



DISTRICT BYLAW REVIEW 2015

STAGE 2

DRAFT BYLAWS

Table of Contents

	Page
Appendix 1 Draft Drainage Bylaw 2015	3
Appendix 2 Draft Public Places Bylaw 2015	25
Appendix 3 Draft Solid Waste Bylaw 2015	40
Appendix 4 Draft Trade Wastes Bylaw 2015	57
Appendix 5 Draft Traffic Safety and Road Use Bylaw 2015	83
Appendix 6 Draft Water Supply Bylaw 2015	99

Drainage Bylaw 2015

Contents

1	Preliminary provisions	3
2	Purpose.....	3
3	Application.....	3
4	Commencement	3
5	Interpretation and definitions	3
	Part One – Controls on Discharges	7
6	Discharges.....	7
7	Acceptance of Wastewater	7
8	Acceptance of Stormwater	8
9	Continuity of discharge.....	9
10	Emergency restrictions	10
11	Liability.....	10
	Part Two – Customer Obligations	10
12	General	10
13	Connection requirements	10
14	Approval of applications for connection to or diversion of Public Mains.....	11
15	Acceptance of connection	11
16	Maintenance and access	11
17	Disconnection	12
18	Works over or near public drainage systems	12
	Part Three – Wastewater	13
19	Requirement to Connect to System	13
20	Customer's drainage system	13
21	Single Ownership.....	14 <u>13</u>
22	Multiple ownership	17
23	Common Private Drains.....	17
24	Discharge from premises.....	18
25	Maintenance – Point of Discharge	18
	Part Four – Pump Stations	19
26	Pump Stations.....	19
	Part Five – Stormwater	19
27	Discharge of Stormwater.....	19

28	Inflow and Infiltration.....	19
29	Interceptor Trap Requirement	20
30	Maintenance.....	20
	Part Six – Miscellaneous	20
31	Applications	20
32	Fees and Charges.....	20
	Part Seven - Offences.....	21
33	Offences and breaches	21
	Part Eight - Repeals, Savings and Transitional Provisions.....	21
34	Repeals, savings and transitional provisions.....	21

Drainage Bylaw

1 Preliminary provisions

- 1.1 This Bylaw is the **Drainage Bylaw 2015**.
- 1.2 This Bylaw is made under the Local Government Act 2002 and every other power vested in the Council to make Bylaws and regulate drainage activities.

Explanatory note: the Council also has powers under the Building Act 2004, Resource Management Act 1991, Local Government Act 1974, and other legislation regarding Wastewater and Stormwater discharges and drainage. The powers within these Acts and Regulations are not necessarily repeated in this Bylaw.

2 Purpose

- 2.1 The purpose of this Bylaw is to manage, regulate and protect from misuse or damage the Public Wastewater and Stormwater Systems defined as the Public Drainage Network.

3 Application

- 3.1 This Bylaw shall apply to:
- (a) Wastewater drainage from Domestic Premises into the Public Wastewater System;
 - (b) Discharge of Stormwater into the Public Stormwater System; and
 - (c) Works in, on or near Public Drainage Network

4 Commencement

- 4.1 This Bylaw comes into force on <<date>> 2015.

5 Interpretation and definitions

- 5.1 The provisions of the Manawatu District Explanatory Bylaw 2014 and its amendments are implied into and form part of this Bylaw.

- 5.2 In this Bylaw, unless the context requires otherwise:

Act means the Local Government Act 2002.

Acceptable Discharge means either

- a)** a permitted discharge of Wastewater in terms of the Trade Waste Bylaw, that discharges to the Public Wastewater System or
- b)** a discharge of Stormwater only that discharges to a Public Road or Public Stormwater Drain.

Buried Services means all Sewers, Drains, Rising Mains, Trunk Sewers and other underground utilities owned by and maintained by the Council.

Characteristic means any of the physical or chemical characteristics of Trade Waste referred to in the Manawatu District Trade Waste Bylaw

Common Private Sewers or Drains are Private Wastewater Sewers or Stormwater Drains that serve more than one property.

Contaminant means any matter in suspension or solution that affects the characteristics of a Discharge, it includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or heat, that either by itself or in combination with the same, similar, or other substances, or heat:

- (a) when discharged into water, changes or is likely to change the physical, chemical or biological condition of the water; or
- (b) when discharged onto or into land or air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

Customer means a person who lawfully discharges or directs the manner of discharge of either Wastewater from any premises to the Public Wastewater System or Stormwater to the Public Stormwater System or the Public Road.

Disconnect or Disconnection means the physical cutting and sealing of any of the Council water services, utilities, drains or Wastewater and Stormwater Services from use by any person, for example, the physical cutting and sealing of a Private Sewer from the Public Wastewater or Stormwater System.

Domestic Premises is a premises used solely for residential activities or one from which Domestic Wastewater is only discharged.

Domestic Wastewater means Wastewater which is discharged from Domestic Premises or wastes of the same character discharged from other premises, provided that the characteristics of the Wastewater are an Acceptable Discharge.

Easement means a designated area of land set aside for a specific purpose (conveying of Wastewater or Stormwater) and lodged as a memorandum of easements on the title of the property.

Hazardous has the same meaning as in the Hazardous Substances New Organisms Act 1996.

Infiltration means any water or fluid liquid entering the Public Wastewater System or Private Sewer from groundwater through defects such as, but not limited to, poor joints, and cracks in pipes or manholes.

Inflow means any water or liquid discharged into a Private Drain from unauthorised or non-complying connections or other drain laying faults.

Level of Service means the measurable performance requirements on which the Council endeavours to supply services to its Customers as outlined in the Long Term Plan.

New Installation means installed after the date on which this Bylaw becomes operative whether in a newly constructed building or during renovation of a new or existing building or premises.

On-Site Wastewater System means any system, which is domestic, commercial, private or public, that holds and/or treats and/or disposes of Wastewater generated from activity on any property that is not connected to Council's reticulated services. This includes Wastewater holding tanks and On-Site Wastewater Treatment Systems.

On-Site Wastewater Treatment System means any on-site wastewater system located on land or premises for the reception, and / or collection, and / or holding, and / or treatment, and /or disintegration of solid and / or liquid waste matter from that land or premises.

Person includes a corporation sole and also a body of persons whether incorporated or unincorporated.

Point of Discharge means the point at which Wastewater or Stormwater are discharged into the Public Wastewater or Stormwater System

Ponding Levels normal levels of any ponding on land in a rain event likely to occur at least once every five years.

Private Drain means that section of drain between the Customer's premises /dwelling and the Point of Discharge through which Stormwater is conveyed from the premises to the boundary of the property or publicly owned land or lands under the ownership or control of Council. This section of drain is owned and maintained by the Customer or a group of Customers.

Private Sewer means any privately owned pipe or drainage system through which wastewater flows before entering into the Public Wastewater System.

Private Stormwater System means old drainage routes or natural watercourses that flow through private property in urban areas that are the responsibility of Riparian Owners.

Prohibited Trade Waste trade waste that contains or is likely to contain characteristics that are prohibited or are present in concentrations that are prohibited as set out in Schedule 2 of the Trade Waste Bylaw.

Public Drain means any passage, channel, or pipe, over, or under the ground by which Stormwater is conveyed and which is under the control of the Council.

Publicly Notified means published on at least one occasion in a newspaper circulating in the district or, under emergency conditions, by the most practical means available at that time.

Public Stormwater Network includes any Stormwater System that serves more than one lot and is maintained and administered by Council.

Public Wastewater System means all pipes, pumping stations, storage tanks, wastewater treatment plants, sea outfalls and other related structures owned by or under the control of the Council, and used for the receiving, transporting, treating or disposing of Wastewater.

Regional Authority means the Manawatu-Wanganui Regional Council (Horizons).

Registered Drainlayer means a tradesperson certified by the Plumbers, Gasfitters and Drainlayers Board under the Plumbers, Gasfitters and Drainlayers Act 1996 and holding such other certifications as the Council may require from time to time.

Riparian Owner means the owner of land through which a natural or modified watercourse runs. Riparian Owners have the duty:

- (a) to pass on the flow of water without obstruction, pollution or diversion affecting the rights of others.
- (b) To maintain the bed and banks of the watercourse and to clear any debris, whether natural or man-made, to keep any culverts, rubbish screens, and weirs clear of debris.
- (c) To be responsible for protection of land from flooding, and to not cause any obstructions – either temporary or permanent – that would prevent the free passage of fish.
- (d) To accept flood flows, even if caused by inadequate capacity downstream, although there is no duty to improve the drainage capacity of a watercourse.

Rising Main means a pressurised sewer through which Wastewater is pumped.

Secondary Flow Path means potential overland flow path for flood waters should underground drainage be overflowing upstream of the site.

Septic Tank means any fixed receptacle installed outside of a building for the collection and breakdown by biological or chemical processes of the solid matter in Wastewater, by methods, which do not involve mechanical processes.

Service Opening means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a the Public Wastewater or Stormwater System.

Service Pipe means a pipe connecting a private sewer or private drainage to a connection on a Public Sewer or Public Stormwater Drain.

Sewer means any pipework that conveys Wastewater, whether privately owned or as part of the Public Wastewater System.

Stormwater means all surface run-off water resulting from precipitation events (for example drizzle, mist, rain, hail or snow).

Trade Premises means:

- (a) any premises used or intended to be used for any business, industrial or trade purpose; or
- (b) any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or
- (c) any other premises from which a Contaminant is discharged in connection with any industrial or trade process; or

- (d) any other premises discharging Wastewater other than Domestic Wastewater, and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

Trade Wastes and Trade Waste as defined in the Trade Waste Bylaw 2015.

Trunk Sewer means a sewer, generally greater than 150mm in diameter, which forms a part of the Public Wastewater System.

Wastewater means water or other liquid waste, including Domestic Wastewater and waste matter in solution or suspension, discharged to the Public Wastewater System.

Wastewater and Stormwater Services means the service provided to the Customer by the Council for all aspects of Wastewater and Stormwater drainage.

Wastewater Treatment Plant means any plant or equipment not being a Septic Tank used for the breakdown of Wastewater using mechanical and/or hydraulic methods.

- 5.3 A reference in this Bylaw to introducing or discharging Wastewater and Stormwater includes causing, allowing or instructing the introduction or discharge.
- 5.4 Reference should be made to section 2 of the Manawatu District Explanatory Bylaw 2014 for any other definitions not included in clause 5.2.
- 5.5 Any explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be made, amended, revoked or replaced by the Council at any time.
- 5.6 In addition, this Bylaw should be read in conjunction with, but not in replacement of, the Water Supply Bylaw, the Trade Waste Bylaw.

Part One – Controls on Discharges

6 Discharges

- 6.1 No person may introduce or discharge any Wastewater or Stormwater to the Public Sewer or Drainage Network except in accordance with this Bylaw.

Explanatory note: This Bylaw is in addition to controls on Stormwater and Wastewater imposed by the Regional Authority under the Resource Management Act 1991, the Building Act 2004, or any other Act, Regulation or Bylaw.

7 Acceptance of Wastewater

- 7.1 Every Domestic Premises is entitled to have its Wastewater accepted by the Council subject to:
 - (a) the premises lying within an area which is serviced by the Public Wastewater System;
 - (b) payment of the appropriate rates and charges in respect of the premises generally; and
 - (c) compliance with this Bylaw, any relevant consent, and any other applicable legislative requirements.

- (d) The payment of any other charges or costs associated with subdivision development.

7.2 Domestic wastewater must not:

- (a) exceed the substance limits as scheduled in the Trade Waste Bylaw (i.e. it must not contain Trade Waste unless the Trade Waste is permitted in accordance with the Trade Waste Bylaw).
- (b) contain Prohibited Trade Waste as defined by the Trade Waste Bylaw; or
- (c) contain Stormwater runoff.

7.3 No person or occupier may add or permit the addition of Stormwater to any Wastewater unless that person is expressly authorised to do so under a resource consent or Trade Waste Permit from the Council.

7.4 The acceptance of Trade Waste into the Public Wastewater System is subject to the provisions in the Manawatu District Trade Waste Bylaw.

8 Acceptance of Stormwater

8.1 Every ~~Domestic~~ Premises is entitled to have its Stormwater accepted by the Council subject to:

- (a) the premises lying within an area which is serviced by the Public Stormwater Network;
- (b) the land naturally draining to the Public Stormwater Network or existing Private Stormwater Channels
- (c) sufficient capacity within the Public Stormwater Network to cater for any additional flows if the overall volume of runoff is increased

Note: Most of the Stormwater drainage within urban areas has limited capacity and therefore the Council require, at the cost of the owner or applicant, that the Public Stormwater Network is upgraded or the discharge of Stormwater adequately controlled within the premises.

- (d) payment of the appropriate rates and charges in respect of the premises generally;
- (e) appropriate treatment systems being installed on the Private Stormwater Systems such as silt control measures or petrol interceptors to prevent contamination of Stormwater runoff; and
- (f) compliance with this Bylaw, any relevant consent, and any other applicable legislative requirements.

Note: Earthworks, drainage or building extensions must manage water runoff so that no soil, silt or clay is washed into the Public Stormwater Network or any private drainage connected to the Public Stormwater Network.

8.2 Except as provided for in clause 8.3 stormwater must not:

- (a) contain Wastewater, including any wash-down from vehicle servicing areas or stock yards;
- (b) contain Prohibited Trade Waste; ~~or~~
- (c) contain high levels of suspended solids, where water clarity is changed by more than 30% from areas of earthworks or building construction.

~~(d) contain contaminants above which, after reasonable mixing in the receiving environment, exceed the ANZECC trigger values given in Table 1. Note that for connections direct to stormwater pipes, the receiving environment is the stormwater pipe. contain contaminants above the ANZECC trigger values given in Table 1~~

Table 1

Determinant	Trigger value
Total ammoniacal nitrogen (NH ₃ /NH ₄ -N)	0.8 g/m ³
Soluble carbonaceous BOD ₅ (ScBOD ₅)	2 g/m ³
Clarity change	30%
Dissolved Copper	1.4 mg/m ³ *
Dissolved Zinc	22.5 mg/m ³ *
Dissolved Nickel	11 mg/m ³
Dissolved Chromium (Cr ³⁺)	3.3 mg/m ³ **
Dissolved Lead	3.4 mg/m ³
Dissolved Arsenic	13 mg/m ³
Dissolved Cadmium	0.2 mg/m ³
SVOCs	ANZECC 95% protection level

8.3 No person may allow the discharge of contaminants, either directly or indirectly, into any part of the Public Stormwater Network, or a Private Stormwater Network unless:

- (a) the discharge is permitted by a rule in the One Plan; or
- (b) the discharge is authorised by a resource consent issued by the Regional Authority.

9 Continuity of discharge

- 9.1 The Council will endeavour to meet any applicable Level of Service requirements of the Annual Plan or Long Term Plan but it does not guarantee uninterrupted or constant Wastewater or Stormwater services.
- 9.2 Where works of a permanent or temporary nature are planned which will substantially affect existing Wastewater and Stormwater Services, the Council will make every reasonable attempt to give advance notice to all known Customers likely to be substantially affected by the works.

