d) A situation where an Authorised Officer is satisfied that compliance with any requirements of this bylaw would be impractical or unreasonable having regard to the premises in question, or the prescribed process being undertaken. A written exemption may be granted with such modifications, and subject to such conditions as are in the interests of public health as may be desirable in the circumstances.

## **23 FOOD GRADING**

23.1 This section of the bylaw applies to:

- (a) premises for which Council is the registration authority,
- (b) food businesses that are registered with another authority and request a grading inspection.

### **23.2 Training**

All food handlers must be trained to a level appropriate to their responsibilities and work activities, through internal and/or formal training. See Schedule 9.

23.2.1 The operator of every food business must ensure that records of staff training are kept on the premises. An authorised council officer may request to view these documents.

23.2.2 If during an inspection/verification an authorised council officer is satisfied that the person working in a food business has not demonstrated the competencies necessary for that role, they may require that person to undertake further training to the extent required in Schedule 9.

### **23.3 Staff sickness policy**

Every food business must have a staff sickness policy as required by Schedule 9.

### **23.4 Grading**

No person shall operate, or permit or cause to be operated a food business beyond 30 November 2018 without first having obtained from the Council a current food grading certificate.

23.4.1 All food businesses will be inspected and graded at least once annually.

23.4.2 A new food business or a food business that has had a change of operator will receive a grading inspection/verification within three months of continuous operation.

23.4.3 Grades will be calculated using the criteria in Schedule 9.

23.4.4 A grading certificate shall be issued to the operator of a food business following an inspection/verification.

23.4.5 The current grade certificate must be displayed at each public entrance of the business. It must be readily visible from the exterior of the premises including drive through entrances.

23.4.6 The grading certificate must be current for a period not exceeding 12 months from the date of issue, or a lesser time if it is amended, cancelled or withdrawn by an authorised council officer following a subsequent grading or other inspection.

23.4.7 Grading certificates are not transferable from one operator to another or from one premises to another.

### **23.5 Re-Grading**

The operator of the food business may apply in writing to the Council at any time regarding inspection. In accordance with Schedule 9.

23.5.1 A grading certificate shall be issued to the operator of a food business following a regrading inspection/verification.

## **23.6 Appeals**

Any operator of a food business may appeal against any grading or against any requirement made by an authorised Council officer in accordance with this bylaw.

23.6.1 An appeal must be directed to the Council in writing and must be received within ten working days of notification of the grade and/or requirement.

23.6.2 The decision of an authorised council officer stands until such time as the Council determines the matter. The right of appeal under this bylaw is in addition to any other statutory right made available to the Food Business Operator.

23.6.3 Council's Hearings Committee will determine the outcome of the appeal.

## **24 DOGS**

24.1 This section of the bylaw should be read in conjunction with Council's Dog Control Policy.

### **24.2 Dog Control areas**

Maps specifying prohibited, leashed and exercise dog areas in the Ruapehu District are found in Schedule 10 of this bylaw and Schedule 1 of the Dog Control Policy.

### **24.3 Prohibited areas**

Council designates areas in public spaces as prohibited to dogs. These decisions will be made by resolution and will be publicly notified (see also 24.2).

24.3.1 No person shall allow a dog to enter or remain in a Dog Prohibited Area.

24.3.2 Prohibitions do not apply to working dogs whilst they are working.

### **24.4 Leashed areas**

Council designates areas in public spaces where dog(s) are required to be on a leash at all times. These decisions will be made by resolution and will be publicly notified (see also 24.2).

24.4.1 Every person in charge of a dog within a restricted speed zone (i.e. 50km, 70km or 80km) across the Ruapehu District must have their dog on a leash at all times (excluding the township of Ohura) and carry the means to remove dog droppings.

24.4.2 Dogs are required to be on a leash in all public cemeteries in Ruapehu District.

24.4.3 Prohibitions do not apply to working dogs whilst they are working if those dogs are not normally leashed in the course of their specific work.

### **24.5 Exercise areas**

Council designates areas in public spaces where dog(s) are not required to be on a leash. These decisions are made by resolution and will be publicly notified (see also 24.2).

24.5.1 The permission for a dog to be unleashed in these areas does not apply to dogs classified as 'dangerous'. Dangerous dogs must remain on a leash and muzzled at all times.

24.5.2 The following controls are considered appropriate in a dog exercise area:

(a) *Voice Control*

A dog must respond immediately to the voice control of the owner or person in charge of the dog. A dog running loose that will not respond to the voice commands of its owner or the person in charge is not considered to be under control.

(b) *Sightlines*

A dog must be within sight of the owner or person in charge of the dog. This means that the dog must be able to be seen by and be under the control of the owner or person in charge at all times.

(c) *Leashing*

A dog owner or person in charge of dog(s) must carry one leash per dog at all times.

## 24.6 Signage in exercise areas

Ruapehu District Council provides signage for dog exercise areas that:

- (a) clarifies the area,
- (b) outlines any time provisions, and
- (c) outlines restraint requirements.

## 24.7 Health and safety risk

A person who provokes a dog to the point where it becomes unmanageable or incites the dog to fight with, or attack any other animal or person commits an offence against this bylaw.

## 24.8 Fouling of public places and land

Owners or persons in charge of dogs entering public areas or private land not belonging to them must remove their dog's droppings immediately.

24.8.1 Owners or persons in charge of dogs in public areas must carry the means to immediately collect and remove droppings.

## 24.9 Keeping of more than two dogs

No person or household shall keep more than two dogs older than three months without a permit from Council except in areas zoned Rural in the District Plan.

## 24.10 Female dogs in season

Female dogs in season must be contained in such a manner that makes them inaccessible to roaming dogs.

## 24.11 Diseased dogs

No person shall let any dog suffer unnecessarily as a result of mange or any other disease.

24.11.1 A dog kennel must not be located within one metre of any boundary of the premises.

## 25 CATS

25.1 No person or household shall keep more than 4 cats older than 6 months without a permit from Council.

25.2 No person shall feed and/or attract feral cat(s) to their premises.

## 26 OTHER ANIMALS

### 26.1 Keeping of pigs

No person may keep pigs in a manner that is likely to cause a nuisance or create a danger to human or animal health.

- 26.1.1 Any pig deemed by an authorised Council Officer to be causing a nuisance or creating a danger to human or animal health may be impounded. The owner of the animal will incur an infringement fee as well as any costs associated with the care of the animal during the time of its impoundment.
- 26.1.2 No person shall keep any pigs within 20 metres of a residential dwelling.
- 26.1.3 No person shall allow any pigsty and associated tanks, drains and other areas to remain in an offensive state likely to cause a nuisance.
- 26.1.4 Feeding sites for pigs must be kept clean and clear of any excess foodstuffs.

## **26.2 Keeping of stock**

Stock must be kept in a manner that is unlikely to cause a nuisance or create a danger to human or animal health.

- 26.2.1 Any stock deemed by an authorised Council Officer to be causing a nuisance or creating a danger to human or animal health may be impounded. The owner of the animal will incur an infringement fee as well as any costs associated with the care of the animal during the time of its impoundment.
- 26.2.2 Stock must be kept more than two metres from a residential dwelling except in areas zoned Rural in the District Plan. This does not apply to animals being ridden or driven.
- 26.2.3 Any stock shelter or stable must be built and maintained in compliance with all relevant regulations.

## **26.3 Slaughter of animals**

No person shall slaughter any livestock within 20 metres of a neighbouring dwelling. This clause does not apply to a registered abattoir.

## **26.4 Keeping of poultry**

Poultry must be kept in a manner that is unlikely to cause a nuisance or create a danger to human or animal health.

- 26.4.1 Roosters may only be kept in areas zoned Rural in the District Plan and must be kept at least 20 metres from an occupied dwelling.
- 26.4.2 A maximum of 12 poultry birds is permitted in all areas other than areas zoned Rural in the District Plan.
- 26.4.3 Poultry must be kept in a properly constructed poultry house, covered with a rainproof roof. Every poultry house and poultry run must be maintained in good repair, in a clean condition, free from any offensive odour or discharge and free from vermin.
- 26.4.4 Any poultry house or poultry run must be at least 10 metres away from any dwelling, factory, or any other building and at least two metres from the boundary of any adjoining premises.
- 26.4.5 Every poultry run, except those in areas zoned Rural in the District Plan, must be enclosed to confine the poultry. Free range poultry is only permitted in areas zoned Rural in the District Plan.

## **26.5 Keeping of bees**

Beehives must be located in a place where bees are unlikely to cause nuisance, or harm to any person or animal.

- 26.5.1 An authorised Council officer may prescribe conditions relating to the location and number of hives able to be kept on any premises.

26.5.2 No beehives shall be kept on any public place or road reserve without a permit from Council.

## Schedule 1: Trading in Public Places

S1.1 Hawkers, mobile shops and itinerant traders are **prohibited** in the following public areas:

- Taumarunui** Both sides of those streets enclosed within the external boundaries of:
- (a) Hakiaha Street from Katarina Street to Turaki Street,
  - (b) Turaki Street and Morero Terrace to Miriama Street,
  - (c) Miriama Street from Morero Terrace to Katarina Street, and of
  - (d) Katarina Street from Miriama Street to Hakiaha Street.
- Owhango** Both sides of State Highway 4 within the 70km zone.
- National Park Village** Both sides of State Highway 4 within the 80km zone and within the 50km zone of the village.
- Ohakune** State Highway 49 (Clyde Street) from Rata Street to Arawa Street, incorporating Goldfinch Street to Ayr Street.
- (a) Both sides of those streets enclosed within the external boundaries of Mangawhero Terrace, Tyne St, Rimu Street and Thames Street, otherwise known as The Junction
  - (b) Ohakune Mountain Road.
- Raetihi** Seddon Street from State Highway 4 to Duncan Street.
- Waionuru** Both sides of State Highway 1 and 49 within the 70km zone, including the 50km slip lanes.

## Schedule 2: Control of Skateboards and Similar Recreational Devices

S2.1 The use of skateboards or similar recreational devices is prohibited on footpaths in the following areas:

**Taumarunui** Both sides of those streets enclosed within the external boundaries of:

- Hakiaha Street from Katarina Street to Turaki Street,
- Turaki Street and Morero Terrace to Miriama Street,
- Miriama Street from Morero Terrace to Katarina Street, and of
- Katarina Street from Miriama Street to Hakiaha Street..