- 9.3 Where immediate action to Wastewater and Stormwater Services is required and notification to the Customer(s) is not practical, the Council may disrupt the service without notice, and the Customer(s) will be advised by Council as soon as practicable.

10 Emergency restrictions

- 10.1 Natural hazards (such as floods or earthquakes) or accidents beyond the control of the Council which result in disruptions to Wastewater and Stormwater Services will be deemed an emergency and exempted from the Level of Service requirements.
- 10.2 During an emergency the Council may restrict or prohibit Wastewater and Stormwater Services for any specified purpose, for any specified period, and for any or all of its Customers throughout the whole District or part of the District.
- 10.3 Any restrictions or prohibitions will be publicly notified by the Council unless immediate action is considered necessary by an Authorised Council Officer.
- 10.4 A Customer must comply with any restrictions or prohibitions made under this clause.

11 Liability

- 11.1 The Council is not liable for any damage to any private drainage or sewer system or for any loss, damage or inconvenience which the Customer (or any person within the premises) may sustain as a result of any connection to the Public Sewer or Drainage Network, including as a result of any restrictions or interruptions to the services.

Part Two – Customer Obligations

12 General

- 12.1 No person, other than Council Officers or Authorised Agents may, without prior approval of the Council, make any connection to, or otherwise interfere with, any part of the Public Sewer or Drainage Network.
- 12.2 A Service Pipe must only serve one Customer and must not extend by any means beyond that Customer's property.
- 12.3 No person may run a privately owned Service Pipe on Council owned property without the prior written approval of the Council.

13 Connection requirements

- 13.1 Every person who wishes to:
- (a) connect to or disconnect from the Public Sewer or Drainage Network;
 - (b) discharge Domestic Wastewater into the Public Wastewater System;
 - (c) discharge Stormwater into the Public Stormwater Network;
 - (d) excavate, build or develop close to (within 3metres), or in some cases over the Public Drainage Network; or
 - (e) install, operate and maintain an On-Site Wastewater Treatment System,

must complete an application form prescribed by Council and be accompanied by the fee set in Council's Fees and Charges from time to time.

- 13.2 There will be only one point of Discharge for each service, for each premises, except where specifically approved.
- 13.3 For the avoidance of doubt, Council's approval under this Bylaw is not required for work carried out in terms of an approved building consent or for the discharge of Stormwater in terms of a resource consent granted by the Regional Authority.

14 Approval of applications for connection to or diversion of Public Mains

- 14.1 On receipt of an application, the Council will either:
 - (a) Approve the application and inform the applicant of the level of service and any conditions applicable to that supply, including the size of all pipes, fittings and any other equipment, up to the Point of Discharge or
 - (b) Refuse the application and give reasons to the applicant for the decision.
- 14.2 The Council may supply and install the Wastewater or Stormwater system up to the Point of Discharge , at the applicant's cost
- 14.3 Where a new approved Wastewater and Stormwater connection is to be constructed from the existing Public Drainage System to the Point of Discharge the Customer must pay such charges as determined by the Council for this work.
- 14.4 Where a new Public Sewer or Public Drain is required as part of a subdivision development, the Customer will be required by way of subdivision consent to supply and install the drainage works through the Customer's land. Any works off-site to connect new works to Public Sewers or Drains shall be as in clause 14.3.

All work on new Public Sewers or Public Drains shall be by Approved Contractors or the Council. As Built plans shall be supplied for all additions or alterations to the Public Networks. In accordance with Council's requirements.

15 Acceptance of connection

- 15.1 The Customer must comply with the requirements of this Bylaw including any conditions of approval imposed by the Council in accordance with Clause 14.
- 15.2 Except as provided under a subdivision consent the Customer is responsible for all costs associated with the supply and installation of the Service Pipe.
- 15.3 Any approval under clause [14] which has not been actioned within 6 months of the date of approval, will lapse unless otherwise authorised by Council. Any refund of fees and charges will be determined at the discretion of the Council.

16 Maintenance and access

- 16.1 The Customer must allow the Council or its Authorised Agents, with any necessary equipment, unrestricted access to the premises for the purposes of ascertaining whether connections to the Public Drainage System have been made in contravention of any of the requirements of this Bylaw.

- 16.2 The Customer must allow the Council, or its Authorised Agents, access to and about the Point of Discharge for the purposes of monitoring, testing, and maintenance work between 7.30 am and 6 pm on any day. Notice of entry must be given by Council in accordance with the Act.
- 16.3 Under emergency conditions, or for the purpose of ascertaining whether the drains have been damaged, the Customer must allow the Council unrestricted access to and about the Point of Discharge at any hour.

17 Disconnection

- 17.1 A Customer must give 15 working days' notice in writing of his or her intention to disconnect from any Public Wastewater and Stormwater Services.
- 17.2 A building must not be demolished or removed without notice to Council under this clause and only once:
- (a) the building/premises has been disconnected from the Public Wastewater System by the Council; and
 - (b) all redundant downpipe connections to the Public Stormwater Network have been sealed to prevent soil being washed into the network.
- 17.3 A Customer must give 15 working days' notice in writing to the Council of his or her requirement for Disconnection.
- 17.4 The Council reserves the right to disconnect Customers in certain circumstances – including disconnection if unpermitted Trade Waste is discharged or Stormwater is excessively contaminated (see clause 8.2)

18 Works over or near public drainage systems

- 18.1 No person may, without the prior written approval of the Council:
- (a) construct a building over any part of the Public Drainage Network;
 - (b) construct a building nearer than 1.5 metres from the centre of any Public Sewer or Drainage pipe or culvert or the depth of the centreline of any such pipe plus the diameter of the pipe, plus 0.2 metres, whichever is the greater distance.
 - (c) alter ground levels or place any additional material over or near the Public Drainage System, including Service Openings;
 - (d) excavate or carry out piling or similar work nearer than 5 metres from the centreline of any Rising Main or Trunk Sewer

Note: Any person undertaking the works is required to physically locate the Buried Services before commencing the works. Where a building cannot be sited so as to conform with the above conditions, and it is essential for the proposed building to be built on that part of the property, approval may be granted by the Council, subject to the applicant meeting the cost of any specific requirements and conditions of the Council.

- 18.2 Where Service Openings are covered in any way without the approval by the Council, removal of the material or adjustment of the Service Opening will be at the Customer's expense.
- 18.3 Subject to the approval of the Council, an applicant may meet the cost of diverting the Public Wastewater or Stormwater main (including any manholes) in accordance with Council standards and specifications.
- 18.4 The Council will not be liable for any damage to property should the Public Drainage Network fail in any respect at any time.
- 18.5 The Council will keep and maintain drainage plans of the location of its Buried Services. This information is available for inspection during normal business hours, and subject only to a charge for making copies available.
- Note: Plans for Public Drains installed prior to July 1997 may not be available or may be inaccurate.
- 18.6 Any person proposing to carry out excavation work may view the as-built information to establish whether or not Council services are located in the vicinity. At least 3 days' notice in writing must be given to the Council of an intention to excavate in the vicinity of its services. Where appropriate the Council may mark out to within ± 1.0 m on the ground the location of its services, and may nominate in writing any reasonable restrictions on the work it considers necessary to protect its services.
- 18.7 When excavating and working around Buried Services due care must be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification. Excavation within roadways is also subject to the permit process of the appropriate road controlling authority.
- 18.8 Any damage which occurs to a Council service must be reported to the Council immediately. The cost of the repair will be charged to the person or entity responsible for the damage.

Part Three – Wastewater

19 Requirement to Connect to System

- 19.1 A person must connect to the Public Wastewater System if they reside in an area which is serviced by the Council.
- 19.2 Where part of a Domestic Premises is used as an office or other trade related activity from which no Trade Waste could be produced, and which no other persons apart from those living at those premises use, then it may be treated as being from Domestic Premises. Any trade activity which produces or has the potential to produce Wastewater may be treated as being from a Trade Premises.

20 Customer's drainage system

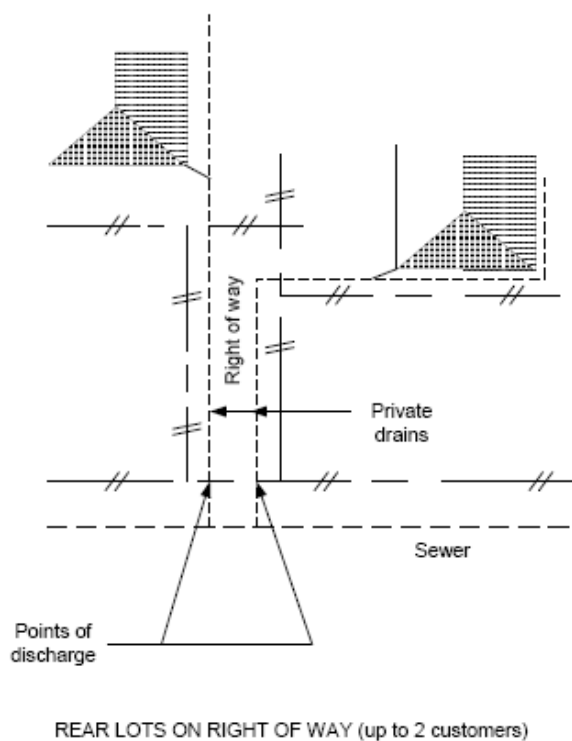
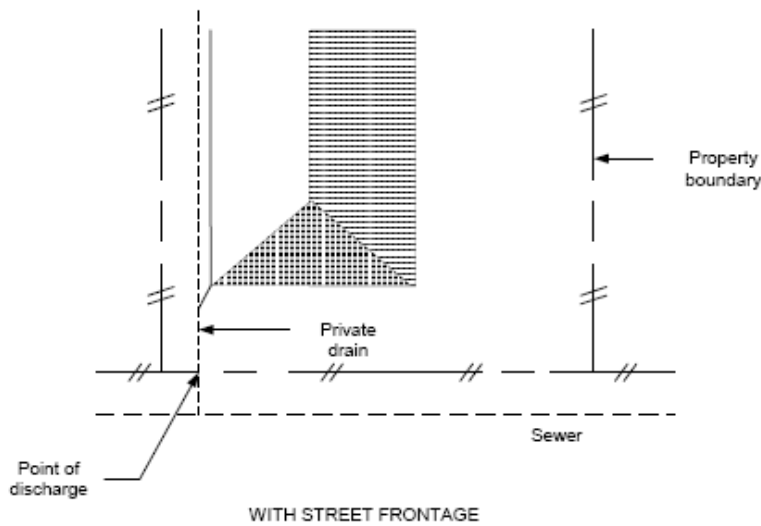
- 20.1 The Customer's drainage system is governed by the Building Act from inside the building to the Point of Discharge. .

21 Single Ownership

- 21.1 There will only be one Point of Discharge for wastewater from each premises, and any private sewer will not extend by pipe or any other means to serve another premises unless:
- (a) it is a Common Private Drain; or
 - (b) where it has been approved by Council under this Bylaw.
- 21.2 For single dwelling units the Point of Discharge must be located as shown in Figure 1 or, subject to the approval of Council, as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. Alternative positions must be recorded on the drainage plan submitted with any applications.

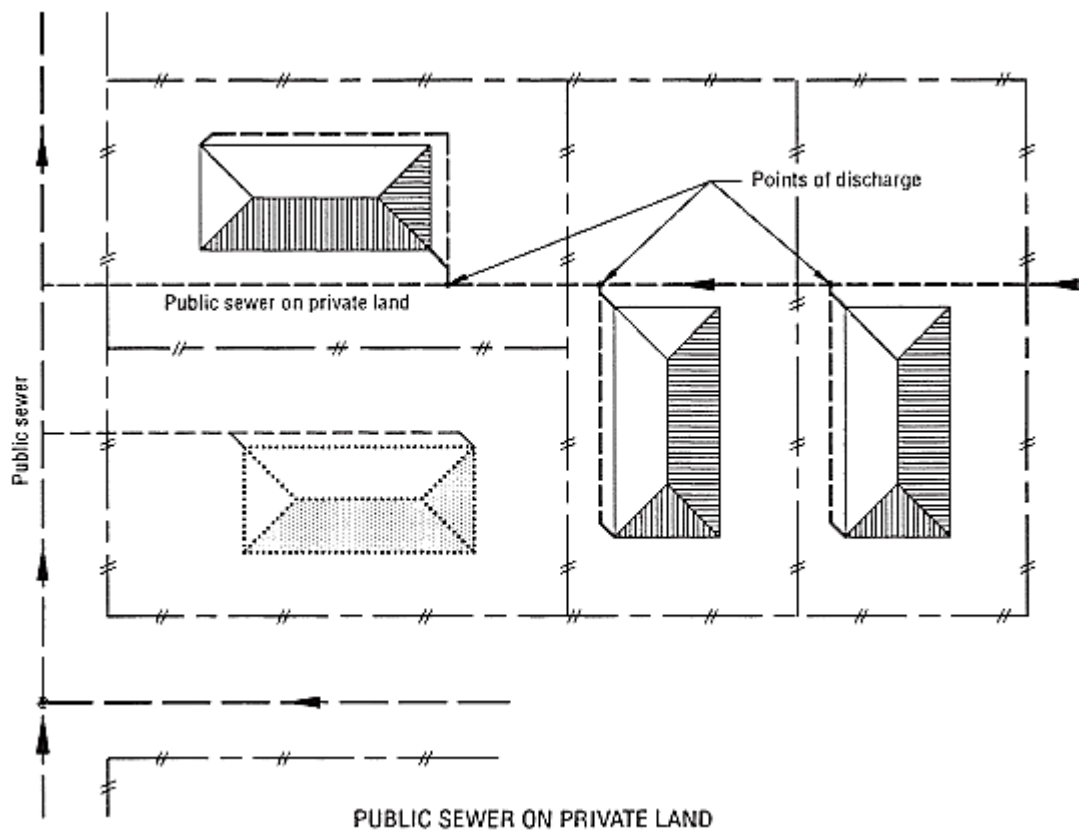
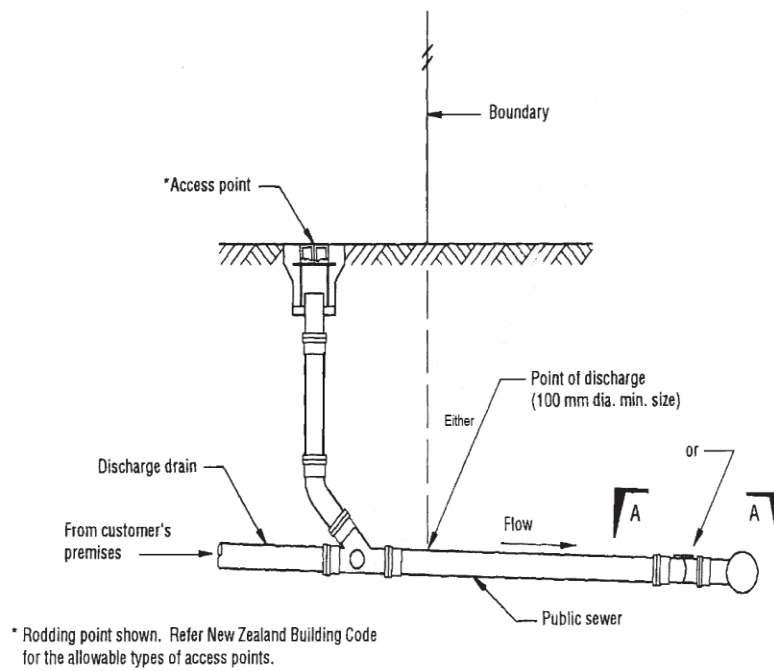
Note: Figure 1 is on next page

Figure 1. Single Dwelling Point of Discharge



- 21.3 Where a Private Drain discharges into a Public Wastewater System on that same private property, the Point of Discharge will be the upstream end of the pipe fitting which forms the junction with the Public Wastewater System. See Figure 2 below.

Figure 2. Private Drain Point of Discharge

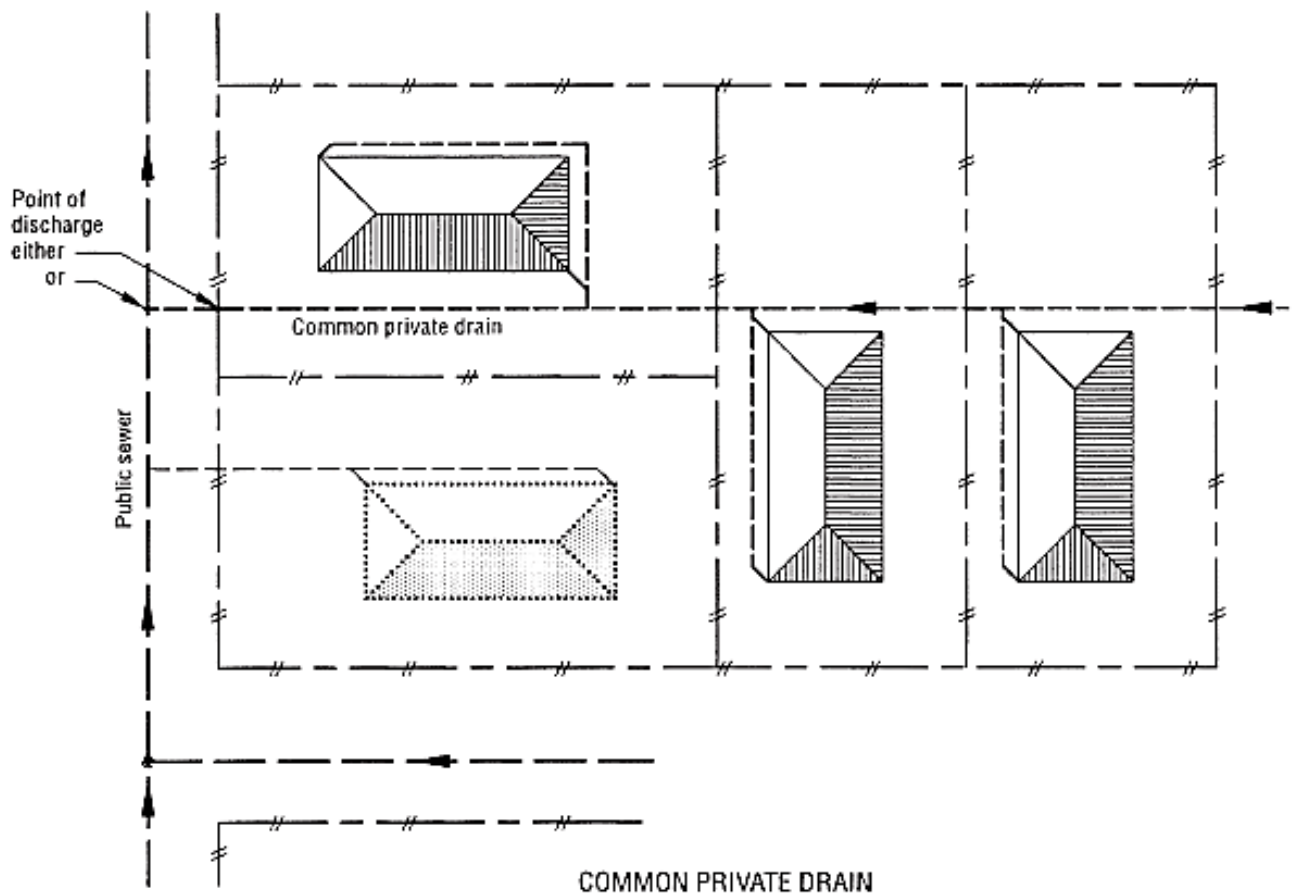


22 Multiple ownership

- 22.1 The Point of Discharge for the different forms of multiple ownership of premises and/or land is as follows:
- (a) for Company Share/Block scheme (Body Corporate): as for single ownership; and
 - (b) for Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, and Unit Title (Body Corporate): each owner will have an individual connection to the Point of Discharge determined by agreement with the Council. In specific cases other arrangements will be acceptable subject to approval by the Council.
- 22.2 For multiple ownership connections in existence prior to the coming into effect of this Bylaw, the Point of Discharge will be the arrangement existing at that time, or as determined by agreement with the Council for an individual case.

23 Common Private Drains

- 23.1 Common Private Sewers may serve a maximum of 7 single dwelling units, and must have one Point of Discharge only (in common). Common sewers or drains may be covered by a certificate recording the rights of each party, which is registered against the certificate of title. Maintenance of Common Private Sewers or Drains is the responsibility of the owners of the connected dwelling units.



- 23.2 Should the discharge at the Point of Discharge contravene the requirements of this Bylaw the dwelling owner immediately upstream of the Point of Connection shall be held

responsible unless they can demonstrate that one of the other dwelling owners was responsible.

Figure 3. Common Drain Point of Discharge

24 Discharge from premises

- 24.1 The maximum instantaneous flow rate discharged from a Domestic Premises to the Public Wastewater System via a pumped system may not exceed 2.0 litres/sec. The Council may also set a maximum daily flow rate discharged from a Domestic Premises.
- 24.2 The Customer must prevent any Stormwater or groundwater entering the Public Wastewater System. This includes any discharges from roof downpipes, surface water run-off, overland flow, and sub-surface drainage. See clause 7.2.
- 24.3 Customers with swimming or spa pools may be required to demonstrate that the pool drain has been fitted with a flow-limiting device to ensure the discharge does not exceed the maximum instantaneous flow requirement of 2.0 litres/second.

25 Maintenance – Point of Discharge

- 25.1 Wastewater Drains must be kept and maintained in a state which is free from cracks and other defects which may allow infiltration.
- 25.2 A Customer whose wastewater gully trap is overflowing or who has other reason to suspect a blockage must first call a Registered Drainlayer to unblock the private sewer.
- 25.3 If the Registered Drainlayer finds that the blockage is within the Public Wastewater System, then the drainlayer must immediately contact the Council who will clear and remove the blockage and clean up all affected areas.
- 25.4 The Council will reimburse the Customer for actual and reasonable drainage costs, unless:
 - (a) The blockage has been forced downstream into the Public Wastewater System in the act of clearing it from the Wastewater Drain; or
 - (b) the Customer has been negligent in not discharging an Acceptable Discharge; or
 - (c) the blockage has been caused by roots coming from a tree within the Customer's property.

Otherwise, the Council will recover the costs of the remedial unblocking work from the Customer.

Part Four – Pump Stations

26 Pump Stations

- 26.1 Private Wastewater Pump Stations will be approved by Council only where there are no practical alternatives for a gravity flow discharge to the Public Wastewater System.
- 26.2 A private Wastewater pump station for a single residential dwelling unit represents an alternative solution in terms of the Building Act. The Customer must demonstrate that the pump station complies with the New Zealand Building Code when seeking consent from the Council in accordance with clause 13 of this Bylaw].
- 26.3 A 'Common Pump Station Agreement' will be required where a private pump station serves more than one residential dwelling unit. The Agreement must be between all owners of the Common Pump Station, and include provision for its connection, operation and maintenance, as well as appropriate maintenance of Rising Mains. The agreement must be registered against the Certificate of Title of each owner's property.
- 26.4 The combined rate of discharge from a Common Pump Station to the Public Wastewater System must not exceed the rate specified by the Council from time to time.

Part Five – Stormwater

27 Discharge of Stormwater

- 27.1 The discharge of Stormwater will normally be to the roadside kerb and channelling or to a roadside open drain. In some cases discharge will be to a Private Stormwater System or natural watercourse.
- 27.2 Connection to a piped section of the Public Stormwater Network may only be made with the approval of Council at a manhole.

28 Inflow and Infiltration

- 28.1 As required by clause 7.3 Stormwater must be excluded from the Public Wastewater System by ensuring that:
 - (a) There is no direct connection of any Stormwater pipe or drain to the Public Wastewater System;
 - (b) Gully trap surrounds are set a minimum of 50mm above any paving or ground levels and a minimum of 150mm above ponding levels or secondary flow path flood levels; and
 - (c) Service openings and inspection covers are in place and are appropriately sealed.
- 28.2 For large impervious areas (e.g. stock yards or truck washing facilities), specific provision must be made for a permanent barrier that will prevent water from outside the confines of the Premises from entering the Public Wastewater System. The barrier could be by way of a nib wall, speed humps, or appropriately graded surrounds. Any stormwater from Trade premises that discharges to wastewater systems shall be subject to the provisions of the Trade Waste Bylaw and will be charged as part of the Trade Waste Permit.

29 Interceptor Trap Requirement

- 29.1 All commercial operations discharging Contaminants to Wastewater from a yard operation, for example, goods trucking wash, service station/garage or contractors yard wash down require a consent from the Council in accordance with the Trade Waste Bylaw.
- 29.2 All Stormwater runoff from areas of earthworks must be intercepted and treated to remove suspended silts and building materials prior to discharge into the Public Stormwater Network. A Building Consent or a Consent for Earthworks may contain additional requirements.
- 29.3 The Council may inspect the sediment control provisions in accordance with a maintenance programme approved at the time of any consent, or more frequently where considered necessary..

30 Maintenance

- 30.1 All privately owned Stormwater systems must be designed, constructed, managed and maintained by the Customer, at the Customer's expense or by some other arrangements acceptable to Council. Where treatment devices are required to ensure compliance with clauses 8.1-8.3, a Stormwater Management Plan that sets out the core requirements for the operation and maintenance of such devices shall be made available to the Council upon request.
- 30.2 Council may require, at the Customer's cost, the removal of any structures, weirs, fences, trees, plants, weeds or growths that obstruct or are likely to obstruct the free flow of water in any Stormwater Network.
- 30.3 The piping or diversion of natural watercourses or Common Private Drains requires Resource Consent from Council and will only be permitted where the pipe or diversion improves the flow capacity of the watercourse and includes a secondary overland flow path in the event that the inlet should become blocked.

Part Six – Miscellaneous

31 Applications

- 31.1 Any application under this Bylaw must be in writing, provide all the information as requested by Council, and be accompanied by the applicable fee as set out in Council's Fees and Charges from time to time.
- 31.2 The Council may approve an application at its discretion and subject to any terms and conditions it considers appropriate.

32 Fees and Charges

- 32.1 The Council may from time to time by resolution set fees and charges payable by Customers or owners or occupiers of Premises for:
 - (a) administering this Bylaw;

- (b) processing consent applications, as well as administering and monitoring consents under the Bylaw;
- (c) inspection of properties to ensure compliance with the Bylaw; and
- (d) maintaining inlets and debris arresters to allow the free passage of stormwater.

Part Seven - Offences

33 Offences and breaches

33.1 Every person who commits a breach of this Bylaw commits an offence and is liable to pay:

- (a) the maximum fine under the Act; and
- (a) any other fine or penalty specified in another Act for breach of the Bylaw.

Explanatory Note: This clause should be read in conjunction with clauses 13, 14 and 15 of the Manawatu District Explanatory Bylaw 2014.

33.2 Where there is non-compliance with this Bylaw or other statutory and legal requirements, Council may serve notice on the Customer advising the nature of the breach and the steps to be taken within a specified period to remedy it.

33.3 If, after the specified period, the Customer persists with the breach, Council may charge for a re-inspection fee, issue a fine, undertake works themselves to remedy the breach (with costs recoverable from the Customer or Land Owner) or disconnect the supply without further notice. The supply will be reconnected only after remedy of the breach to the satisfaction of the Council and payment of any costs including the reconnection fee.

33.4 If however the breach results in risk to public health or safety, or risk of consequential damage to Council assets, the Council may take immediate action to remedy the breach, and recover all its reasonable costs associated with the works (including administrative charges) from the owner of the premises.

Part Eight - Repeals, Savings and Transitional Provisions

34 Repeals, savings and transitional provisions

34.1 Chapter 12 of the Manawatu District Bylaw 2008 is repealed on commencement of this Bylaw.

34.2 Any consent, exemption or approval granted under Chapter 12 of the Manawatu District Bylaw 2008 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent, exemption or approval of that kind issued under this Bylaw, but:

- (a) expires on the date specified in such exemption, consent or approval; or
- (b) where no expiry date is specified, expires 12 months from the commencement of this Bylaw; and

- (c) may be renewed only by application made and considered in accordance with this Bylaw.

This Bylaw was made by the Council by resolution at a Council meeting on <<Date>> and must be reviewed within five years.

Sealed with the Common Seal
of the **COUNCIL**
in the presence of:

Mayor

Chief Executive

Public Places Bylaw 2015

Contents

1.	Preliminary Provisions	2
2.	Purpose	2
3.	Commencement	2
4.	Interpretation and Definitions	2
5.	Obstruction of or Damage to Public Places	3
6.	Control of Skateboards and Cycles	4
7.	Public Places	4
8.	Opening and Closing Parks and Reserves	5
9.	Beaches	5
10.	Overhanging Trees or Shrubs	5
11.	Fences	5
12.	Property Numbering	6
13.	Repairing Vehicles	6
14.	Leaving Vehicles in Public Places	7
15.	Under-Veranda Lighting in Public Places	7
16.	Control of Alcohol in Specified Public Places	7
17.	Exceptions to Restrictions	7
18.	Designation of Specified Public Places	8
19.	Powers of Police	9
20.	Activities requiring consent	9
21.	Offences and Breaches	10
22.	Repeals, Savings and Transitional Provisions	10
	Schedule 1 – Skateboarding ban	12
	Schedule 2 – Horse control area	13
	Schedule 3 – Alcohol control area	15

Public Places Bylaw 2015

1. Preliminary Provisions

- 1.1 This Bylaw is the **Public Places Bylaw 2015**.
- 1.2 This Bylaw is made under the Local Government Act 2002, the Sale and Supply of Alcohol Act 2012 and every other power vested in the Council to make Bylaws and regulate activities in Public Places

Explanatory note: the Council also has powers under the Reserves Act 1977, Health Act 1956, Litter Act 1979, and other legislation concerning activities in Public Places. The powers within these Acts and Regulations are not necessarily repeated in this Bylaw.