**Ohakune** State Highway 49 (Clyde Street) from Rata Street to Arawa Street, incorporating Goldfinch Street to Ayr Street.  
Both sides of those streets enclosed within the external boundaries of Mangawhero Terrace, Tyne St, Rimu Street and Thames Street, otherwise known as The Junction

**Raetihi** Seddon Street from State Highway 4 to Ballance Street.

**Waiouru** Both sides of State Highway 1 and 49 within the 70km zone, including the 50km slip lanes.

S2.2 Skateboard and Similar Recreational Devices offenses and Penalties:

Offence	Penalty
First Offence	Warning
Second and Subsequent Offences	Confiscation of recreational device for 10 days. Note: If the 10th day falls on a Saturday or Sunday the device can be collected on the next working day.

### S2.3 EXAMPLES OF RECREATIONAL DEVICES

The following is an indicative list only; it is not conclusive or bound by technological advances:

- Skateboard
- Scooter
- Rollerblades
- Bicycle
- E-bikes
- Unicycle
- Tricycle
- Hoverboard
- Segue



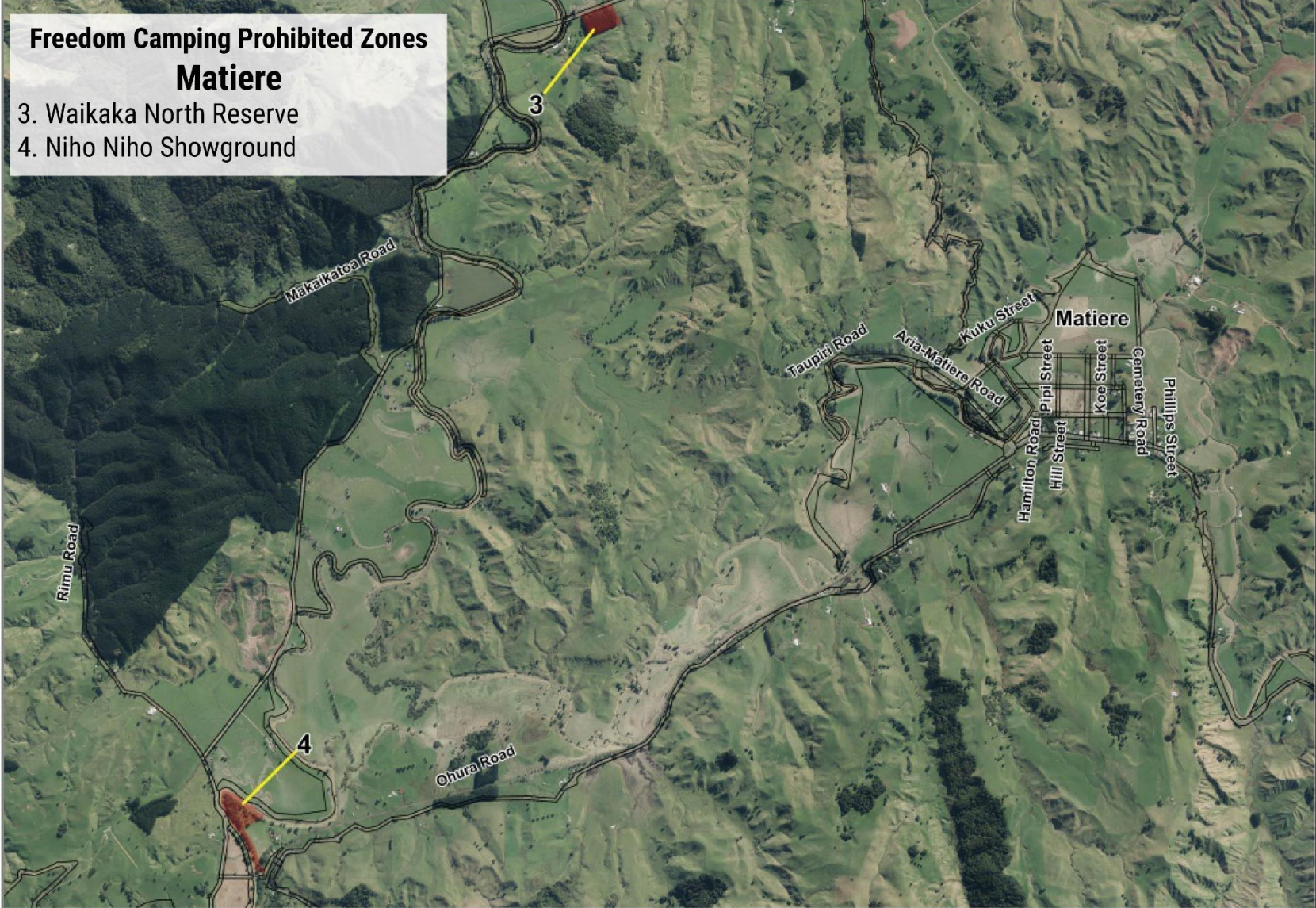
## Schedule 3: Freedom Camping Prohibited Areas

- S3.1 Freedom Camping is prohibited in all the domains, recreational, historic, scenic, and amenity reserves in Ruapehu District highlighted in the maps in S3.3.
- S3.2 Freedom Camping is allowed in:
- (a) Ruatiti Domain, and
  - (b) Ohura: only in the area adjacent to Tui Street between the Memorial Hall and the Mangaroa Stream.