2. Purpose

- 2.1 The purpose of this Bylaw is to ensure that Public Places are used in a manner that will not cause any obstruction, Nuisance or damage, or endanger the public.
- 2.2 to ensure the consumption of alcohol occurs in a safe and responsible manner, and
- 2.3 to reduce the harm caused by excessive or inappropriate consumption of alcohol.

3. Commencement

- 3.1 This Bylaw comes into force on 2015.

4. Interpretation and Definitions

- 4.1 The provisions of the Manawatu District Explanatory Bylaw 2014 and its amendments are implied into and form part of this Bylaw.
- 4.2 In this Bylaw, unless the context requires otherwise:

Act means the Local Government Act 2002.

Cycle means a vehicle having at least two wheels and designed to be propelled solely by the energy of the rider. Children's cycles having wheels less than 355 mm diameter are excluded. BMX cycles are included no matter the diameter of the wheels.

Horse includes any ass or mule.

Mobile Traders includes a person or persons offering goods, wares or merchandise for sale from a stall, caravan or similar structure

Park includes any open space, plantation, garden or ground set apart for public recreation or enjoyment that is under Council management or control.

Property Number means any number assigned by Council under AS/NZS 4819 Rural and Urban Addressing

Skating Device means a wheeled device controlled or propelled by gravity or by the energy of the rider, including skateboards, roller skates, scooters, rollerblades and in-line skates. It does not include cycles, wheelchairs, baby or invalid carriages.

Specified Public Place means a public place specified in schedule 1 of this Bylaw and in respect of which the prohibitions and controls in this Bylaw will apply at any period but does not include:

- (a) any part of an area or premises for which a liquor licence has been issued under the Sale and Supply of Alcohol Act 2012;
- (b) any part of an area or premises for which a special licence has been granted pursuant to section 227 of the Sale and Supply of Alcohol Act 2012.

Unmanned Aerial Vehicle (UAV) means an aircraft that is remotely controlled or can fly autonomously through software-controlled flight plans in their embedded systems working in conjunction with GPS.

Weapon means any article intended for use to cause bodily injury.

- 4.3 Reference should be made to section 2 of the Manawatu District Explanatory Bylaw 2014 for any other definitions not included in clause 4.2.
- 4.4 Any explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be made, amended, revoked or replaced by the Council at any time.
- 4.5 In addition, this Bylaw should be read in conjunction with, but not in replacement of, other Bylaws or Council policies that may be applicable, including the Dog Control Bylaw 2014.

5. Obstruction of or Damage to Public Places

- 5.1 No person may cause damage or deface or interfere with any Council property in a Public Place.
- 5.2 No person may, without prior consent from the Council, or as expressly allowed by this Bylaw:
 - (a) place or leave any Vehicle, container, package, sign, or any other encumbrance that obstructs any Public Place;
 - (b) carry out any activity where a sign indicates that the activity is prohibited or is otherwise regulated;
 - (c) erect any stall, tent or structure of any kind on any road, accessway or thoroughfare in any Public Place ;
 - (d) do anything, on or adjacent to any Public Place, which may cause people to congregate in a manner which may impede traffic, cause an obstruction or impede or annoy passers-by;

- (e) operate any Vehicle or Cycle in any Public Place without due care and attention, or without due consideration for the safety of other people;
 - (f) allow any Animal in their custody to wander or be at large without proper control in any Public Place ;
 - (g) allow any Animal in their custody to cause a Nuisance, inconvenience or danger;
 - (h) discharge any effluent containing human waste or Animal waste, or waste of any kind, from any stationary Vehicle in a Public Place;
 - (i) deposit, discharge or leave any offensive, inflammable, hazardous or dangerous substance (including fireworks) in or about a Public Place.
- 5.3 Nothing in clauses 6 to 16 below limits to generality of this clause.
- 5.4 The Council may, from time-to-time, by resolution, designate a specific road or part of a road or Public Place where all activities or any specified category of activity are prohibited to ensure public safety, prevent Nuisance and minimise obstructions or mis-use of a Public Place.

6. Control of Skateboards and Cycles

- 6.1 No person may use or ride a Cycle or Skating Device in any Public Place in a manner as to be:
- (a) intimidating; or
 - (b) dangerous; or
 - (c) cause a Nuisance.
- 6.2 No person may propel, ride on or use any Skating Device on any Road, Footpath or other Public Place within the area shown in Schedule 1 to this Bylaw.
- 6.3 Council may from time-to-time by resolution amend or revoke the areas set out in Schedule 1 of this Bylaw.
- 6.4 Any Council Officer may impound any Skating Device being used in breach of this Bylaw. Any impounded Skating Device may be reclaimed from Council's offices upon payment of a fee prescribed in Council's schedule of fees and charges.

7. Public Places

- 7.1 No person may undertake any organised game or activity, fly any Unmanned Aerial Vehicle, operate any Vehicle or drive, ride, or lead any Animal in any Park or Reserve except:
- (a) on areas set aside especially for those purposes; or
 - (b) with the prior consent from the Council .

- 7.2 No Mobile Trader may operate in a Public Place except with the prior consent from the Council.
- 7.3 Every person must, on the request of a Council Officer, immediately cease playing or taking part in any game or other activity on any Park or Reserve which in the Council Officer's opinion:
- (a) is dangerous;
 - (b) is likely to damage the Park or Reserve or anything in it;
 - (c) is causing a Nuisance; or
 - (d) does not have the consent of Council pursuant to Clause ~~7~~8.1.

8. Opening and Closing Parks and Reserves

- 8.1 The Council may prescribe opening times for any Park or Reserve, and no person may enter or be in such Park or Reserve at any other time without prior consent from the Council.
- 8.2 The Council may at any time, by Public Notice or by notice displayed on the entrances to any Park or Reserve, declare that Park or Reserve to be closed.

9. Beaches

- 9.1 Any person wishing to gain access to a beach must use the designated access routes (where available).
- 9.2 No person may drive any Vehicle on any Beach except on any area which is set aside by Council for that purpose by resolution from time-to-time as stated in clause 6.3.
- 9.3 No person may without prior consent from the Council:
- (a) allow any Horse to remain on the foreshore as shown in schedule 2 to this Bylaw;
 - (b) drive or ride any Vehicle, Horse, or other Animals within any sand dune area, being the area above the last high tide, except on any defined vehicle beach access-way or any area which is set aside by Council for that purpose.
- 9.4 The Council may from time-to-time by resolution amend or revoke the areas shown in Schedule 2 of this Bylaw.

10. Overhanging Trees or Shrubs

- 10.1 No person may permit vegetation to encroach on to or over any Public Place so as to obstruct access to the Public Place or cause a Nuisance. At the discretion of an Enforcement Officer, such Trees or Shrubs may be trimmed back to the property boundary.

11. Fences

- 11.1 No person may erect or permit to be erected any barbed wire or electrified wire along, or within 1 metre of, any boundary which adjoins any Public Place, unless such wire:
- (a) is at least 2 metres above the ground level of the Public Place; and
 - (b) forms part of an existing fence.
- 11.2 Any electrified wire on a fence must be identified as such by appropriate signage.
- 11.3 Clauses 11.1 and 11.2 do not apply within any area zoned "Rural" or "Flood Channel" or "Rural Lifestyle" under the Manawatu District Plan except when the fence adjoins a Footpath.

12. Property Numbering

- 12.1 Every owner or occupier of an occupied site must at all times display a Property Number allocated to that site by Council. This applies to all urban, rural, commercial, Central Business District and industrial sites.
- 12.2 Every Owner or Occupier of any site must:
- (a) display the Property Number within one month of receiving notice to do so from the Council;
 - (b) replace any Property Number that is destroyed or defaced.
- 12.3 Property Numbers must be
- (a) placed where they are clearly visible from where the site would normally be accessed from the road,
 - (b) attached to a gate or a mailbox which is located on the same side of the road as the property,
 - (c) must be maintained in good, legible and visible condition at all times.
- 12.4 The Council may at any time:
- (a) Alter the Property Number where it may be considered necessary or desirable; or
 - (b) affix or apply a Property Number to any structure or building in such a manner and position as it thinks fit.
- 12.5 No person may wilfully destroy, pull down, or deface the name of any street or the Property Number of any building or structure.

13. Repairing Vehicles

- 13.1 No person may repair any Vehicle in any Public Place, except in the case of an accident or breakdown and where repairs are necessary to allow the Vehicle to be removed.

- 13.2 Repairs permitted by clause 13.1 must be completed within 24 hours of the accident or breakdown occurring.
- 13.3 No person may allow any discharge or spillage of any contaminant into a Public Place from any Vehicle undergoing repairs permitted under clause 13.1.
- 13.4 Where any discharge or spillage has occurred in contravention of clause 13.3 a Council Officer may require that the owner of a Vehicle or person using a vehicle take steps to remove the discharge or spillage.

14. Leaving Vehicles in Public Places

- 14.1 No person may, without prior consent of the Council, leave a vehicle, caravan, horse float or trailer in any Public Place for a period exceeding seven days.

15. Under-Veranda Lighting in Public Places

- 15.1 Building owners of premises within the Business Zone that require veranda lighting in accordance with the Manawatu District Plan and the Feilding Town Centre Guidelines, Appendix 10a, section 04 facades are responsible for maintaining the lighting in working order at all times and operating under the Hours of Darkness.

16. Control of Alcohol in Specified Public Places

- 16.1 No person may, within the Manawatu District:
 - (a) consume Alcohol in any specified public place that is within the area described in Schedule 3 of this Bylaw;
 - (b) bring Alcohol into any Specified Public Place;
 - (c) possess Alcohol in or at any Specified Public Place, including without limitation;
 - (i) Alcohol in a container such as a bag, parcel or package; or
 - (ii) Alcohol in or on a Vehicle.
- 16.2 Those areas identified in Schedule 3 of this Bylaw shall be Specified Public Places for the purposes of Clause 16.1, between the hours of 9pm and 6am the following day.

17. Exceptions to Restrictions

- 17.1 This bylaw does not prohibit, regulate, or control, in the case of alcohol in an unopened container,—
 - (a) the transport of the alcohol from licensed premises next to a public place, if—
 - (i) it was lawfully bought on those premises for consumption off those premises;
 - (ii) it is promptly removed from the public place; or

and

(b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or

(c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or

(d) the transport of the alcohol from premises next to a public place to a place outside the public place if—

(i) the transport is undertaken by a resident of those premises; and

(ii) the alcohol is promptly removed from the public place.

~~17.1 Clause 17 of this Bylaw does not apply to the direct transport of Alcohol in an unopened bottle or other unopened container:~~

~~(a) by, or for delivery to, a resident of Premises that adjoin the Specified Public Place or by their bona fide visitors; or~~

~~(b) from those premises to a place outside the Specified Public Place by a resident of those Premises or their bona fide visitors, provided the Alcohol is promptly removed from the Specified Public Place;~~

~~(c) from premises that adjoin a Specified Public Place during any period when, under the Sale and Supply of Alcohol Act 2012, it is lawful to sell Alcohol on those premises for consumption off the Premises, provided the Liquor is promptly removed from the Specified Public Place; or~~

~~(d) from outside a Specified Public Place, for delivery to Premises licensed under the Sale and Supply of Alcohol Act 2012 that adjoin a Specified Public Place.~~

17.2 Clause ~~16~~8 does not apply to the possession or consumption of Alcohol at any Premises within a Specified Public Place operating in compliance with a licence issued under the Sale and Supply of Alcohol Act 2012, including footpath areas that are licensed as part of those Premises and are clearly defined by the placement of tables and chairs outside those Premises.

18. Designation of Specified Public Places

18.1 Specified Public Places are initially those areas described in the Schedule to this Bylaw.

18.2 For the purpose of this Bylaw, additional areas may be designated by the Council from time to time as Specified Public Places with either:

(a) a general prohibition on the possession or consumption of Alcohol; or

(b) a prohibition on the possession or consumption of Alcohol for specified events or specified times of the year.

~~18.3~~ Council will declare any such additional areas by resolution as provided for in section 151(2) of the Local Government Act 2002.

~~18.4~~18.3 ~~Where additional areas are designated in accordance with this clause, a minimum of 14 days public notice must be given specifying the additional areas and the period during which Alcohol restrictions will apply.~~

~~18.5~~ ~~Application must be made in writing to council 28 working days prior to the activity or event taking place.~~

~~18.6~~18.4 The notices must be displayed in or adjacent to the Specified Public Place at all relevant times.

19. Powers of Police

19.1 As provided in section 169 of the Local Government Act 2002, a police constable is empowered to enforce this Bylaw, and is authorised to:

- (a) search a container or Vehicle entering a Public Place;
- (b) seize and remove the Alcohol if the Alcohol is in breach of the Bylaw; and
- (c) arrest a person who has been asked and refused to either leave a Public Place or to surrender Alcohol that is in breach of the Bylaw.

~~19.2~~ *Explanatory note: No warrant is required for the Police to conduct a search to ascertain whether Alcohol is present in a container or Vehicle that is in or entering the Public Place.*

~~19.3~~ *Explanatory note: In addition to their general powers under sections 169 and 170 of the Local Government Act 2002, any member of the New Zealand Police may exercise the power under section 170(2) of that Act (to search a container or vehicle without further notice) in a Specified Public Place on such specified dates as may be notified by the Council from time to time. Further such powers are prescribed in sections 95-97 of the Sale and Supply of Alcohol Act 2012.*

20. Activities requiring consent

20.1 Every application for consent under this Bylaw must be in writing and provide:

- (a) full details of the proposed activity;
- (b) the date, time and place of the proposed use of a Public Place; and
- (c) the full name and residential address of the applicant (with satisfactory supporting evidence of identity).

20.2 Applications for consent must be received by the Council at least 14 days before the date of the proposed use of the Public Place or such lesser period as the Council may in its discretion deem fit.

20.3 Consent may be granted or refused at the discretion of the Council, upon such terms or conditions as it thinks appropriate.

20.4 Every application for consent must be accompanied by any fee prescribed from time to time in Council's Schedule of Fees and Charges.

- 20.5 A consent holder must provide their consent when requested by an Authorised Officer.
- 20.6 Every person found to be in breach of any condition of consent, or this Bylaw, may have the consent reviewed by a Council Officer. The review may result in amendment, suspension or withdrawal of the Council's consent with immediate effect.