S3.3 Ohura



S3.4 Maitere

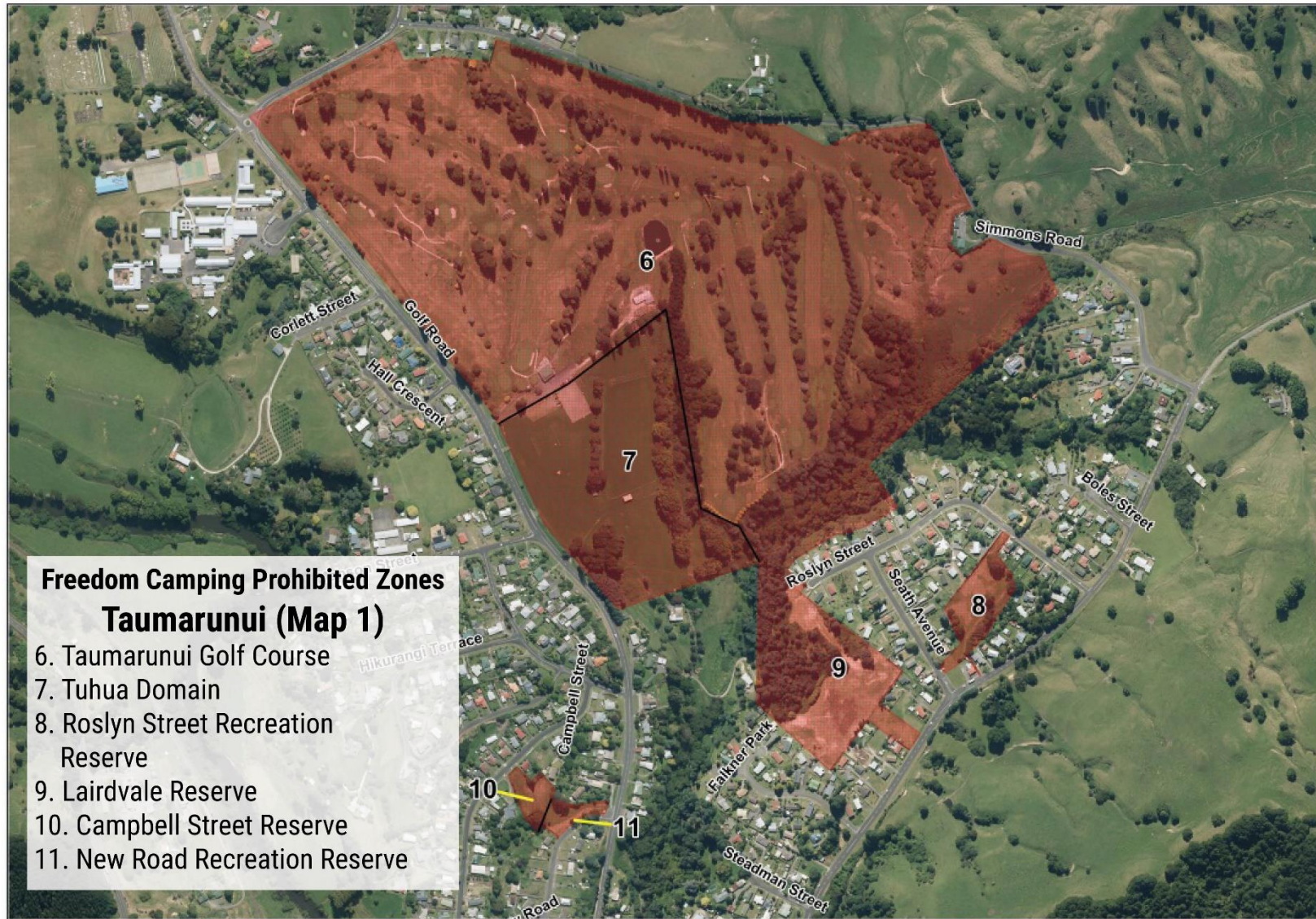


S3.5 **Ongarue**

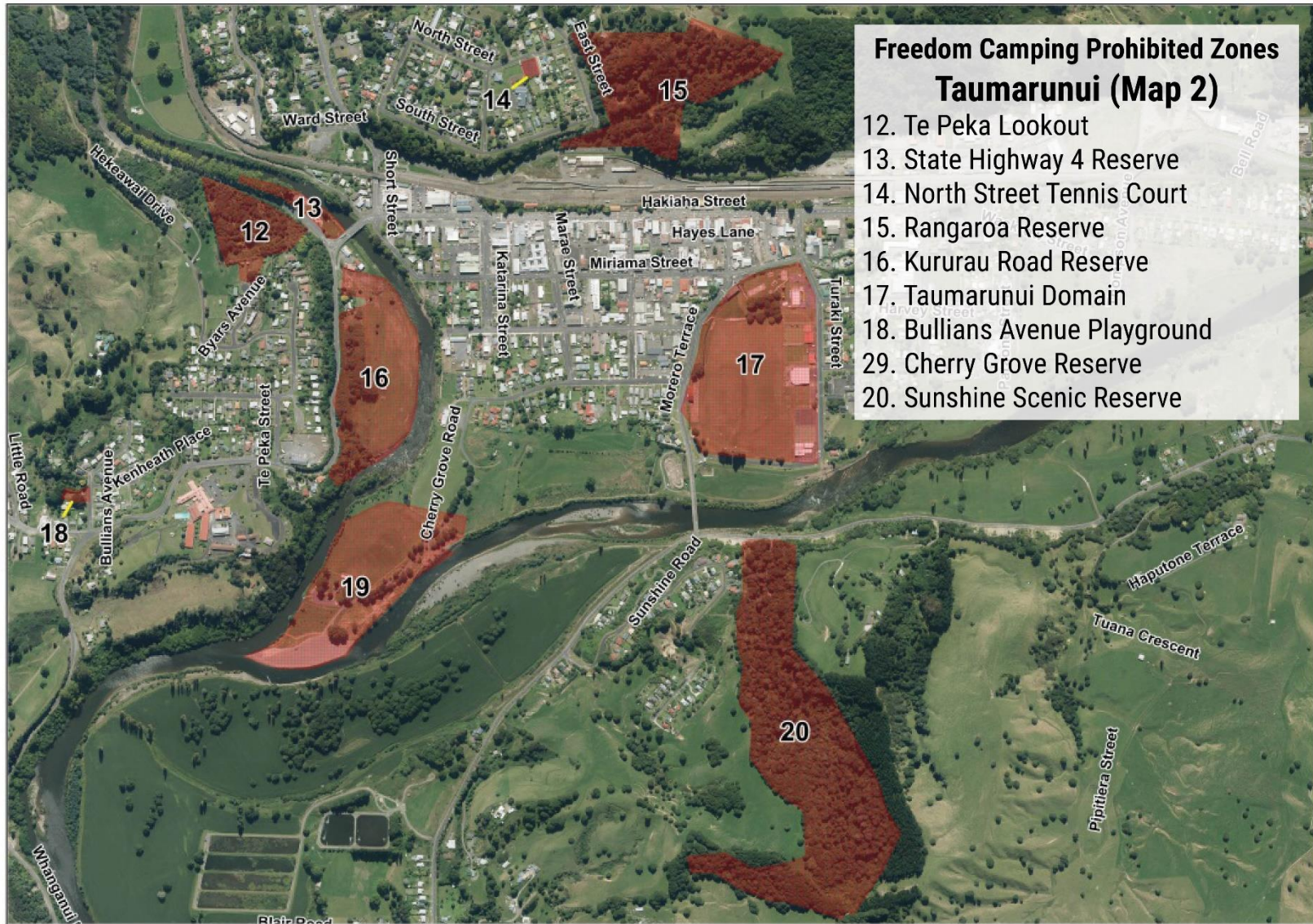
**Freedom Camping Prohibited Zones**  
**Ongarue**  
5. Ongarue Reserve - Mangatupoto



S3.6 Taumarunui (Map 1)



S3.7 Taumarunui (Map 2)



S3.8 Taumarunui (Map 3)

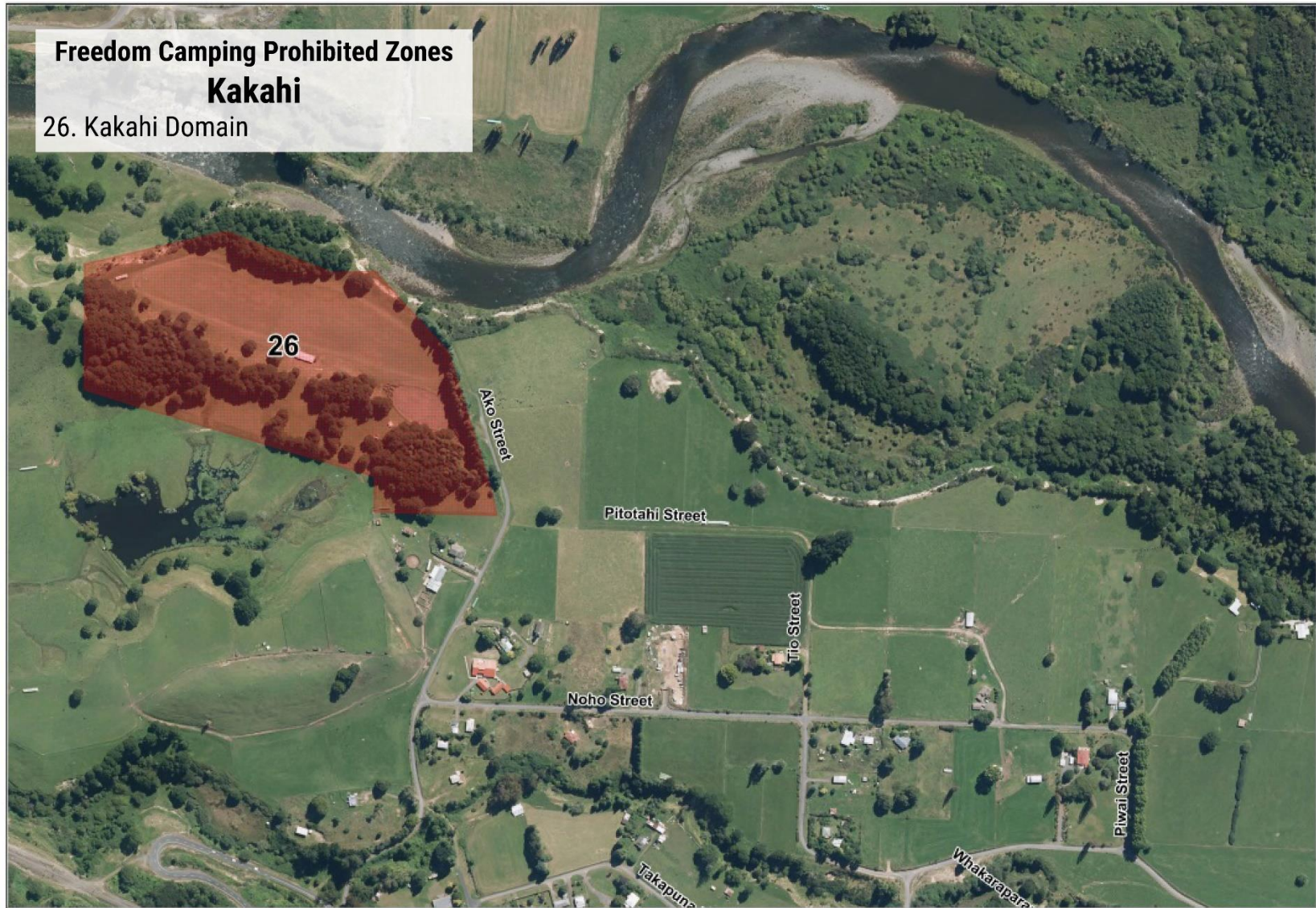


S3.9 Manunui





S3.10 Kakahi



### S3.11 Raurimu



S3.12 Horopito

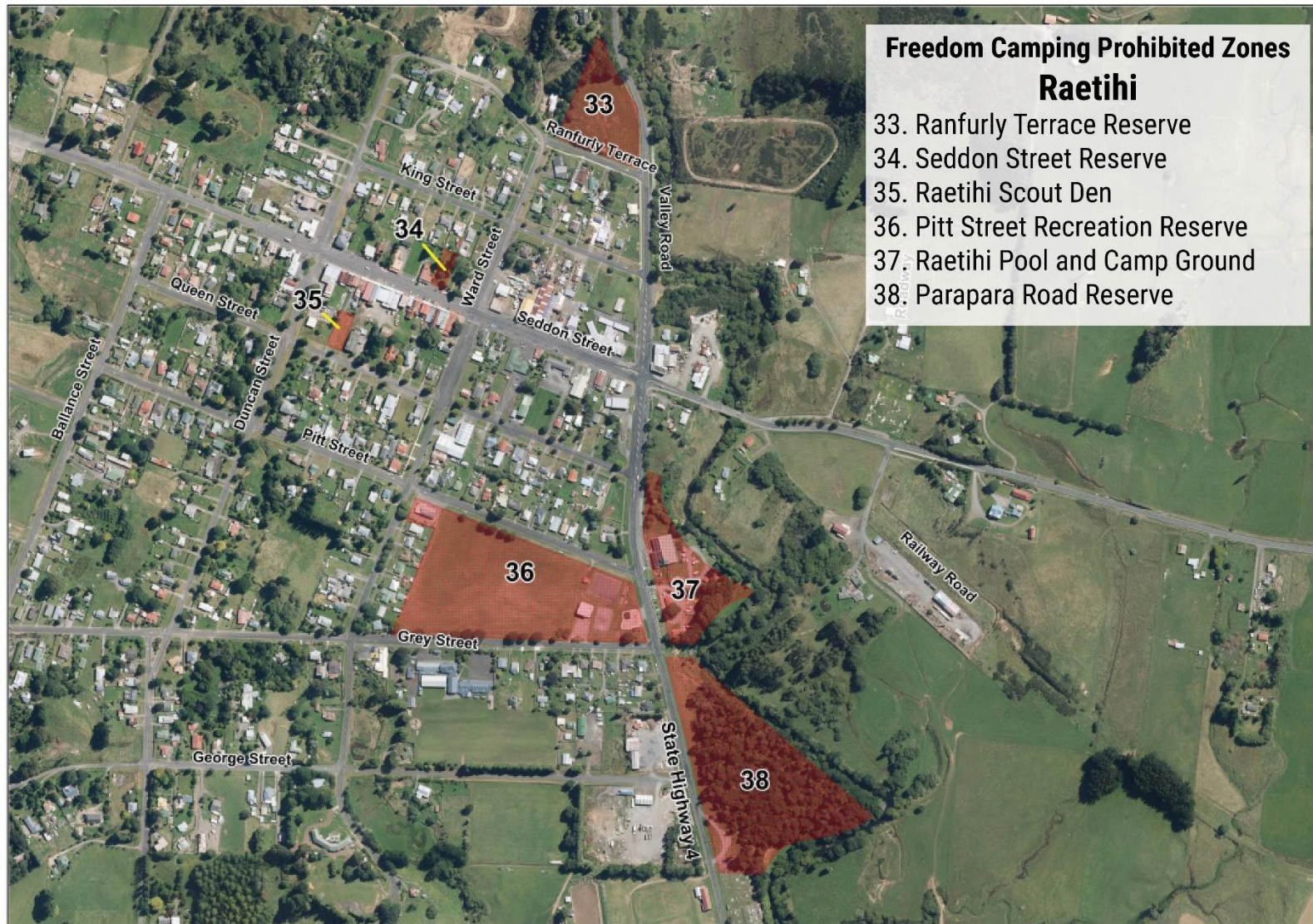


S3.13 Rangataua



**Freedom Camping Prohibited Zones**  
**Rangataua**  
32. Rangataua Recreation Reserve

S3.14 Raetihi



S3.15 Ohakune (Map 1)



S3.16 Ohakune (Map 2)



S3.17 Ohakune (Map 3)





S3.18 Tangiwai



## Schedule 4: Prohibited Refuse

### S4.1 Prohibited refuse means:

- (a) Chemicals, toxic substances, dangerous goods of all class, prescription drugs, poison.
- (b) Oils, oil sludges, liquids, volatile liquids, acids or paints.
- (c) Explosives, fireworks, firearms, hot ashes, highly inflammable liquid or materials.
- (d) Empty containers in excess of four litres capacity previously used for chemicals, dangerous goods, toxic substances or fertiliser.
- (e) Pressurised containers unless emptied or made open to the atmosphere.
- (f) Empty drums unless crushed.
- (g) Radio-active materials and pathological waste.
- (h) Hydrocarbon contaminated waste.
- (i) Waste containing hazardous inorganic chemicals (including heavy metals).
- (j) Offal or waste from fish or meat processing premises or from any fish or animal byproducts processing or works.
- (k) Bulk liquid waste of any kind, or emulsions in bulk.
- (l) Dead animals, parts of dead animals, or infectious matter.
- (m) Manure, liquid manure, liquid effluent or septic tank sludge or effluent.
- (n) Any highly odious waste.
- (o) Any other hazardous wastes not otherwise described here.

## Schedule 5: Hazardous Substances

- S5.1 Hazardous substances mean any matter that:
- (a) Contains substances defined in Section 2 of the Hazardous and New Organisms Act 1996, which exceed the minimum degree of hazard specified by the Hazardous Substances (Minimum Degree of Hazard) Regulations 2000.
  - (b) Meets the definition for infectious substances included in The Land Transport Rule: Dangerous Goods 1999 and The NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land.
  - (c) Contains corrosive, toxic, biocidal, radioactive, flammable, or explosive materials.
  - (d) Is publicly notified by Council from time to time to be hazardous and requiring special handling for the purposes of collection, transportation and disposal.

# Schedule 6: Alcohol Ban Areas

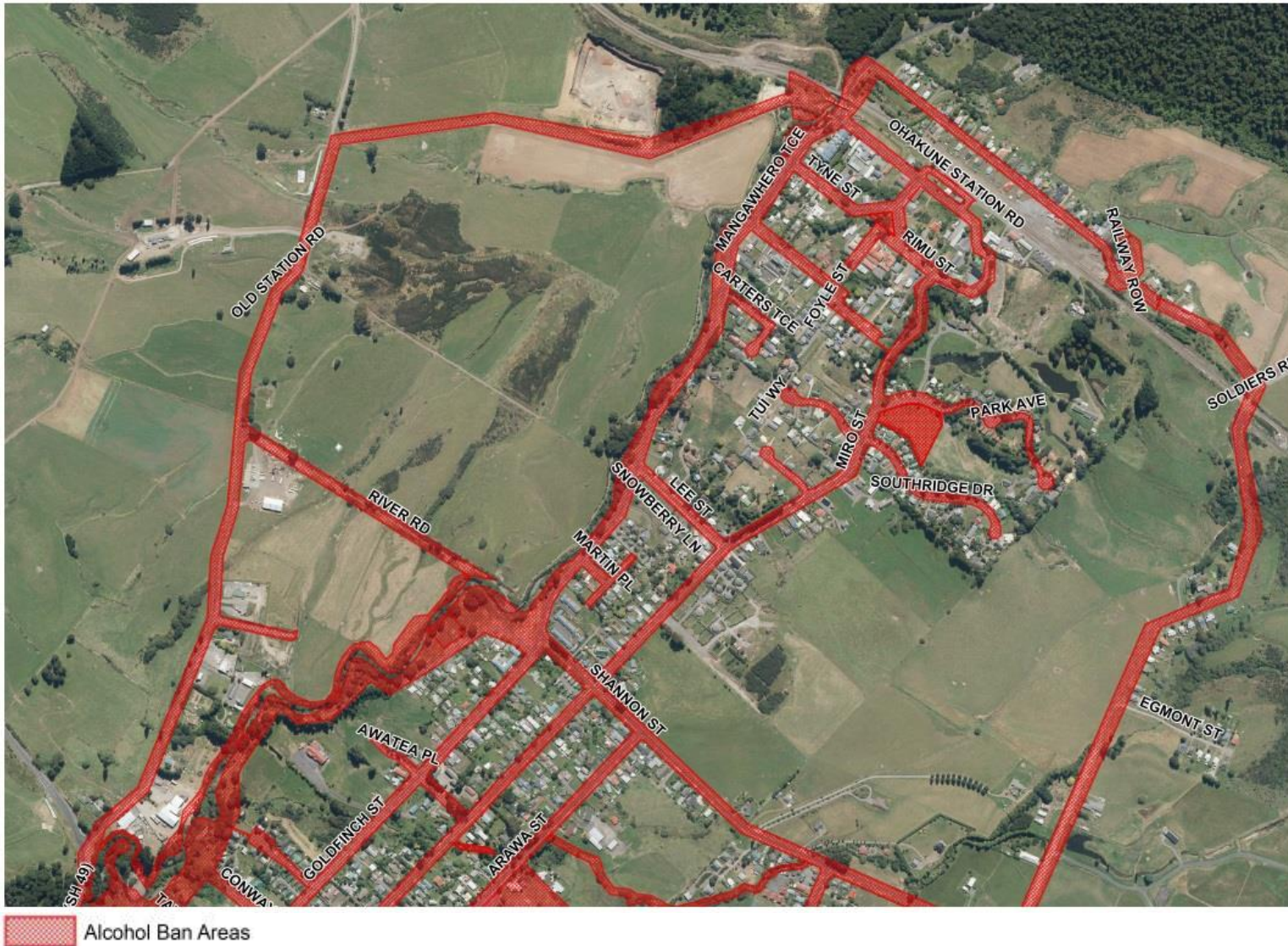
## S6.1 Taumarunui

The hours of ban for the Taumarunui Central Business District and Urban Reserves is 24 hours per day, seven days per week, all year round. Alcohol banned areas are identified in red below in Map 1.




## S6.2 Ohakune

The hours of ban for the Ohakune township and Reserves are 24 hours per day, seven days per week, all year round. Alcohol banned areas are identified in red below in Maps 2 and 3.





 Alcohol Ban Areas

### S6.3 Raetihi

The hours of ban for the Raetihi township and Reserves are 24 hours per day, seven days per week, all year round. Alcohol banned areas are identified in red below in Map 4.



**S6.4 Ruatiti Domain**

The hours of ban for the Ruatiti Domain are from midnight 30 December until midnight 2 January. Alcohol areas are identified in red below in Map 5.





## Schedule 7: Signage

### S7.1 GENERAL CONDITIONS FOR ALL COMMERCIAL ADVERTISING SIGNAGE

#### S7.1.1 *Sign condition*

All signs in public places must be sign-written in a professional manner and kept in good condition. Good condition means that:

- (a) paint work is regularly refreshed to prevent noticeable fading and/or peeling and,
- (b) vandalism is immediately repaired, or the sign removed and,
- (c) the sign is not obstructed from view by vegetation or other materials.

#### S7.1.2 *Sign construction*

Free standing signs shall be designed, constructed and erected in a manner to meet wind, frangibility and seismic loads.

#### S7.1.3 *Sign content*

Advertising for gaming machines, gambling, prostitution or signage containing offensive images, discriminatory content or language must not be visible from any public place.

#### S7.1.4 *Election Signage*

- (a) Election signs must not be erected on road reserves, median strips or similar locations including Council buildings or public property such as lampposts, trees, transformers, etc.
- (b) Signs must not be displayed for more than six weeks, and must be removed the day before polling day.
- (c) Signs must not create a traffic hazard or constitute danger to the public in any way, and must not imitate any official sign.
- (d) Election signs shall only be placed on those public places or reserves specifically approved by Council for such purpose (see maps below).

S7.1.5 Proposed Area Designated for Election Hoardings – Taumarunui (Southern Entrance)



S7.1.6 Proposed Area Designated for Election Hoardings – Ohakune (Office of Treaty Settlements Land. Will require permission.)



*S7.1.7 Proposed Area Designated for Election Hoardings - Raetihi*



### **S7.1.8 Verandah Signs**

All verandah signs must comply with the following conditions:

- (a) All signs affixed to the underside of a verandah or to the building must be affixed in a manner approved by an authorised Council officer.
- (b) Swinging verandah signs must be affixed in such a way that they cannot be removed without mechanical aid.
- (c) All signs located on verandahs over roads or public places on commercial/industrial/business zoned land must:
  - (i) be at least 2.5m from the lowest point on the sign to the footpath,
  - (ii) be set back at least 600mm from an imaginary vertical line from the road kerb,
  - (iii) if located on the verandah fascia, not be more than 900mm in depth, or protrude more than 200mm from the fascia,
  - (iv) if located under the verandah, be at right angles to the fascia line, and be limited to one per site,
  - (v) if located on top of the verandah, not be more than 1.2m high, not more than 1.8m<sup>2</sup> in area and limited to one per site.
  - (vi) advertise only businesses, services and products located on the site of the sign.
- (d) No signage attached to a building shall exceed the highest point of the existing building by more than 1m. No pole, support structure, flag, banner, decoration or sign shall be erected on the face of the building so as to project further than 1.5m into any public space and the lowest point of the flag, banner or decoration must be at least 2.6m above ground level.

## **S7.2 REMOVABLE/PORTABLE COMMERCIAL ADVERTISING SIGNAGE**

### **S7.2.1 Footpath signs**

- (a) are permitted on the footpath outside the business to which the sign relates,
- (b) must be placed at the outer edge of the footpath, against the curb, to allow for pedestrian access past the shop frontage or be placed on the footpath against the shop frontage in a manner that does not impede pedestrian access past the shop frontage,
- (a) must not be placed in any position that will obstruct the flow of pedestrians, wheelchair users or push chair users,
- (b) must be no higher than 1.5m high and 1m wide.