~~21. Exclusions from Public Places~~

~~21.1 Any person who breaches this Bylaw must, upon request of a Council Officer:~~

- ~~(a) immediately leave the Public Place concerned; and~~
- ~~(b) may be excluded from that place for any period the Council Officer directs.~~

~~21.2 The provision in clause 19.1 is in addition to any other penalties and enforcement provisions for non-compliance with this Bylaw, including those set out in the Manawatu District Explanatory Bylaw 2014.~~

~~22.21. Offences and Breaches~~

~~22.21.1~~ Every person who commits a breach of this Bylaw commits an offence and is liable to pay:

- (a) the maximum fine set out in the Local Government Act 2002;
- (b) the maximum fine set out in the Land Transport Act 1956, the Health Act 1956, and the Litter Act 1979; and
- (c) any other penalty specified in another Act for the breach of the Bylaw.

~~(d) In the event of breach of this Bylaw, the Council may take enforcement action as provided for under legislation, including the Local Government Act 2002, the Land Transport Act 1998, the Health Act 1956, the Litter Act 1979, and/or the Reserves Act 1977. In the event of a breach of this Bylaw, the Council may take enforcement action as provided for in the Local Government Act 2002, the Land Transport Act 1998, the Health Act 1956, and/or the Litter Act 1979.~~

~~(d) 21.2 Every person who breaches this bylaw must, upon the request of a Council officer, immediately stop the activity and leave the public place concerned if so requested by the Council officer to do so.~~

Explanatory Note: This clause should be read in conjunction with clauses 13, 14 and 15 of the Manawatu District Explanatory Bylaw 2014.

~~23.22. Repeals, Savings and Transitional Provisions~~

~~23.1 Every person who breaches this bylaw must, upon the request of a Council officer, immediately stop the activity and leave the public place concerned if so requested by the Council officer to do so.~~

~~23.22.1~~ Any consent granted under Chapter 2 of the Manawatu District Bylaw 2008 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent of that kind issued under this Bylaw, but:

- (a) expires on the date specified in such consent; or
- (b) where no expiry date is specified, expires 12 months from the commencement of this Bylaw; and
- (c) may be renewed only by application made and considered in accordance with this Bylaw.

~~23.322.2~~ Any resolution or other decision made under Chapter 2 of the Manawatu District Bylaw 2008 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Council under this Bylaw.

This Bylaw was made by the Manawatu District Council by resolution at a Council meeting on [REDACTED] and must be reviewed within five years.

Sealed **with the Common Seal**
of the MANAWATU DISTRICT COUNCIL
in the presence of:

Mayor

Chief Executive

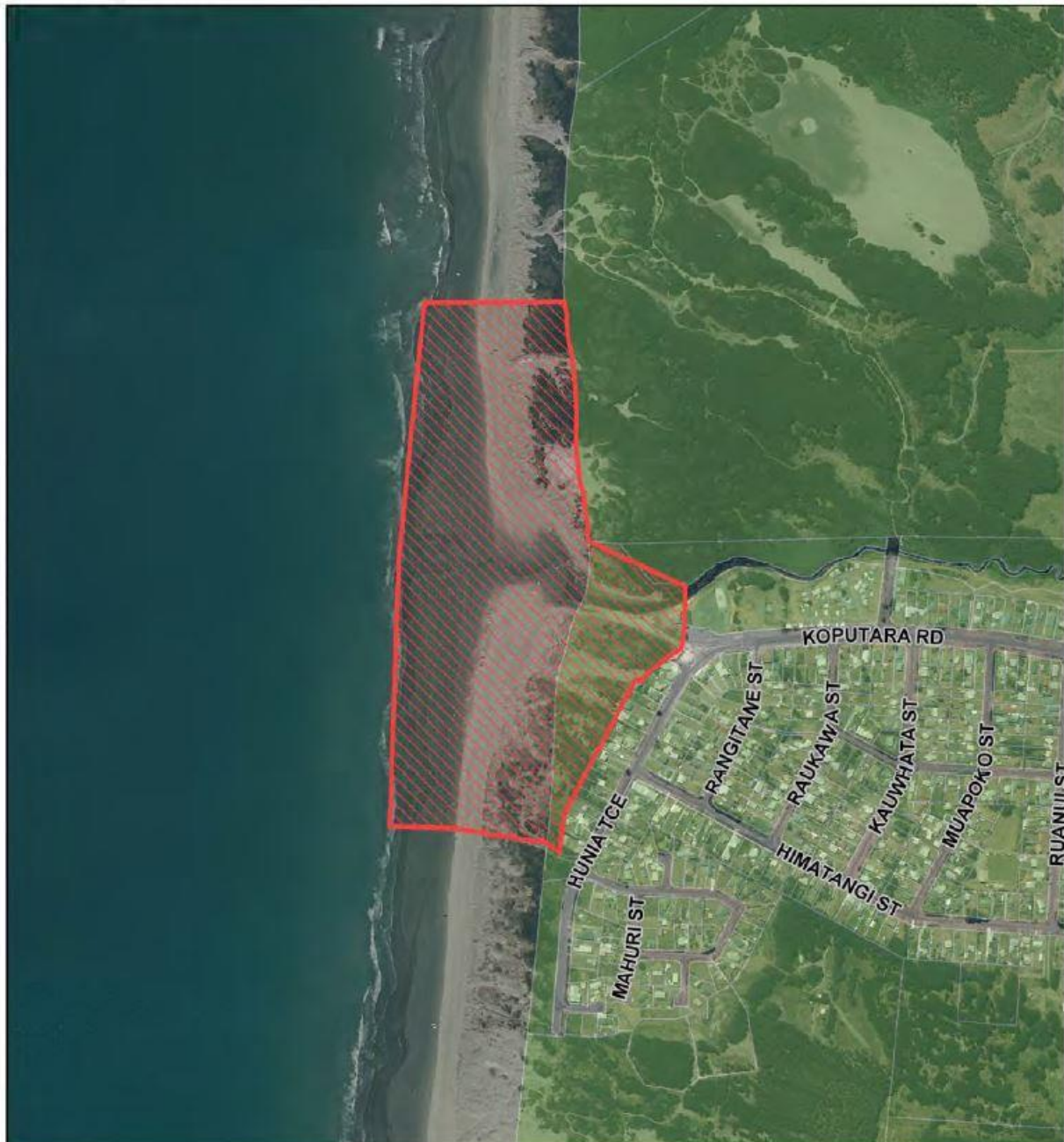
Schedule 1 – Skateboarding ban



Area within which Skateboarding is not permitted

Schedule 2 – Horse control area

Himatangi Beach



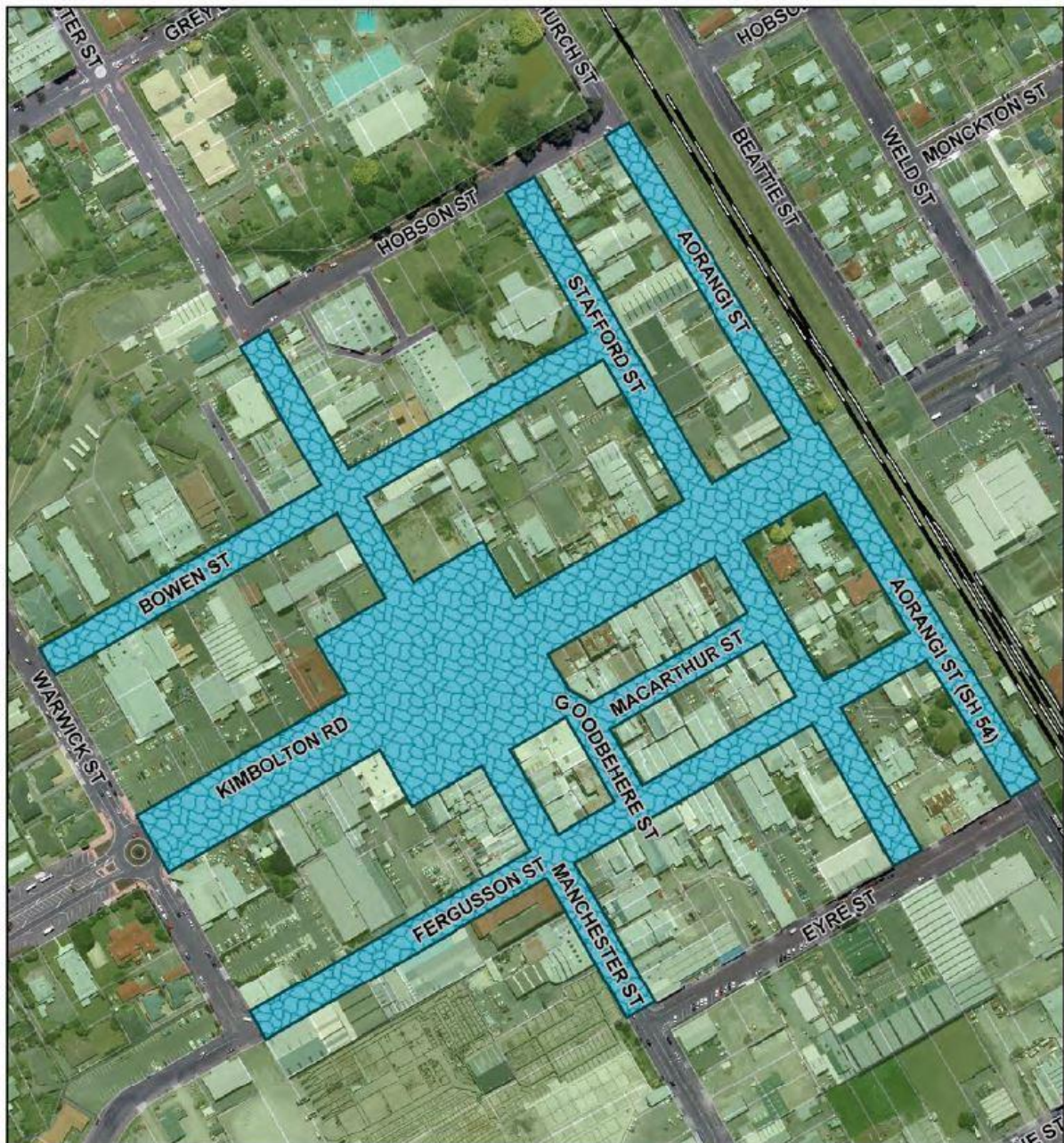
Area within which horses are not allowed to remain

Tangimoana



Area within which horses are not allowed to remain

Schedule 3 – Alcohol control area



Area within which Alcohol is Controlled

Solid Waste Bylaw 2015

Contents

1	Preliminary Provisions	3
2	Purpose.....	3
3	Commencement	3
4	Interpretation and Definitions	3
	Part One – General.....	7
5	Compliance with the Bylaw	7
6	Controls specified under Bylaw	7
	Part Two – Collection of Waste and Recyclable Material.....	8
7	Use of Approved Containers	8
8	Responsibilities of Occupiers and Managers.....	9
9	Deposit of Waste and Recyclable Material at Collection Points	10
	Part Three – Special Collection Areas	10
10	Special Collection Areas	10
	Part Four – Resource Recovery Facility (RRF)	10
11	Disposal of Waste and Recyclable Material	10
	Part Five – Licensing Provisions	11
12	Licensing of the Collection or Transportation of Waste	11
13	Licensing of Fill Sites	11
14	Application for Licence	12
15	Consideration of Application for Licence	12
16	Conditions of Licence	13
	Part Six – Events on Public Places	13
17	Events	13
	Part Seven - Nuisance	14
18	Nuisances.....	14
19	Litter	14
	Part Eight - Donated Goods Containers	15
20	Donation of Goods	15
	Part Nine - Enforcement	15
21	Non-compliance with this Bylaw	15
22	Offences and Breaches	16
	Part Ten - Repeals, Savings and Transitional Provisions.....	16

23	Repeals, Savings and Transitional Provisions	16
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Solid Waste Bylaw 2015

1 Preliminary Provisions

- 1.1 This Bylaw is the **Solid Waste Bylaw 2015**.
- 1.2 This Bylaw is made under the:
- (a) Local Government Act 2002;
 - (b) Waste Minimisation Act 2008 (“the Act”);
 - (c) Health Act 1956; and
 - (d) Litter Act 1979.

2 Purpose

- 2.1 The purpose of this Bylaw is to:
- promote and deliver effective and efficient Waste management and minimisation in the District;
 - assist in implementing the Council’s Waste Management and Minimisation Plan;
 - promote the purpose of the Act and the goals of the New Zealand Waste Strategy;
 - regulate the collection, storage, management and Disposal of Waste (including Recyclable Material) from Public Places or by persons licensed by the Council;
 - protect the health and safety of Waste Collectors, Waste Operators and the public; and
 - manage Nuisance and Litter in Public Places.

3 Commencement

- 3.1 This Bylaw comes into force on [date].

4 Interpretation and Definitions

- 4.1 The provisions of the Manawatu District Explanatory Bylaw 2014 and its amendments are implied into and form part of this Bylaw.
- 4.2 In this Bylaw, unless the context requires otherwise:

Act means the Waste Minimisation Act 2008.

Animal Waste Receptacle means a receptacle provided for the collection of animal Waste in a Public Place.

Approved Container means any container (including any Reusable Container) or plastic rubbish bag approved by the Council from time to time for the collection of Waste and/or Recyclable Material by a Waste Collector.

Cleanfill Material means Waste that:

- (a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is unlikely to have adverse effects on the environment or human health; and
- (b) is not Diverted Material; and
- (c) includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
 - (i) combustible, putrescible, degradable or leachable components;
 - (ii) Hazardous Waste;
 - (iii) products or materials derived from Hazardous Waste treatment, Hazardous Waste stabilisation or Hazardous Waste disposal practices;
 - (iv) materials that may present a risk to human health or the environment; and
- (d) has less than 2% by volume by load of tree or vegetable matter.

Cleanfill Site means the land used for the disposal of Cleanfill Material.

Commercial Waste means Waste resulting from the carrying on of any business, manufacture, process, trade, market or other undertaking.

Commercial Waste Minimisation and Recycling Plan means a plan approved by Council for the collection, management and disposal of Waste by commercial producers.

Collection Point means a Council advertised rural roadside location used for the collection of Official Council bags, or Recyclable Materials as advertised on the Council's website.

Disposal has the same meaning as in the Act.

Diverted Material has the same meaning as in the Act.

Deposit means in relation to Waste or Diverted Material, to cast, place, throw or drop and "deposited" has a corresponding meaning.

Donated Goods Container means a weather tight container for the temporary collection of reusable material e.g. clothing, toys, furniture, linen.

Event means any organised temporary activity of a significant scale that is likely to create Litter in a Public Place including an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration.

Farm Dump means an unlicensed and/or unlined landfill for the disposal of Waste principally located outside of the Urban Environment.

Fly Tipping means Litter or Recycling Material that is deposited or disposed of at a Public Place or onto private property without the Owner's consent.

Hazardous Waste means Waste that:

- (a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organism Act 1996; or
- (b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land; or
- (c) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982.

Home Composting means Organic Waste processed by worms and microorganisms to produce humus.

Household Waste means cold ashes, sweepings, dust, bones, Waste food, cans, cartons, bottles or other containers, paper and any other Waste resulting from domestic activities, but does not include Commercial Waste or any of the materials prohibited under this Bylaw.