S7.2.2 No pole, support structure, flag, banner, decoration or sign shall be erected on the face of the building so as to project further than 1.5m into any public space and the lowest point of the flag, banner or decoration must be at least 2.6m above ground level.

### **S7.2.3 Vehicle or trailer signs**

- (a) Vehicles and/or trailers are not permitted to be used for signage or advertising purposes. This does not include sign written vehicles used for genuine travel or day to day use.

## **S7.3 REMOVAL OF SIGNS**

- (a) If any sign is found to be non-compliant, in a state of disrepair, in a condition that is a risk to public health and safety or unpermitted, Council may require the sign owner to repair, replace or remove the sign. Notification of compliance requirements will be given in writing and include a timeframe within which compliance is expected.
- (b) Where any person fails to comply with any requirement to repair, replace or remove any sign, Council may have the work done. The cost incurred in the repair, replacement, removal or storage of the sign shall be recoverable as a debt against the owner of the sign or the owner of the land on or over which the sign was placed.
- (c) Any sign removed by Council shall be released to the owner upon payment of the costs incurred in its removal and storage.

- (d) Any sign that remains unclaimed (or not released) for longer than one month may be sold or otherwise disposed of by Council. Where a sign is sold, the proceeds of the sale will be applied first towards the payment of associated costs in accordance with the Local Government Act 2002. Any balance shall be paid to the owner on application. If costs are not covered by the sale of the sign, the owner will be liable for the balance owing.
- (e) Any replacement sign must comply with this bylaw

## Schedule 8: Beauticians, Tattooists, Body Piercers and Nail Technicians

S8.1 A licence shall not be issued unless the premises concerned complies with all of the following health and safety and good practice requirements.

### S8.2 Licencing

The purpose of licencing is to prevent the transference of communicable diseases such as Hepatitis B and C, HIV/AIDS and bacterial skin infections via beauty therapy practices which include such processes as tattooing, skin piercing, epilation (e.g. waxing and electrolysis), pedicures, manicures, solarium, paraffin treatment and extractions. Where relevant this includes businesses such as jewellers, beauty therapists, nail technicians, tattooists and hairdressers.

S8.2.1 Applications for the licencing of any premises under this bylaw shall be made by the owner or manager and shall be made on the prescribed form.

S8.2.2 Fees (as set by Council annually) shall be payable on application for a licence and renewed thereafter on an annual basis.

### S8.3 Infection Control

Contamination of equipment such as needles, poor standards of premises and personal hygiene are recognised as potential modes for the transference of disease and infection. It is essential for practitioners to be fully aware of the potential dangers and wider effects of their procedures, and understand the precautions that need to be taken to minimise the likelihood of infection, spread of disease or injury.

S8.3.1 Practitioners must provide their clients with professionally competent, safe and hygienic services, within clean premises.

S8.3.2 All staff must have the knowledge, skills and qualification specific to the standard required for each procedure they will be carrying out.

S8.3.3 Premises where beauty therapy, nail augmentation, skin piercing and tattooing is practised must ensure there is suitable operational standards around procedures, recording of client information and provision of aftercare information.

### S8.4 Communicable Disease

No person who knows or suspects that he or she is suffering from or is a carrier of a skin infection or communicable disease, or associated conditions, shall carry out any treatment on another person, without taking adequate precautions to prevent the transmission of such infection, disease or condition.

S8.4.1 The practitioner shall display in a prominent place a notice asking customers to inform them of any communicable or infectious disease they have which may be likely to have an effect on the process.

S8.4.2 The practitioner is entitled to decline to carry out any prescribed process on the basis of such information, or agree to carry out the prescribed process subject to such conditions as are considered appropriate in the circumstances.

## **S8.5 Other Operating Conditions**

No animals, except disability assist dogs, are to be permitted in that part of the premises where beauty therapy, nail augmentation, skin piercing and tattooist practices take place.

- S8.5.1 No person shall, eat or drink on the premises except in a part of the premises that is clearly separate from the area where beauty therapy, skin piercing or tattooist practice is carried out.
- S8.5.2 No person shall carry out any beauty therapy, skin piercing or tattooist practice on any person whom they suspect is under the influence of alcohol, drugs or mind-altering substances.

## **S8.6 Informed Consent**

Any procedure (which invades a person's body in any way) performed without permission, may be regarded as assault. It is therefore essential that the person receiving the procedure gives informed, written consent to the procedure. Information must be given in a manner, which fully explains the nature of the procedure, the outcomes of it and any risks involved. The information must be understandable and therefore take into account the age of the person involved and their understanding of the language used.

- S8.6.1 No person shall allow or carry out any beauty therapy, nail augmentation, skin piercing or tattooist practice on any person under the age of 16 years without the written permission of that person's parent or legal guardian.

## **S8.7 Record Keeping**

As part of any professional practice it is important to have good information about clients and the nature of the client contact. It is also important to emphasise that records should be strictly confidential and all personal client information should be made secure in an appropriate, dedicated, lockable area.

- S8.7.1 The main purpose for collecting the information should be to assist operators with providing aftercare advice for patients and to also be used as an opportunity to audit the quality of procedures, should complications occur.
- S8.7.2 Information that must be recorded includes:
  - (a) Name, address, phone contact
  - (b) Procedure type
  - (c) Consent that is signed by the client.
- S8.7.3 The practitioner must hold client records regarding such information on site for a period of 12 months. These records must be made accessible to an Authorised Council Officer and/or a Medical Officer of Health on request.
- S8.7.4 Sterilisation of equipment by autoclave - Time, temperature and pressure readings shall be recorded and be kept for a minimum period of 12 months. The records shall be made available to an Authorised Council Officer or a Medical Officer of Health on request.
- S8.7.5 A record of medical waste disposal must be kept for a minimum period of six months. The records shall be made available to an Authorised Council Officer or a Medical Officer of Health on request.

## **S8.8 Training and Qualifications**

No person shall allow or carry out any beauty therapy or nail augmentation practice unless they have been trained and qualified in the practices of cosmetology and nail technology that is acknowledged by a recognised training standard, NZQA, or industry-training organisation. An exemption will be



applied to any person under the direct supervision of someone who holds the said qualification and where the person providing the supervision is employed by a training institution.

S8.8.1 The operation of devices and/or application of products such as, but not limited to IPL/ Laser, electrolysis, cosmetic tattoo and facial peels can only be conducted by personnel who have had training with recognised training standards in the applicable procedures. An exemption will be applied to any person under the direct supervision of someone who holds the said qualification and where the person providing the supervision is employed by a training institution.

## **S8.9 Physical Aspects of Premises**

No person shall use, or allow any premises to be used for beauty therapy, nail augmentation, solarium, skin piercing or tattooing practice except in accordance with all of the following provisions:

S8.9.1 The premises shall be maintained in a sanitised, clean and tidy condition.

S8.9.2 The floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any beauty therapy, nail augmentation, solarium, skin piercing or tattooist practice shall be constructed of materials that are easily cleaned.

S8.9.3 A wash hand basin supplied with splash guards, a constant piped supply of hot and cold water, soap, a nail brush and approved hand drying facilities shall be provided in a readily accessible position within the working area associated with the beauty therapy, skin piercing or tattooist practice.

S8.9.4 A designated sink supplied with a constant piped supply of hot and cold water shall be provided in a readily accessible position within the working area for the sole purpose of cleaning instruments and equipment.

S8.9.5 All parts of the premises shall be adequately ventilated.

S8.9.6 All parts of the premises shall be provided with adequate lighting to perform procedures, facilitate cleaning and inspection.

S8.9.7 There shall be provided at all times an adequate supply of cleaning, sanitising and sterilising agents, as are necessary, and suitable cleaning equipment, sufficient to enable regular and proper cleaning of the premises and of the equipment and containers used in the premises. There shall be adequate provision for separate storage of such items when not in use.

S8.9.8 Adequate and sufficient covered waste receptacles that are constructed of readily cleanable material shall be provided.

S8.9.9 All mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of beauty therapy, nail augmentation, skin piercing or tattooist practice, shall be covered in an impervious and readily cleanable material. All linen/paper must be replaced after each client. The tables and equipment must be cleaned and disinfected before being used again for another client.

S8.9.10 Adequate and separate storage shall be provided for clean and soiled laundry, beauty products and other chemicals, products or materials. The storage container for the laundry must be made of impervious material and capable of being easily cleaned. There must be procedures in place for decontaminating blood contaminated linen.

S8.9.11 Where refreshments are served to customers, single use utensils are to be used unless approved dishwashing facilities are supplied. Refreshments are only to be served in customer waiting areas, not in work areas.

### **S8.10 Conduct**

An operator whilst on the premises shall:

- (a) At all times keep his or her clothing, hands and fingernails clean, and must cover any infected, damaged or inflamed skin with an impermeable dressing or disposable gloves.
- (b) Thoroughly clean his or her hands:
  - (i) immediately before commencing and immediately after completing the process of beauty therapy, skin piercing or tattooing;
  - (ii) immediately after using a toilet;
  - (iii) immediately after smoking;
  - (iv) immediately after blowing the nose;
  - (v) immediately after handling soiled laundry, money, biological matter or waste materials used or produced in connection with beauty therapy, nail augmentation, skin piercing or tattooing practices.
- (c) Prior to commencing any procedure, cleanse client's skin by swabbing with a hospital grade cleansing agent.
- (d) Dispose of all blood contaminated materials, and dye residue into a puncture resistant container, 'sharps box' or otherwise in a manner approved by an Authorised Officer.

S8.10.1 An operator shall, at the completion of any tattooing or skin piercing procedure, provide to each customer suitable written instructions for the subsequent care of the site to prevent its infection.

S8.10.2 No person shall undertake any tattooing, waxing, electrolysis or skin piercing procedure unless that person covers their hands with new, single use gloves for each customer.

S8.10.3 Any equipment used must be calibrated, serviced and operated according to manufacturer specifications and used for no other purpose other than given in such instructions.

### **S8.11 Tattooing**

The sterilisation of equipment used in tattooing shall include, but not be limited to, the sterilisation of needle bars, tubes and tube tips.

S8.11.1 Stencils must only be used for one client and then disposed of.

S8.11.2 No operator shall, in tattooing a customer, use any dye, pigment or solution, unless the dye, pigment or solution has been decanted into a container holding a sufficient amount of the liquid for carrying out the tattoo on that customer only, and is, while the process is being carried out on that customer, extracted or withdrawn only from that container.