Landfill means a disposal facility as defined in s7 of the Act, excluding incineration.

Litter has the same meaning as defined in s2 of the Litter Act 1979.

Litter and Recycling Plan means a plan approved by Council for the collection, management and Disposal of Waste and Recyclable Material at an Event.

Litter Receptacle means a Receptacle provided for the collection of Waste or Recyclable Material in a Public Place.

Loose filled means the amalgamated contents of a reusable container that are not subjected to a compression loading to squash more recyclable material into the reusable container. Individual items such as plastic bottles and cans may be squashed before being deposited into the particular reusable container.

Managed Fill Site means a Disposal site to accept well defined types of non-municipal waste, e.g. low-level contaminated soils.

Monofill Site means a Landfill that is permitted to receive one type of Waste material of similar origin or chemical character.

Official Council Bag means a plastic rubbish bag identified with the Council logo and/or other images or text, and which is approved by the Council for use in its Waste collection service.

Organic Waste means material from plants and trees. Without limitation, it excludes tyres, petroleum plastics, polystyrene, metals, insecticides and herbicides.

Overfilled in relation to Approved containers means:

- (a) the lid of a Reusable Container is not able to be fully closed; or
- (b) glass bottles and/or jars sit above the top rim of the plastic recycling crate.

Prohibited Waste means Waste containing any:

- (a) material capable of causing any injury to any person or Animal unless that material is sufficiently contained to prevent injury;
- (b) material capable of causing damage to the Approved Container or likely to shatter in the course of collection unless the material is sufficiently contained to prevent damage to the Approved Container or to prevent injury;
- (c) material that may endanger any person, Animal or Vehicle which may come in to contact with it prior to, during or following collection, transportation or Disposal;
- (d) liquid or viscous fluid;
- (e) radioactive Wastes, but excluding domestic smoke detectors;
- (f) used oil and lead acid batteries;
- (g) Hazardous Waste;
- (h) medical Waste; or
- (i) other material prohibited as approved by the Council.

Recyclable Material means Waste specified by the Council in accordance with this Bylaw as suitable for Recycling. It does not include Diverted Material.

Recycling means the reprocessing of Waste to produce new materials.

Resource Recovery Centre (RRC) means any facility that receives, collects, sorts, stores or processes Waste to ensure Waste minimisation and includes a composting operation, a recovery operation, a materials recovery facility, a transfer station and a Recycling depot. It excludes any facility that receives, collects, sorts, stores or processes Diverted Material unless a significant component or element of the Diverted Material is Disposed or discarded.

Reusable Container means any container for Waste or Recyclable Materials approved by Council that can be reused, including Mobile Garbage Bins or Mobile Recycling Bins and recycling crates.

Rural Area means the land outside of the urban area

Special Collection Areas means an area or road determined by Council that will receive a Waste collection service in the commercial zoned areas.

Special Waste means Waste that requires special handling and/or Disposal. Examples include used oil, tyres, polystyrene, expanded polystyrene, end-of-life vehicles, batteries, electronic goods and asbestos.

Waste means anything disposed of or discarded; and includes:

- (a) Waste that is defined by its composition or source (for example, Organic Waste, Household Waste, Commercial Waste and electronic waste, or construction and demolition waste);
- (b) abandoned material and Litter;
- (c) any other material specified by the Council in accordance with this Bylaw; and
- (d) to avoid doubt, includes any component or element of Diverted Material, if the component or element is disposed of or discarded; and
- (e) any other matter specified by Council in accordance with this Bylaw.

Waste Collector means any person who is licensed to collect or transport Waste and includes commercial and non-commercial collectors and transporters of Waste.

Waste Management and Minimisation Plan means the Waste Management and Minimisation Plan adopted by the Council under section 43 of the Act.

Waste Operator means a person who owns or manages a landfill site, cleanfill site, managed fill site, monofill site or a resource recovery facility.

- 4.3 Reference should be made to section 2 of the Manawatu District Explanatory Bylaw 2014 for any other definitions not included in clause 4.2.
- 4.4 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this Bylaw or the Explanatory Bylaw, has the meaning given by the Act.
- 4.5 Any explanatory notes are for information purposes only. They do not form part of the Bylaw, and may be made, amended, revoked, or replaced by the Council at any time.
- 4.6 In addition, the Bylaw should be read in conjunction with, but not in replacement of, the Waste Management and Minimisation Plan and the Public Places Bylaw and any policy statements referred to in clause 6.

Part One – General

5 Compliance with the Bylaw

- 5.1 No person may Deposit, collect, transport, sort, store, process or Dispose of Waste other than in accordance with this Bylaw.

6 Controls specified under Bylaw

- 6.1 The Council may from time to time by resolution, make and amend a set of policy statements governing the classification, collection, transportation and disposal of Waste. In doing so, the Council may account for the following matters:
 - (a) the nature and origin of the Waste;

- (b) categories and types of waste that may be received, collected, stored, sorted, processed or disposed of at any Landfill site, Managed Fill site, Clean Fill site, Farm dumps and Monofill sites;
 - (c) materials that are suitable for use as natural or other hardfill material at a cleanfill site;
 - (d) types of Waste that are prohibited;
 - (e) the geographic areas and provisions that apply to the different categories of Waste including collection services;
 - (f) the types of Waste that may be collected by Waste Collectors;
 - (g) the type, size and construction of Approved Containers for the collection of Waste and Recyclable Materials from a Public Place in different parts of the District;
 - (h) the correct separation of Recyclable Materials and Waste into Approved Containers;
 - (i) restrictions on the weights of Official Council Bags and Approved Containers, including any maximum allowable limits of recyclable material that may be placed in, collected and transported from a Public Place in an Approved Container;
 - (j) the placing of Approved Containers for collection;
 - (k) collection times, conditions of use and any other operational matter relating to Collection Points; and
 - (l) any other matters as Council considers appropriate from time to time.
- 6.2 The Council may at any time by resolution add, amend or modify any controls specified in accordance with this section of the Bylaw.
- 6.3 A Waste Collector must comply with this Bylaw and the terms and conditions made under it, including (but not limited to) the matters set out in clause 6.1 and any additional controls that may be required from time to time for the collection of Waste from a Public Place.

Part Two – Collection of Waste and Recyclable Material

7 Use of Approved Containers

- 7.1 The Occupier or Manager of a Premises must ensure that Waste and Recyclable materials are separated and deposited into the correct Approved Container.
- 7.2 No person may:
- (a) cause, permit or allow the Deposit of any Prohibited Waste into an Approved Container;

- (b) interfere with or remove any Waste or Diverted Material from an Approved Container or a Collection Point, except a Waste Collector, or without the consent of the person allocated or owner of the bin;
- (c) cause, permit or allow the Deposit of any waste in an Approved Container provided to any other person, without that person's consent;
- (d) remove an Approved Container from the Premises to which it has been provided or from any other Premises, without the consent of Council or the occupier of the Premises;
- (e) obstruct or hinder a Waste Collector from lawfully collecting Waste or Recyclable Material from an Approved Container.

8 Responsibilities of Occupiers and Managers

8.1 The Occupier or manager of any Premises must ensure that:

- (a) Approved Containers are kept in a safe location and in a hygienic state, including regular washing of an Approved Container with detergent and water;
- (b) reasonable steps are taken to prevent any Waste and Recyclable Material from escaping any Approved Container;
- (c) badly punctured or torn Official Council Bags are promptly repaired or replaced before the scheduled Waste Collection occurs;
- (d) any Approved Container is not overfilled and in the case of lidded Approved Containers to be only loose filled; and
- (e) Any lidded Approved Container must have its lid closed when not in use and when presented for Waste Collection, so that its contents are protected from rain ingress, or egress of flies and access by Animals.

8.2 In addition, with respect to the collection of Approved Containers, the Occupier or Manager of a Premises must ensure:

- (a) the Approved Container is placed for collection in an upright position off the roadway, in front of the Premises from which the Waste or Recyclable Material originated and as close to the kerbside as possible;
- (b) reasonable steps are taken to prevent any Approved Container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the Premises;
- (c) if Waste or Recyclable Material is not collected and/or emptied on the day of collection, Approved Containers must be removed from the kerbside by the Occupier or manager no later than 7pm on the scheduled collection day, except when notified by Council to do otherwise;
- (d) Approved Containers are placed for collection of Waste and Recyclable Materials and retrieved in accordance with any applicable control specified by the Council under clause 6; and

- (e) Approved Containers are only filled with Waste or Recyclable Material as specified by Council.
- 8.3 The Occupier and manager of any Premises is responsible for any Waste generated and stored on the Premises until it has been collected from an Approved Container at the kerbside.

9 Deposit of Waste and Recyclable Material at Collection Points

- 9.1 The Council may specify:
- (a) any place, or an Approved Container in a Public Place as a Collection Point for the collection of Household Waste and Recyclable Materials;
 - (b) controls relating to the Deposit of Household Waste and Recyclable Materials at a Collection Point including the use of Approved Containers.

Part Three – Special Collection Areas

10 Special Collection Areas

- 10.1 The Council may declare by resolution a specific area and/or road a Special Collection Area.
- 10.2 In Special Collection Areas, Waste and Recyclable Materials must not be placed out for collection between 10am and 5.30pm. These hours may change from time-to-time as a result of Council resolution.
- 10.3 If Waste or Recyclable Material is not collected and emptied on the day of collection, Approved Containers must be removed from the kerbside by the Occupier or manager by no later than 1pm on the scheduled day for collection, except when notified by Council to do otherwise.

Part Four – Resource Recovery Facility (RRF)

11 Disposal of Waste and Recyclable Material

- 11.1 A person wishing to dispose of Waste or Recyclable Materials at a Resource Recovery Facility must comply with the terms and conditions as determined by Council resolution from time to time. These terms and conditions may include, without limitation:
- (a) hours of access;
 - (b) the payment of fees for Disposal of different types of Waste and Recyclable Material, as set out in Council schedule of Fees and Charges from time-to-time;
 - (c) the nature of the Waste that may be disposed of;
 - (d) any other matters identified at clause 6.1 of this Bylaw; and
 - (e) any other conditions considered necessary for the proper control and management of the RRF.

- 11.2 No unauthorised person may loiter, or disturb any Waste at any RRF, or remove any article or material, except with the Council's written consent.
- 11.3 No person may Deposit any Waste or Recyclable Material at any RRC other than in an approved manner as directed by the RRC management.

Part Five – Licensing Provisions

12 Licensing of the Collection or Transportation of Waste

- 12.1 Any Waste Collector must obtain a Licence to operate within the District from the Council.
- 12.2 Clause 12.1 does not apply where the total amount of collected Waste does not exceed 20 tonnes when measured over a continuous 12 month period.
- 12.3 The holder of a Licence under this clause must comply with any conditions imposed on the Licence by the Council.

13 Licensing of Fill Sites

- 13.1 Any Waste Operator who operates a Landfill Site, Cleanfill Site or Managed Fill Site in the District where annual quantities exceed 20 tonnes must obtain a Licence to do so from the Council.
- 13.2 Clause 13.1 does not apply to land used for the disposal of Cleanfill Material where such Disposal:
 - (a) is of Cleanfill Material sourced directly from that land; or
 - (b) consists solely of:
 - i) hardfill that is natural or uncontaminated or cover material, or a combination of such; or
 - ii) not more than 30 cubic metres, or such greater amount as the Council may approve, of other hardfill material specified in accordance with clause 6 measured over a continuous 12-month period.
- 13.3 The Council may grant a Licence:
 - (a) in the case of a Landfill Site, for the receipt, processing, and Disposal of any Waste of a category specified by the Council;
 - (b) in the case of a Cleanfill Site, for the Disposal of Cleanfill Material; and
 - (c) in the case of a Managed Fill Site for the Disposal of contaminated soil on the land.
- 13.4 The holder of a Licence under this clause must comply with any conditions imposed on the Licence by the Council.

Explanatory Note: Clauses 12 and 13 will be effective from [insert date].

14 Application for Licence

14.1 Every application for a Licence under this Bylaw must:

- (a) be in the form the Council may prescribe from time-to-time;
- (b) describe the activities in respect of which the Licence is sought;
- (c) be accompanied by any fees set out in the Council's Schedule of Fees and Charges; and
- (d) include any supporting information the Council may require to enable processing of the application.

Explanatory note: when considering "supporting information" for the purposes of sub-clause (d) above, clause 15 and 16 of this Bylaw set out the matters which the Council may have regard to in granting a Licence.

14.2 The holder of an existing Licence may apply to the Council for renewal of that licence.

14.3 The grant or renewal of a Licence (in whole or in part) is at the discretion of the Council, upon such terms and conditions as it considers fit.

14.4 Where the Council refuses to grant or renew a Licence, or only partially grants or renews a Licence, it will provide the applicant with reasons for its decision.

15 Consideration of Application for Licence

15.1 In considering whether to grant or renew a Licence and the conditions to be imposed under it, the Council may take into account matters relating to the suitability of the applicant to hold a Licence and the need for and suitability of the collection, including (without limitation):

- (a) the extent to which the licensed activities will promote public health and safety and achievement of the objectives of the Council's Waste Management and Minimisation Plan and Waste reduction initiatives;
- (b) the applicant's experience, reputation and track record in the Waste industry, including any known past operational issues which may affect or may in the future affect, the applicant's performance;
- (c) the type of Waste proposed to be collected or transported;
- (d) the proposed manner of treatment (if any) and Disposal of the Waste type, and the identity of the RRC, Landfill Site, Managed Fill Site, or Cleanfill Site at which it is proposed that treatment or Disposal will occur;
- (e) the frequency and location of the Waste collection, transportation or disposal services;
- (f) the specification of Vehicles, equipment and Approved Containers to be used for the collection, transportation or Disposal of Waste;

- (g) the terms and conditions under which Disposal of Waste is permitted and the existence of or need for any statutory approvals, authorisations or consents in respect of such Disposal; and
- (h) the percentage of Waste diverted from Landfill by Recycling.

16 Conditions of Licence

- 16.1 The terms and conditions upon which the Council may grant or renew a Licence include, but are not limited to, the following:
- (a) the term of the Licence, up to a maximum of five years;
 - (b) the payment of a Licence fee as may be prescribed in the Council's Schedule of Fees and Charges from time to time;
 - (c) from time-to-time and on a case-by-case basis the provision of a performance bond or security, or both, for the performance of the Licensed work;
 - (d) compliance with Council standards and policies for Waste collection, transportation or Disposal services including in respect of the collection services:
 - i) the collection of Litter within five metres of an Approved Container awaiting collection and any Litter spillage from the Licence holder's Vehicle during the Collection, transportation or Disposal process; and
 - ii) provision of Waste collection services within reasonable times specified by the Council.
 - (e) provision of Waste data to the Council during the term of the Licence in the form and at the times determined by the Council from time to time including:
 - i) the quantity, composition and destination of each type of Waste including Recyclable Materials recorded during the Waste collection, transportation or Disposal process;
 - ii) weighbridge receipts; and
 - iii) gate records of Waste tonnage.
- 16.2 The Council will take all reasonable measures to keep commercially sensitive information confidential including by the aggregation of such information for recording purposes.

Part Six – Events on Public Places

17 Events

- 17.1 Any organiser of an Event must submit to Council a Litter and Recycling Plan for approval 14 days before the Event is due to commence as part of the Public Places Use Application process under the Public Places Bylaw 2015.
- 17.2 The Council may require the Litter and Recycling Plan to include (without limitation):

- (a) the number and placement of Litter and Recycling bins, and scheduled emptying times at Events;
- (b) controls relating to separation of Recyclable Materials at designated locations; and
- (c) Details of Waste Collectors or person responsible for collection and disposal.

17.3 The organiser of an Event must comply with the approved Litter and Recycling Plan.

Part Seven - Nuisance

18 Nuisances

18.1 No Person may:

- (a) allow any accumulation of Waste, Recyclable Material or Diverted Material on any Premises they own, occupy or manage to become unsightly, offensive, a Nuisance or likely to be injurious to health;
- (b) use an Approved Container in a manner that creates a Nuisance, is offensive or is likely to be injurious to health.

18.2 Except as provided for under this Bylaw, no Person may:

- (a) Store or burn, or allow to be burnt, any Waste or Recyclable Material on any property that they own, occupy or manage where this activity may result in an Objectionable Odour being created;
- (b) bury or allow to be buried on any property that they own, occupy or manage any Waste or Recyclable Material except:
 - i) Organic Waste;
 - ii) dead Animals; or
 - iii) organic Waste for the purposes of Home Composting.
- (c) dispose of any Waste or Recyclable Material or Deposit, permit or suffer the Deposit of any Litter on any Premises except at:
 - i) a Transfer Station, a Resource Recovery Facility, a Landfill Site, Cleanfill Site or Managed Fill Site; or
 - ii) any Premises they own, occupy or manage, for the purposes of Home Composting.

18.3 The Managers, Owners and Occupier of any Premises must take all reasonable steps to prevent the escape of any Waste from that Premises into, on or upon any Public Place.

19 Litter

19.1 No Person may:

- (a) use any Litter Receptacle provided by the Council in any Public Place for Depositing any dangerous or offensive material or any Household or Commercial Waste of any kind;
 - (b) deposit or attempt to Deposit any Litter in any Litter Receptacle in a Public Place if the Litter Receptacle is full or the Litter is likely to escape; or
 - (c) remove any Waste from any Litter Receptacle provided by the Council in any Public Place, where this results in Litter being deposited outside the receptacle, unless authorised by the Council to do so.
- 19.2 No person may use any public animal Waste Receptacle for Depositing any dangerous material or any Household Waste or Commercial Waste of any kind.

Part Eight - Donated Goods Containers

20 Donation of Goods

- 20.1 Any Person who places a Donated Goods Container for the collection of donated goods on:
- (a) a Public Place; or
 - (b) any privately owned Premises where the donated goods are likely to be left on an adjoining Public Place, or carried from or otherwise escape from that Premises onto an adjoining Public Place:
- must obtain a Licence to do so from the Council in accordance with clause 14 of this Bylaw.
- 20.2 The grant of a Licence (in whole or in part) is at the discretion of the Council, on such terms and conditions as it sees fit.
- 20.3 The Licence holder must comply with any conditions of the Licence.
- 20.4 The Licence Holder must take all steps to the satisfaction of the Council to prevent the donated goods from:
- (a) being carried from or otherwise escaping from the Donated Goods Container onto a Public Place or from becoming Litter;
 - (b) accumulating on a Public Place within a radius of 10 metres from the Donated Goods Container.
- 20.5 The Council may recover costs associated with the removal and Disposal of accumulated donated goods overflowing from or within 10 metres of the Donated Goods Container from the owner of a Donated Goods Container.

Part Nine - Enforcement

21 Non-compliance with this Bylaw

- 21.1 The Council may use its powers under the Act, the Local Government Act 2002, the Litter Act 1979, and the Health Act 1956 to enforce this Bylaw.
- 21.2 Where a person does not comply with this Bylaw the Council may without limitation:
- (a) Refuse to collect Recyclable Material from Approved Containers which contained Prohibited Waste for the first two offences;
 - (b) issue written warnings requiring compliance;
 - (c) Withdraw or suspend the Waste Collection service for a stated period of time; and
- 21.3 The Council may remove and impound:
- (a) Approved Containers or Receptacles found in Public Places; and
 - (b) Donated Goods Containers;
- which are in breach of this Bylaw.
- 21.4 The Council may hold onto the impounded Donated Goods Containers for a 14 day period following notice to the owner (if known to Council) after which it may Dispose of the Containers.
- 21.5 The Council may seek reimbursement of its costs relating to removal of, disposal of goods under Clause 20.5.

22 Offences and Breaches

- 22.1 A person who fails to comply with this Bylaw commits an offence and is liable to pay:
- (a) the maximum fine set out in the Local Government Act 2002;
 - (b) The maximum fine or penalty specified in the Act, the Litter Act 1979, and the Health Act 1956; and
 - (c) Any other penalty specified in another Act for the breach of the Bylaw.

Explanatory Note: This clause should be read in conjunction with clauses 13, 14 and 15 of the Manawatu District Explanatory Bylaw 2014.

Part Ten - Repeals, Savings and Transitional Provisions

23 Repeals, Savings and Transitional Provisions

- 23.1 Chapter 10 of the Manawatu District Bylaw 2008 is repealed on commencement of this Bylaw.
- 23.2 Every consent, exemption or approval granted under Chapter 10 of the Manawatu District Bylaw 2008 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent, exemption or approval of that kind issued under this Bylaw, but:
- (a) expires on the date specified in that consent; or

- (b) where no expiry date is specified, expires 12 months from the commencement of this Bylaw; and
- (c) may be renewed only by application made and considered in accordance with this Bylaw.

This bylaw was made by the Manawatu District Council by resolution at a Council meeting on [date] and must be reviewed within five years.

Sealed with the Common Seal

of the **MANAWATU DISTRICT COUNCIL**

in the presence of:

Mayor

Chief Executive

Trade Wastes Bylaw 2015

Contents

1	Preliminary provisions	2
2	Purpose.....	2
3	Application.....	2
4	Commencement	2
5	Interpretation and Definitions	3
6	General Classification	6
7	Permitted Trade Waste	6
8	Conditional Trade Waste	7
9	Prohibited Trade Waste.....	7
10	Trade Waste Discharges	7
11	Acceptance of Trade Waste	7
12	Storage, transportation and handling	7 8
13	Disposal of Prohibited Wastes.....	8
14	Tankered Waste.....	8
15	Requirements for Permits	9
16	Consideration of Applications	10
17	General Conditions	11
18	Duration of Permit.....	13
19	Permit Variation	13 14
20	Suspension or cancellation of the right to discharge	14
21	Disconnection	15
22	Metering	15
23	Sampling and Monitoring	16
24	Fees and Charges.....	17
25	Transfer or Termination of Rights and Responsibilities	17
26	Offences and Breaches	18
27	Repeals, Savings and Transitional Provisions	18
	Schedule 1: Permitted Discharge Characteristics	20
	Schedule 2: Prohibited Characteristics	25

Trade Wastes Bylaw 2015

1 Preliminary provisions

- 1.1 This Bylaw is the **Trade Wastes Bylaw 2015**.
- 1.2 This Bylaw is made under the Local Government Act 2002 and every other power vested in the Council to make Bylaws and regulate the discharge of Trade Waste to the Public Wastewater System.

Explanatory note: the Council also has powers under the Building Act 2004, Hazardous Substances and New Organisms Act 1996, Health Act 1956, Local Government (Rating) Act 2002, Resource Management Act 1991 and other legislation concerning Trade Waste. The powers within these Acts and Regulations are not necessarily repeated in this Bylaw.

2 Purpose

- 2.1 The purpose of this Bylaw is to:
- (a) protect the health and safety of all people from potential adverse effects of harmful substances discharged to the Public Wastewater System;
 - (b) protect the environment (including water quality) from adverse effects of harmful substances discharged to the Public Wastewater System;
 - (c) protect the Public Wastewater System from damage and provide for its efficient operation;
 - (d) ensure compliance with resource Permit (discharge) conditions;
 - (e) provide an equitable basis for charging Trade Waste users of the Public Wastewater System; and
 - (f) encourage waste minimisation, Cleaner Production, efficient recycling and reuse of waste streams at Trade Premises.

3 Application

- 3.1 This Bylaw applies to all premises within the District where Trade Wastes are discharged or likely to be discharged to the Public Wastewater System.

3.2 This Bylaw also applies to Tankered Waste collected for the purpose of discharge to the Public Wastewater System.

~~3.23.3~~ Storm water discharges to the storm water network are provided for through the Drainage Bylaw.

4 Commencement

- 4.1 This Bylaw comes into force on <<date>> 2015.

5 Interpretation and Definitions

5.1 The provisions of the Manawatu District Explanatory Bylaw 2014 and its amendments are implied into and form part of this Bylaw.

5.2 In this Bylaw, unless the context requires otherwise:

Act means the Local Government Act 2002.

Access Point means a place where access may be made to a Private Sewer for inspection (including sampling or measurement), cleaning or maintenance. The location of the Access Point will be in accordance with the New Zealand Building Code.

Approved Site means a monitored site where Tankered Waste can be discharged into the Public Wastewater System

Biosolids means Sludge derived from a wastewater treatment plant that has been treated sufficiently/stabilised to the extent that it is able to be safely and beneficially applied to land but does not include products derived solely from industrial wastewater treatment plants.

Characteristic means any of the physical or chemical features of Trade Waste described in Schedules 1A and 1B of this Bylaw.

Cleaner Production means the implementation of operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes produced on Trade Premises.

Condensing Water or Cooling Water means any water used in any trade, industry, or commercial process or operation in such a manner that it does not take up matter into solution or suspension. Note that condensate water from floor drains in chillers or freezers is likely to contain contaminants that require treatment.

Conditional Trade Waste means trade waste that exceeds the requirements for a conditional discharge Permit but is not a prohibited trade waste as set out in Schedule 2;

Permit means Permit in writing from the Council authorising a person or legal entity to discharge or to direct the manner of discharge of Trade Waste to the Public Wastewater System.

Permit Holder means the person who has obtained a Permit to discharge or to direct the manner of discharge of Trade Waste to the Public Wastewater System, and includes any person acting with the express or implied consent of the Permit Holder and any licensee of the Permit Holder.

Contaminant means any matter in suspension or solution that affects the characteristics of a Trade Waste Discharge

Customer means a person who uses, or has a right to use, the Public Wastewater System.

Discharge Management Plan means a plan for the monitoring, programming and controlling of Trade Waste operations which has been approved by the Council for a premises. It may include provision for Cleaner Production, waste minimisation,

monitoring and recording of discharges, contingency management procedures and any relevant industry code of practice.

Disconnect or Disconnection means the physical cutting and sealing off of a connection into the Public Wastewater or Stormwater System.

Domestic Wastewater means Wastewater discharged from sanitary fixtures or appliances in premises that are used solely for residential activities or waste of the same character discharged from other premises.

Grease Trap means a device that allows kitchen and/or food production Wastewater to cool, and the grease to separate from Wastewater.

Hazardous has the same meaning as in the Hazardous Substances and New Organisms Act 1996.

Independent Analyst means an accredited test laboratory appointed for the purposes of sampling and testing Wastewater in accordance with the requirements of this Bylaw.

Introduce means to cause Trade Waste to enter a Wastewater system.

Mass Limit means the total mass of any Characteristic that may be discharged to the Public Wastewater System over any twenty-four hour period from any single Point of Discharge or collectively from several points of discharge.

Maximum Concentration means the instantaneous peak concentration of any Characteristic that may be discharged at any instant in time.

Meter means any device able to be calibrated and used to measure the flow, volume or quality of any Discharge and any ancillary equipment, devices and fitting; and 'metering' means the use of such a device or devices.

New Zealand Waste Strategy means a programme established by the Ministry for the Environment that requires effective waste management, recycling and reuse of waste.

NZS 4304 means the latest edition, complete with any amendments, of New Zealand Standard 4304:2002 Management of Healthcare Waste.

Permitted Trade Waste means trade waste which does not exceed any individual characteristic or combination of characteristics set out in Schedule 1.

Point of Discharge means the boundary between the Public Wastewater System and a Private Sewer but for the purposes of monitoring, sampling and testing, may be an alternative point, as set out in a Permit.

Pre-treatment means any processing of Trade Waste designed to reduce any Characteristic before discharge to the Public Wastewater System in order to comply with a Permit or this Bylaw.

Private Sewer means any privately owned pipe or drainage system through which wastewater flows before entering into the Public Wastewater System.

Publicly notified means published on at least one occasion in a newspaper circulating in the District, or under emergency conditions by the most practical means available at that time.

Prohibited Trade Waste trade waste that contains or is likely to contain characteristics that are prohibited or are present in concentrations that are prohibited as set out in Schedule 2.

Public Wastewater System means all pipes, pumping stations, storage tanks, wastewater treatment plants, sea outfalls and other related structures owned by or under the control of the Council, and used for the receiving, transporting, treating or disposing of Wastewater.

Sewer means any pipework that conveys Wastewater, whether privately owned or as part of the Public Wastewater System.

Stormwater means all surface run-off water resulting from precipitation events (for example drizzle, mist, rain, hail or snow).

Sludge means the material settled and removed from Wastewater during the treatment process.

Tanker Waste is water or other liquid that has waste matter in solution or suspension and which is conveyed by vehicle for disposal at an Approved Site.

Temporary Discharge means:

- (a) a discharge of an intermittent or short duration;
- (b) a short-term discharge of an unusual Trade Waste from premises subject to a Permit; or
- (c) a discharge of Tanker Waste at an approved site in the Public Wastewater System.

Trade Premises means:

- (a) any premises used or intended to be used for any business, industrial or trade purpose;
- (b) any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials;
- (c) any other premises from which a Contaminant is discharged in connection with any industrial or trade premises;
- (d) any other premises discharging Wastewater other than Domestic Wastewater, and includes any land or premises wholly or mainly used for agricultural or horticultural purposes;
- (e) a tanker truck or any other vehicle capable of receiving, storing, transporting, or discharging Trade Waste.

Trade Waste means any liquid, with or without matter in suspension or solution that is or may be discharged from Trade Premises in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature.

Wastewater means water or other liquid waste, including Domestic Wastewater and waste matter in solution or suspension, discharged to the Public Wastewater System.

Waste Minimisation means the implementation on Trade Premises, of operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes.

- 5.3 A reference in this Bylaw to introducing or discharging Trade Waste includes causing, allowing or instructing the introduction or discharge.
- 5.4 Reference should be made to section 2 of the Manawatu District Explanatory Bylaw 2014 for any other definitions not included in clause 5.2.
- 5.5 Any explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be made, amended, revoked or replaced by the Council at any time. In addition, this Bylaw should be read in conjunction with, but not in replacement of, the Drainage Bylaw, Water Supply Bylaw and Solid Waste Bylaw.