S8.11.3 The operator shall ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed of to waste, and the container is either sterilised or discarded.

S8.11.4 All dyes, pigments, or solutions used for tattooing shall be obtained from approved sources and prepared, stored and dispensed in such manner as to prevent any likelihood of infection to any customer or other person.

### **S8.12 Beauty Therapy/Skin Piercing/Epilation**

No person shall remove hairs from moles, birthmarks and other abnormalities without medical permission.

- 8.12.1 The client's skin must be sanitised prior to waxing.
- 8.12.2 No person may use any instrument to pierce skin unless it has been sterilised and has been kept in such a manner as to maintain sterility. All needles must be either pre-sterilised disposable types or needles sterilised as directed in section sterilisation of equipment.
- 8.12.3 No needle or other instrument used to pierce skin may be touched by bare fingers, nor contaminated by packaging, which has been contacted by bare fingers.
- 8.12.4 Ensure all jewellery used for piercings is sterile.
- 8.12.5 Wax that has been applied to a customer's body for hair removal (used wax) or paraffin wax shall not be reused.
- 8.12.6 Any applicator that makes contact with a person's skin shall not be reused (double dipped) or be replaced in a receptacle containing wax or any product unless the product has been decanted into single use containers.
- 8.12.7 Any product cross-contaminated through the process of double dipping must be disposed of before the next client.

### **S8.13 Sterilisation of Equipment**

No beauty therapy, skin piercing or tattooing equipment, such as needles and similar equipment (including pedicure, manicure or waxing equipment) that has been used in any beauty therapy, nail augmentation, skin piercing or tattooing practice, shall be reused unless it has been sterilised in one of the following ways:

- (a) Thoroughly cleansed and exposed to steam under pressure in a steriliser (autoclave) for:
  - (i) at least 15 minutes at not less than 121°C; or
  - (ii) at least 10 minutes at not less than 126°C; or
  - (iii) at least 4 minutes at not less than 134°C.
- (b) Thoroughly cleansed and exposed to dry heat for at least 60 minutes at not less than 170°C.
- (c) Thoroughly cleansed then totally immersed in a glass bead steriliser operating at 250°C for a minimum of 4 minutes.
- (d) Thoroughly cleansed by a method appropriate to the nature of the article concerned and then submitted to a process of sterilisation approved by an Authorised Officer.

- 3.13.1 The times quoted above are holding times and do not include the time taken for the steriliser (autoclave) to reach the required temperature.
- 8.13.2 Every steriliser used for the purpose of this Part of the Bylaw shall be fitted with time, temperature and pressure gauges. Additionally every time the autoclave is used chemical indicator strips shall be inserted to show that the temperatures as set out above have been attained during the autoclaving procedure. During each use the gauges shall be viewed to ensure that the correct times, temperatures and pressures are reached.
- 8.13.3 The method and result of every sterilisation procedure shall be recorded and be kept for a minimum period of 12 months. The records shall be made available to an Authorised Officer or a Medical Officer of Health on request.

- 8.13.4 All disposable needles used for beauty therapy, and skin piercing and tattooing instruments must be disposed of in an appropriate “sharps” container for infectious waste, which in turn must be disposed of in an approved manner as stated in AS/NZS 4031:1992.
- 8.13.5 All materials containing body fluids and blood must be disposed of as medical waste in an approved manner as stated in AS/NZS 4031:1992. Medical waste must not be stored on the property for any longer than two weeks.
- 8.13.6 Where a hand piece or like article used for projecting a needle into the skin of any person is rendered contaminated, the hand piece shall be deemed to be disinfected if it has been cleaned of all visible soiling then wiped with a clean paper towel saturated with:
- (a) A solution of industrial methylated spirit; or
  - (b) Ethyl alcohol or isopropyl alcohol (in each case containing not less than 70 per cent alcohol); or
  - (c) Viraclean or other similar approved solutions. Prior to cleansing the hand piece the needle shall be removed from the hand piece and disposed of.
- 8.13.7 Advisory Notes:
- (a) Chlorine solution will corrode metals.
  - (b) Operators should follow manufacturer’s instructions on cleaning products, in particular concentration and use by dates.

#### **S8.14 Mobile Beauty Therapy, Tattooing and Skin Piercing Operations.**

All operators of mobile premises must ensure that:

- (a) They provide sufficient facilities to adequately store all clean and used equipment, linen and waste products safely in separate containers before and after use and while in transit; and
- (b) They establish and maintain a ‘clean’ work area at the site and protect all surfaces and equipment from contamination by dust, dirt, other such contaminants or members of the public at all times; and
- (c) They have direct access to hand washing facilities with soap, paper towels and hot and cold running water provided preferably through a single spout. Alternatively, where it is physically impossible to have hand washing facilities with running water, waterless alcohol-based antiseptic hand gels, foams, or liquids can be used by mobile operators. Hands must still be cleaned using waterless alcohol based hand cleanser between each client; and
- (d) They wash their hands with running water and soap if their hands are visibly soiled; and
- (e) There is adequate sterile equipment for all clients undergoing skin penetration procedures and if the mobile facility does not have an autoclave, then single use pre-sterilised equipment is to be used. All owners or operators must ensure that the area set aside for mobile beauty therapy or skin piercing complies with all controls for prescribed processes as determined to be appropriate by an authorised officer, given the circumstances in which the skin piercing is being undertaken.

#### **S8.15 Cleansing and Repair**

Where any premises, equipment or procedures used to carry out beauty therapy, solarium, nail augmentation, skin piercing or tattooist operations that are in such a condition whereby customers may be exposed to contamination or communicable disease, the licensee shall on receipt of a notice signed by an Authorised Officer cleanse, reconstruct or repair the premises, equipment or procedures as directed within the time specified on the notice, or cease using the premises until any such time agreed by the Authorised Officer.

## Schedule 9: Food Grading

### S9.1 Formal Training Requirements

Council may request that food handlers complete and pass NZQA approved basic food handling or food safety certificates.

### S9.2 Staff Sickness Policy

The staff sickness policy must identify the circumstances in which staff should be excluded from the food business, food handling and/or seek medical advice.

S9.2.1 The staff sickness policy must be kept on the food business premises at all times.

### S9.3 Grading

All food businesses will be graded according to the following criteria;

ASSESSMENT OF PERSONAL HYGIENE PRACTICES	Score
Excellent standard of personal hygiene, all required tools provided to a high Standard, food business has a documented staff sickness policy.	5
Good standard of personal hygiene, wash hand basins fully equipped, food business has a documented staff sickness policy.	4
Acceptable standard of personal hygiene, wash hand basins fully equipped, food business has a documented staff sickness policy.	3
Personal hygiene needing improvement, wash hand basins not fully equipped, food business has a documented staff sickness policy.	2
Lack of understanding of personal hygiene requirements, wash hand basins are not fully equipped.	1
Serious breaches of hygiene practice requirements	0

ASSESSMENT OF TEMPERATURE CONTROL	Score
Written temperature monitoring programme, procedures relating to temperature control in place and fully implemented.	5
Temperature monitoring programme and procedures relating to temperature control in place, but not fully documented.	4
Minimal risk of temperature abuse. Temperatures in compliance with requirements.	3
Temperature control generally good, but some significant gaps in procedures.	2
Some evidence of temperature abuse and food potentially contaminated	1
Serious breaches of temperature control	0

<b>ASSESSMENT OF FOOD PROTECTION</b>	<b>Score</b>
Documented systems in place and evidence that procedures have been implemented.	5
Food protected and systems in place, but not documented.	4
Some systems in place, food unlikely to be exposed to contamination.	3
Systems needing improvement, risk that food exposed to contamination.	2
Lack of food protection and evidence that food exposed to contamination.	1
Serious breaches of food protection requirements.	0

<b>ASSESSMENT OF CLEANING AND SANITISING</b>	<b>Score</b>
Excellent overall standard of cleanliness, documented cleaning schedule in place.	5
Excellent overall standard of cleanliness but no documented cleaning schedule in place.	4
Good standard of cleanliness.	3
General standard of cleanliness reasonable – improvement needed to prevent a fall in standards.	2
Premises in a poor condition, general lack of effective cleaning.	1
Premises in an unacceptable condition, almost total non-compliance with food protection requirements.	0

<b>ASSESSMENT OF PREMISES (STRUCTURAL)</b>	<b>Score</b>
Excellent overall condition, maintenance programme in place.	5
Very good overall condition, regular maintenance.	4
Good overall condition, suitable for purpose.	3
Reasonable overall condition, but improvements needed to prevent a fall in standards.	2
Poor overall condition and general lack of maintenance.	1
Serious structural deficiencies and premises not suitable to be used as food premises	0




<b>ASSESSMENT OF TRAINING</b>	<b>Score</b>
Records of training. Evidence that all staff trained commensurate to their roles.	5
Training programme in place but not fully documented.	4
Supervision of staff, but limited training programme.	3
Key staff trained and some supervision, but no training programme for other staff.	2
Key staff trained, but lack of supervision and training.	1
Evidence that lack of training likely to result in serious breaches of food safety.	0

- S9.3.1 All operators will receive one of the following grades based on the score allocated to them by the authorised officer:
- A Excellent; Score 26-30
  - B Good; Score 20 - 25
  - D Sub Standard; Score 15 – 19
  - E Unacceptable; Score 14 or less
- S9.3.2 Operators wishing to apply for a regrade may do so by writing to Council. An Authorised Officer will complete said regrade within 20 days of receipt of the request and assign a grade using the score matrix set out in S9.3.1

# Schedule 10: Designated Dog Areas

## S10.1 Dog Areas – Ohura and Matiere (Note: there are no designated dog areas in Ohura)



-  Exercise Areas
-  Leashed Areas
-  Prohibited Areas










## S10.4 Dog Areas - Taumarunui East Matapuna



 Exercise Areas     Leashed Areas     Prohibited Areas




S10.5 Dog Areas – Manunui and Owhango



- 
 Exercise Areas
- 
 Leashed Areas
- 
 Prohibited Areas




S10.6 Dog Areas – Raetihi (detail)



 Exercise Areas     Leashed Areas     Prohibited Areas

S10.7 Dog Areas - Raetihi

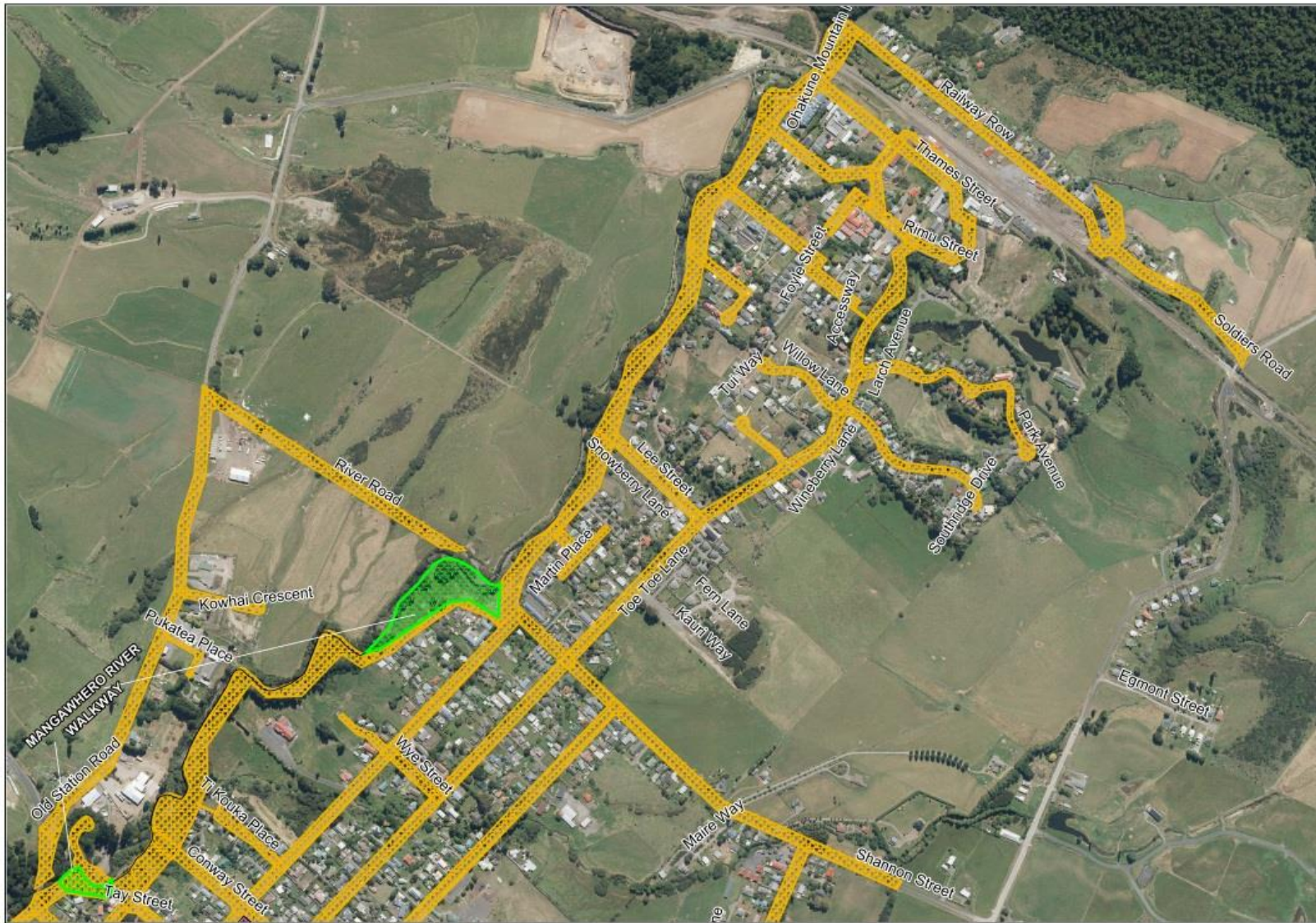


-  Exercise Areas
-  Leashed Areas
-  Prohibited Areas

S10.8 Dog Areas - Ohakune



S10.9 Dog Areas - Ohakune Junction end



-  Exercise Areas
-  Leashed Areas
-  Prohibited Areas



## S10.10 Dog Areas - Ohakune South



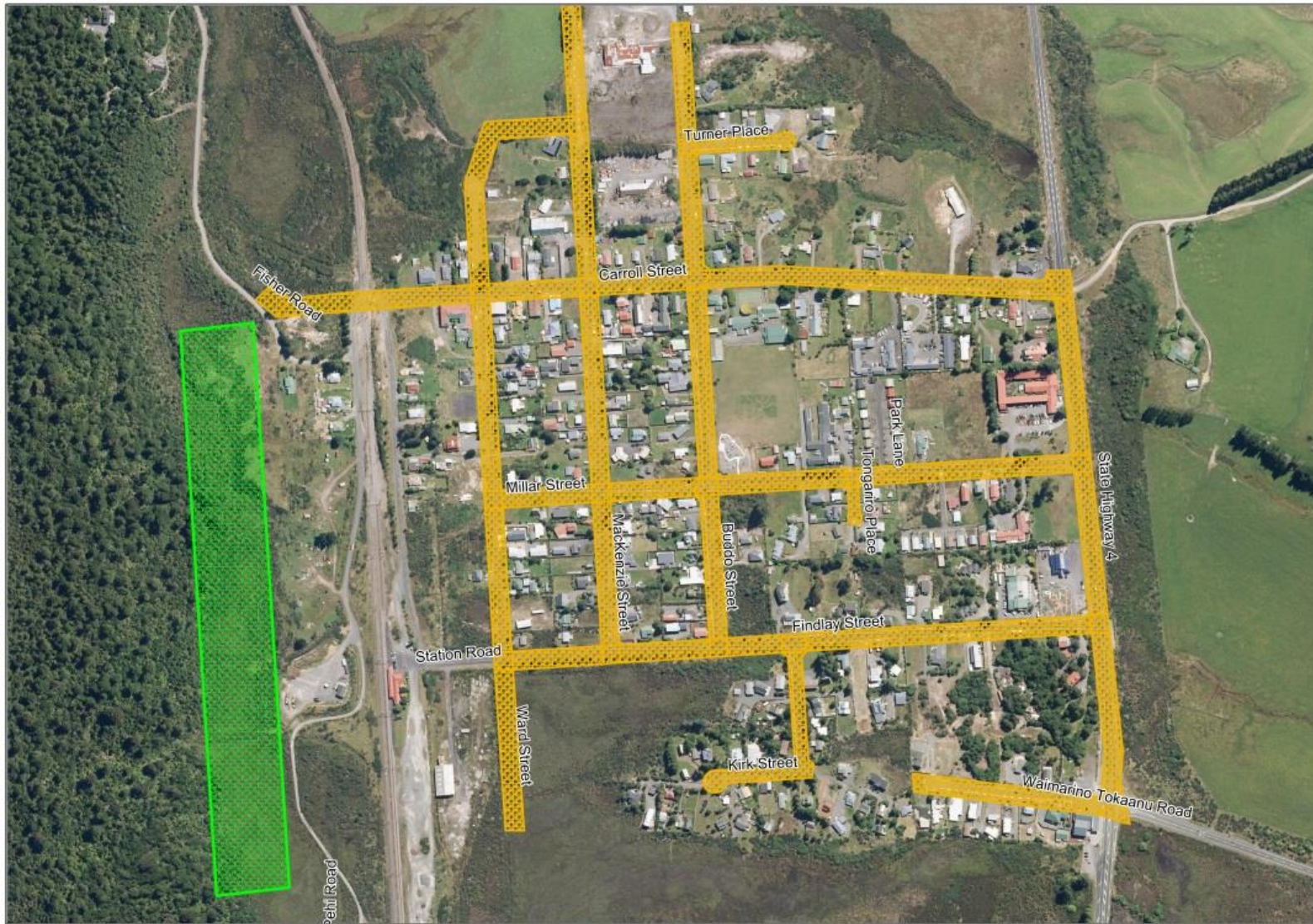
-  Exercise Areas
-  Leashed Areas
-  Prohibited Areas


S10.11 Dog Areas – Waiouru and Ruatiti (*Ruatiti Domain prohibited from 1 November – 30 April*)



-  Exercise Areas
-  Leashed Areas
-  Prohibited Areas

S10.12 Dog Areas - National Park Village



-  Exercise Areas
-  Leashed Areas
-  Prohibited Areas

## GLOSSARY

In this Bylaw, unless inconsistent with the context:

**ALCOHOL** has the meaning given to it in the Sale of Sale and Supply of Alcohol Act 2012.

**AMUSEMENT DEVICES** means any mechanically powered unit that is used for rider entertainment. Includes but is not limited to traditional fairground machinery (eg. merry go round, Ferris-wheels, roller coaster), motorised vehicles (eg. bumper boats, bumper cars, indoor go-karts and mini bikes) and adventure seeking activities (eg. bungy jumping, extreme swings, etc.)

**AMUSEMENT GALLERY** includes any indoor establishment or premises to which the public is admitted which is used for active entertainment and includes a billiard saloon, a bowling or skittle alley (including tenpin bowling), a shooting gallery or an area containing machines activated by the insertion of a coin, but excludes a building which houses only one or two of the last mentioned machines as an accessory use to another lawful use of that building.

**ANIMAL** means stock, poultry and any other vertebrate animal of any age or sex.

**APPROVED RECEPTACLE** means any Council approved receptacle for refuse and/or recycling collection, and may include specified bags, bins or other containers.

**AUTHORISED COUNCIL OFFICER** means any person appointed or authorised by Council to act on its behalf and with its authority including a Police Constable.

**BUSKING** means transient street entertaining, performing for donations.

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

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

**CERTIFIED SELF CONTAINED VEHICLE MEANS** a vehicle that meets the New Zealand Standard for Self-Containment of Motor Caravans and Caravans, NZS 5465:2001. A certified self-contained vehicle meets the ablutionary and sanitary needs of the occupants for a minimum of three days, without requiring any external services or discharging waste. A self-containment certificate, displayed warrant card, and blue responsible camper sticker demonstrate compliance with the minimum requirements of the Standard. Under the Standard, it is a requirement for a vehicle to display the warrant card and provide the certificate on request, in order to remain certified. Displaying the blue responsible camper sticker does not verify certification

**COMMERCIAL ADVERTISING SIGNAGE** means signs designed to inform the public of a good, product or service available from an enterprise and includes signs advising of shops, recreational opportunities, accommodation, industries, services such as banks and real estate agents and providers of regular recreational products such as ski fields and mountain bike and river products. Commercial signs include signage associated with local body elections. Includes verandah signs, trailer or vehicle mounted signs, footpath signs, banners, and flags.

**COMMERCIAL OR INDUSTRIAL REFUSE** means any refuse resulting from the carrying on of any trade, business, commercial activity, manufacturing, processing, hotel, motel or boarding house (but excluding apartment buildings) or other undertaking.

**CONTROL** (in relation to dogs) means restrained by a collar or leash by the person responsible for the custody of the dog. In an Exercise Area control may mean that the dog is under the command control of its owner. (See *OWNER*).

**CONTROLLING AUTHORITY** is an organisation that has designated control over a particular area or resource. For the purposes of this bylaw the following are considered as Controlling Authorities: New Zealand Transport authority, New Zealand Police, New Zealand Defence Force, Ruapehu District Council, Manawatu -Wanganui Regional Council (Horizons), Heritage New Zealand, Department of Conservation, New Zealand Fish and Game, Kiwi Rail.

**CONTROLLING AUTHORITY SIGNAGE** means signs erected by a controlling authority for the purposes of information, advice, traffic control, warning, or welcome. The following are included as Controlling Authority Signage:

- (a) **Information Signs**  
Signs providing information, including; safety instructions, warnings, and directory information
- (b) **Traffic Control and Advisory Signs**  
Signs solely for the purpose of directing or controlling traffic located on roads conforming with nationally recognised standards approved by the road controlling authority.
- (c) **“Welcome to” Signs**  
Signs advising people of an upcoming region, district or township and shall not include the display of material associated with commercial enterprises such as logos, brand names or listening frequencies, but may provide information to the community on an upcoming community event.
- (d) **Warning signs**  
Signs advising people of an environmental danger in the immediate vicinity that they are exposed to in a manner greater than the general public, and may contain information on how to avoid or minimise their exposure to that danger. For the purposes of clarification warning signs include signs erected on a ski field for its safe and efficient operation, and may contain information identifying the party erecting the sign.
- (e) **Angler Access/Information Signs**  
Means signs erected on behalf of Fish & Game NZ at access points to fisheries, which include information on access, fishing regulations or aquatic pests.
- (f) **Signs Identifying a Site of Special, Scenic, Historic or Cultural Interest**

**CORROSIVE** means a substance which electrochemically oxidises metals. For example, acids or alkali substances have corrosive properties.

**COUNCIL** refers to the Ruapehu District Council

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

**DWELLING** 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 belonging to a dwelling.

**EXPLOSIVE** means a reactive substance that contains a potential energy which can be released suddenly. Substances which may cause explosions are those containing:

- (a) Chemical energy, such as nitroglycerine or grain dust
- (b) Pressurised compressed gas, such as a gas cylinder or aerosol can
- (c) Nuclear energy, such as in the fissile isotopes uranium-235 and plutonium-239
- (d) Pyrotechnic compounds as found in gas pressure blasting devices and fireworks

**FERAL CAT** means any live cat that is not kept by a person or household. Where the cat keeper cannot be identified, the cat is deemed to be feral.

**FIXED SIGNS or SIGNAGE** means signs that are fixed in place and not moved on a regular basis such as roadside billboards (See also *COMMERCIAL ADVERTISING SIGNS*).

**FOOD** shall have the meaning given to it in the Food Act 2014.

**FOOD BUSINESS** shall have the meaning given to it in the Food Act 2014 but shall not include occasional food premises.

**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.

**FREEDOM CAMPING** shall have the meaning given to it in the Freedom Camping Act 2011.

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

**HAZARDOUS SUBSTANCES** means any substances specified in Schedule 4 of this Bylaw.

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

**HOUSEHOLD REFUSE** means any refuse arising or resulting from domestic housekeeping operations but does not include garden refuse, hot ashes or any other refuse prohibited in this Bylaw.

**INFLAMMABLE** means substances that are not easily ignited and/or capable of burning rapidly.

**ITINERANT TRADER** means any person who does not own or have a lease over a premises for a period greater than six months and sells any goods or services.

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

**LIMIT** means restrict.

**LITTER** shall have the meaning given to it in the Litter Act 1979.

**LOCAL BODY ELECTION SIGN** means a sign erected for the purposes of electoral campaigning for the following organisations in local elections: Ruapehu District Council, Horizons Regional Council, District Health Boards, or other elections that are not Central Government related.

**MATERIAL** means any material of whatever kind and includes bins and other containers for waste material, advertising or amusement devices, tables, chairs and display stands, but excludes:

- (a) vehicles.
- (b) anything used for the purpose of refuse or other collections authorised by Council.

**MOBILE SHOP** means a vehicle on the road reserve, whether self-propelled or not, from which services, goods, wares, or Merchandise, including food, are:

- (a) offered,
- (b) exposed for sale,
- (c) ordered, but does not include any vehicle used to transport and deliver such goods or services.

**NUISANCE** shall have the meaning given to it in the section 29 of the Health Act 1956 and its amendments.

**OCCUPIER** means the inhabitant occupier of any property. In any case where a building, house, tenement, or premises is unoccupied the occupier shall be deemed to refer to the owner.

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

**OWNER** (in relation to an *ANIMAL*) means every person who:

- (a) Owns an animal or stock.
- (b) Has possession, or is in charge of an animal whether or not it is at large.
- (c) Is the parent or guardian of a person under the age of 16 years who is:
  - (i) the owner of the animal under paragraph (a) or (b); and
  - (ii) a member of the household of that parent or guardian; and
  - (iii) living with and dependent on that parent or guardian.

This definition does not include a person who has seized or taken custody of an animal for a period less than 72 hours for the purpose of preventing that animal causing damage or for the purpose of restoring a lost animal to its owner.

**OWNER** (in relation to *PROPERTY*) means any person who is entitled to receive the rent for a portion of land, a building, or premises, or who would be so entitled if they were let to a tenant. Where any such person is absent from New Zealand, shall include their attorney or agent.

**PERMIT** means documented permission by a controlling authority to undertake a specified activity at a specified location, date and time.

**PERSON** includes not only a natural person but also a corporation sole and body of persons whether incorporated or not.

**POULTRY** means any bird including, but not limited to, chickens, 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.

**PROHIBIT** means to debar or forbid.

**PROHIBITED REFUSE** means any refuse specified in Schedule 3 of this Bylaw.

**PROPERTY** means a portion of land, a building, or premises.

**PUBLIC NOTICE** shall have the meaning given to it in the Local Government Act 2002.

**PUBLICLY NOTIFIED** shall have the meaning given to it in the Local Government Act 1974.

**PUBLIC PLACE** means every road, footpath and thoroughfare of a public nature, or open to or used by the public as of right, reserve, park, domain, walkway, walking track, river esplanade and recreational ground under the control of Council.

**RADIOACTIVE** material is an unstable substance that emits ionizing particles harmful to humans, eg. radioactive waste for nuclear material.

**RECREATIONAL DEVICE** See Schedule 2 for examples.

**REFUSE** means any waste material, discarded matter or articles that are intended for disposal and any litter as defined in the Litter Act 1979.

**RESERVE** means any land set aside for any public purpose and shall have the meaning given to it in the Reserves Act 1977.

**ROAD** shall have the meaning given to it in the Local Government Act 1974 and shall where the context requires include a street.

**SEXTON** means any person appointed by 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.

**SHOOTING GALLERY** means any premises or part of any premises to which the public are admitted with or without payment and which are used for the discharge of missiles by firearms or otherwise.

**SIGN** means a visual message or notice conveyed to the public, visible from a public place and displayed to advertise and/or identify a product, business, or service, or inform or warn the public, as well as any frame, supporting device and associated ancillary equipment of any nature. It includes but is not limited to any mural, message or notice painted on, affixed to or otherwise incorporated with a building, structure, or site, banner, flag, poster, billboard, sandwich board, wind sock, blimp or projection of light to create an advertising image. A bunting that has symbols or messages on it shall also be considered a sign for the purposes of this Bylaw. Any display or other advertising device intended to attract attention that is visible from a public place and shall include a motor vehicle, trailer and the like and any board, hoarding or similar structure which supports or contains the display or advertising device, but shall not include:

- (a) A portable sign not exceeding 1.5m in height and 1m in width and is located within the Commercial Zone defined by the Ruapehu District Plan; or,
- (b) Any device attached to a letterbox less than 0.25m<sup>2</sup> in size; or,
- (c) Asset identification markers on public infrastructure, for example, the asset number on a power pole or a bridge.

**SIGN OWNER** is defined as the person or organisation who owns the business to which the sign relates or the person who holds the permit/Resource Consent for the sign.

**SKATEBOARD** (See also *RECREATIONAL DEVICE*) means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including roller skates, in-line skates, or similar recreational devices. The definition does not include any wheelchair, baby or invalid carriage or bicycles.

**STALL** means any non-profit organisation or non-profit person who occupies any portion of any public place for the purpose of selling any food or refreshments, newspapers, lottery tickets, textiles, hardware or merchandise.

**STOCK** means:

- (a) Any live horse, cattle, sheep, alpaca, llama, bison, donkey, hinny, mule, pig, ostrich, emu, or water buffalo that is not in a wild state
- (b) Any deer, goat, tahr, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes.

**TEMPORARY SIGN** means any sign advertising:

- (a) Construction or development works on a building site or demolition site.
- (b) An auction or the intention to sell or lease any land or premises.
- (c) Any exhibition or entertainment event.

A temporary sign is a sign that provides information to the community of an upcoming event, but excludes the reference to, or display of material associated with commercial enterprises such as logos, brand names or listening frequencies. Temporary Signs exclude any sign which would fall under the category of a commercial advertising sign. Temporary Signs shall not be erected for a period greater than eight weeks in any one calendar

year and shall not be re-erected elsewhere within the District after that eight weeks has elapsed. A temporary sign must not restrict the view of motorists and may not be located within 20 metres of any road intersection. The owner of any Temporary Sign must have the written approval of the land/property on which the sign is erected.

**THING** (See also *MATERIAL*)

**TOXIC** means a chemical or other substance with the ability to harm living things. (See Schedule 4).

**TRADING** means the act of selling or offering to sell or trade goods or services, with or without a vehicle.

**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 Council.
- (i) Motor vehicles as defined in the Land Transport Act 1998 from time to time.

**VERANDAH** means a roof or canopy that extends along an outside wall of a building.

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



## ANNOTATIONS

Date	Description
1 March 2018	Public Places Bylaw 2012, Animal Control Bylaw 2012, Public Health and Safety Bylaw 2013 revoked and replaced with The Ruapehu Bylaw 2018.