Part One – Classification of Trade Waste

6 General Classification

- 6.1 The Council may determine that any Trade Waste discharge is a Permitted Trade Waste, Conditional Trade Waste, or Prohibited Trade Waste by reference to Schedules 1 and 2.

7 Permitted Trade Waste

- 7.1 A person may discharge or introduce Permitted Trade Waste into the Public Wastewater System without a Permit .
- 7.2 Notwithstanding clause 7.1, the Council may:
 - (a) require pre-treatment of Permitted Trade Waste to a specific standard or requirement in order to prevent the discharge damaging or otherwise adversely affecting the Public Wastewater System;
 - (b) in accordance with the Act, enter and inspect premises to determine the Characteristics of the discharge to the Public Wastewater System and, in doing so, take samples of any discharge;
 - (c) give written notice to a Customer that the discharge is no longer a Permitted Trade Waste and Permit is required under this Bylaw. In accordance with clause 7.3 of this Bylaw no further Trade Waste discharges may occur until a conditional Permit is issued at the discretion of the Council.
- 7.3 Permitted discharges will remain in force until:
 - (a) in the opinion of the Authorised Officer, the discharge changes or is likely to change to the extent that it becomes Conditional or Prohibited Trade Waste;

- (b) the Council changes the controls on Trade Waste by amendment to, or replacement of, this Bylaw; or
- (c) the conditions on resource consents held by Council for the Public Wastewater System change.

7.4 The Customer must apply within 10 working days of any of the conditions in clause 7.3 being triggered.

8 Conditional Trade Waste

8.1 Any characteristic not mentioned in Schedule 1 that is present in quantities above background domestic sewage levels, but not above the prohibited levels of Schedule 2, shall cause the discharge to be the subject of a conditional Permit.

8.2 No person may discharge or introduce Conditional Trade Waste into the Public Wastewater System unless authorised to do so under a Permit.

9 Prohibited Trade Waste

9.1 No person may discharge or introduce Prohibited Trade Waste as specified in Schedule 2 into the Public Wastewater System.

Explanatory Note: Schedule 2 sets out the Characteristics that are prohibited or are present in concentrations that are prohibited in Trade Waste for the purposes of this Bylaw.

Part Two – Controls on Discharges

10 Trade Waste Discharges

10.1 No person may introduce or discharge any Trade Waste to the Public Wastewater System except in accordance with this Bylaw and

- (a) it is Permitted Trade Waste; or
- (b) they have a Permit that authorises the introduction or discharge; and
- (c) they comply with the conditions set out in that Permit.

10.2 No person may add or allow the addition of Condensing or Cooling Water, or storm water to any Trade Waste which discharges into the Public Wastewater System without the prior approval of Council.

11 Acceptance of Trade Waste

11.1 The Council is not obliged to accept any Trade Waste.

12 Storage, transportation and handling

12.1 Any person must take all reasonable steps to prevent the introduction or discharge of any of the materials listed in Clause 12.3 from entry into the Public Wastewater System as a result of leakage, spillage or other mishap.

- 12.2 No person may store, transport, handle or use, or cause or allow to be stored, transported, handled or used any Hazardous material or any of the materials listed in clause 12.3 in a way that results or may result in the material entering the Public Wastewater System.
- 12.3 Materials referred to in clauses 12.1 and 12.2 are those products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials which are likely to:
- (a) generate toxic, flammable, explosive or corrosive materials in quantities likely to be Hazardous, when mixed with the Wastewater stream; or
 - (b) be deleterious to the health and safety of the Council's staff, approved contractors and the public, or be harmful to the Public Wastewater System.
- 12.4 An Authorised Officer may refuse to grant a Permit or cancel an existing Permit where there are reasonable grounds to believe that the incorrect storage of Hazardous materials on site poses a threat to the Public Wastewater System.
- 12.5 Any person who carries out the off-site disposal of any Hazardous materials must keep records of such disposal and make those records available for inspection by the Council within 10 days of a request for inspection.
- 12.6 Every person must inform the Council immediately upon discovery of any Trade Waste leakage, spillage or other mishap, which may be in breach of any Permit or this Bylaw.

13 Disposal of Prohibited Wastes

- 13.1 Trade Premises producing Prohibited Trade Waste must provide to the Council on request full records of the disposal of waste in compliance with all statutory and regulatory requirements.

14 Tankered Waste

- 14.1 Tankered Waste must not be discharged into the Public Wastewater System by any person unless it complies with the Liquid and Hazardous Wastes Code of Practice and this Bylaw.
- 14.2 The Council may accept Tankered Wastes for discharge at an Approved Site subject to the person discharging:
- (a) Solely domestic septic tank or
 - (b) supplying material safety data sheets detailing the contents of a waste to Council and;
 - obtaining tests at their cost to determine the Characteristics of the waste to the extent they are unknown, demonstrating that the contents are not Prohibited Trade Waste and;
 - not collecting or transporting the waste to the Approved Site until appropriate arrangements and methods for disposal have been approved by the Council;

- (c) thoroughly washing the tanker in between loads of waste before disposal into the Public Wastewater System; and
 - (d) providing 48 hours' notice before the disposal of wastes other than those sourced from domestic septic tanks.
- 14.3 Any person illegally disposing of, or causing to be disposed, Tankered Waste either by incorrect disclosure of contents (Characteristics and/or amount) or dumping into the Public Wastewater System other than at an Approved Site will be in breach of this Bylaw.
- 14.4 Any water used during the repair and construction of water mains must be de-chlorinated prior to the discharge into the sewerage system. Application for a temporary discharge Permit must be made. Such water may not be disposed of into stormwater or adjacent water courses without appropriate approvals.

Part Three – Trade Waste Permits

15 Requirements for Permits

- 15.1 Every person who wishes to:
- (a) discharge any Controlled Trade Waste (either continuously, intermittently or temporarily) into the Public Wastewater System; or
 - (b) vary a Permit including any Characteristic; or
 - (c) significantly change the method or means of pre-treatment for the discharge of Trade Waste under a Permit:
- must complete an application in the form prescribed by Council, and the application must be accompanied by the applicable fee set out in the Council Fees and Charges.
- 15.2 The Council may require completion of an application form for Permitted Trade Waste as well, but only so as to determine whether in fact it is a permitted activity/discharge.
- 15.3 Council require a Discharge Management Plan to accompany the application for Permit
- 15.4 The Council may request further information to be provided at the applicant's expense in support of the application.
- 15.5 Where a Trade Premises have separate Points of Discharge from more than one area, an application must be accompanied by a description of the Trade Waste to be discharged from each area. The Council may require a separate application for Permit to discharge Trade Waste from each Point of Discharge.
- 15.6 The Council may, in its discretion:
- (a) grant the application in whole or in part, and issue a Permit subject to any conditions the Council considers appropriate;
 - (b) grant an application to vary a Permit in whole or in part, and subject to any conditions the Council considers appropriate; or
 - (c) decline any application and provide reasons in writing for doing so.

16 Consideration of Applications

- 16.1 In considering an application under clause 15 the Council will consider the quality, volume, and rate of discharge of the Trade Waste from the Trade Premises or tanker and any other matter that it considers on reasonable grounds to be relevant, which may include:
- (a) the health and safety of any person;
 - (b) the limits and/or maximum values for a Characteristic as specified in Schedules 1 and 2 of this Bylaw;
 - (c) the extent to which the Trade Waste may react with other liquid wastes in the Public Wastewater System to produce an undesirable effect e.g. settlement of solids, production of odours, accelerated corrosion, and deterioration of the sewerage system, etc.;
 - (d) the flows, velocities, timing and balancing of flows to the Public Wastewater System and the material or construction of any part of that system;
 - (e) the capacity of the Public Wastewater System and any part of that system;
 - (f) the nature of any wastewater treatment process and the degree to which the Trade Waste is capable of being treated in the Public Wastewater System;
 - (g) the compliance history of an owner, applicant, or person discharging with regards to any other Trade Waste Permit;
 - (h) the effect of the Trade Waste discharge on the ultimate receiving environment;
 - (i) the possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the Public Wastewater System and the environment;
 - (j) other existing or future discharges;
 - (k) any statutory requirements relating to the discharge of raw or treated Wastewater or Sludge to receiving environments, including water, land or air environments;
 - (l) limitations for Sludge disposal and re-use;
 - (m) control of stormwater;
 - (n) The fitting of interceptor traps at commercial premises where oils, grit or other pollutants are likely to be present, and information on how these will be operated and maintained;
 - (o) Tankered Waste being discharged at an Approved Site(s);
 - (p) the ways in which Trade Waste may be disposed of other than via the Public Wastewater System;
 - (q) Refuse or garage grinders, and macerators operation and maintenance;

- (r) the extent to which the applicant has adopted or is able to adopt Cleaner Production practices and waste minimisation practices; and
- (s) any other matter that the Council considers relevant to the application.

16.2 The Council may have regard to any planning documents or Council policies, as well as any Discharge Management Plan and/or emergency response procedures it considers relevant to the application.

17 General Conditions

17.1 The Council may impose any condition of Permit it feels is necessary to ensure that the purpose of this bylaw in Clause 2 is achieved.

17.2 Any Permit may be granted subject to such conditions that the Council considers appropriate, including, but not limited to:

- (a) the limits set out in Schedule 1 of this Bylaw;
- (b) The provision of appropriate pre-treatment systems to the extent that the discharge can comply with the bylaw, and information on how the system will be operated and maintained;
- (c) the particular Approved Site(s) or Point(s) of Discharge to which the discharge will be made;
- (d) the average and maximum daily volume of the discharge, the average and maximum rate of discharge, and the duration of any maximum discharge;
- (e) the average maximum limit and/or permissible range of any Characteristics of the discharge, including mass limits and concentrations;
- (f) the period or periods of the day during which the discharge or a particular concentration or volume of discharge may be made;
- (g) the degree of acidity or alkalinity of the discharge at the time of discharge;
- (h) the temperature of the Trade Waste at the time of discharge;
- (i) the provision and maintenance at the Permit Holder's expense of appropriate screens, Grease Traps, silt traps or other pre-treatment works, equipment or storage facilities designed to control discharge Characteristics to the Permitted levels;
- (j) the provision and maintenance at the Permit Holder's expense of inspection chambers, manholes or other apparatus or devices to provide reasonable access to sewers for sampling and inspection;
- (k) the provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements, at the Permit holder's expense;
- (l) the method to be used for measuring flow rates and volume of discharge, as well as for taking samples of the discharge for use in determining the amount of any applicable Trade Waste charges;

- (m) the frequency of inspections by the Council of records of discharge flows and volumes, as well as off-site disposal of Hazardous materials, and the time limits for the provision of this information;
- (n) the implementation of a Discharge Management Plan or emergency response procedures;
- (o) risk assessment of damage to the environment due to an accidental discharge of a chemical;
- (p) Waste Minimisation practices;
- (q) Cleaner Production practices;
- (r) remote control of discharges;
- (s) the Permit Holder's use of third parties for treatment, carriage, discharge or disposal of by-products of Hazardous materials and by-products of pre-treatment of Trade Waste;
- (t) the provision of a bond or insurance in favour of the Council where failure to comply with the Permit could result in damage to the Public Wastewater System, or could result in the Council being in breach of any statutory obligation;
- (u) Imposing conditions on the maintenance of equipment, including monitoring timeframes for Permit Holders to provide reports of inspection and maintenance.
- (v) The following specific requirements for activities:
 - Food premises discharging trade wastes will install grease traps, operate these in accordance with manufacture specifications and maintain these in good working order;
 - Dentists install suitable amalgam traps on all spittoons and on sink wastes used for washing dentistry equipment, and information on how these will be operated and maintained;
- (w) the indemnification of the Council by the Permit Holder against claims for damage or loss arising from the Permit Holder's discharge or interruptions to that discharge; and
- (x) any other condition the Council considers appropriate.

17.3 When setting mass limit allocations for a particular characteristic the Council shall consider:

- (a) The operational requirements of and risk to the sewerage system, and risks to occupational health and safety, public health, and the ultimate receiving environment;
- (b) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of bio-solids or sewage sludge;

- (c) Conditions in the sewerage system near the trade waste discharge point and elsewhere in the sewerage system;
- (d) The extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;
- (e) Whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for industrial capacity;
- (f) Any requirements of the Council to reduce the pollutant discharge of the sewerage system;
- (g) How great a proportion the mass flow of a characteristic of the discharge will be of the total mass flow of that characteristic in the sewerage system;
- (h) The total mass of the characteristic allowable in the sewerage system, and the proportion (if any) to be reserved for future allocations; and
- (i) Whether or not there is an interaction with other characteristics which increases or decreases the effect of either characteristic on the sewer reticulation, treatment process, or receiving water (or land).

18 Duration of Permit

- 18.1 A Permit may be granted for a term up to five years.
- 18.2 A Permit holder may at any time during the term of a Permit, by written application to the Council, seek to vary any condition of Permit in accordance with clause 15 of this Bylaw.
- 18.3 In considering term, the Council will have regard to, without limitation:
 - (a) the ability of the applicant to meet the conditions of a Permit by reference to the nature of the activity, the process design and/or the management of the Trade Premises;
 - (b) whether Cleaner Production techniques are successfully being utilised, or that a responsible investment in Cleaner Production equipment or techniques is being made; and
 - (c) whether significant investment in pre-treatment facilities has been made by the applicant, such that a longer period of certainty for the amortising of this investment is considered reasonable.

19 Permit Variation

- 19.1 The Council may, on its own initiative and at any time during the term of a Permit, by written notice to the Permit Holder vary any Permit condition to the extent that the Council, on reasonable grounds, considers it necessary or desirable. Reasons for variation may include to:
 - (a) address any change in the nature, quality or Characteristics of the discharge;

- (b) address any change in the Public Wastewater System;
- (c) meet any resource consent or condition imposed on the discharge from any of the Council's Wastewater Treatment Plants;
- (d) meet any other legal requirement imposed on the Council;
- (e) address any other matter reasonably related to the Permit.

20 Suspension or cancellation of the right to discharge

20.1 The Council may at any time suspend or cancel a Permit or right to discharge if, in the opinion of the Council:

- (a) a Permit Holder or person discharging is in breach of any condition of Permit;
- (b) a Permit Holder or person discharging fails to maintain effective control over the Trade Waste discharge;
- (c) a Permit Holder or person discharging fails to comply with any provision of this Bylaw;
- (d) any negligence which threatens the safety of, or threatens to cause damage to any part of, the Public Wastewater System or threatens the health or safety of any person;
- (e) a discharge causes a serious threat to the environment or circumstances which make it necessary in the public interest to cancel the Permit;
- (f) there has been non-compliance or breach of a resource consent held by the Council for the Public Wastewater System;
- (g) Failure to provide and when appropriate update a Discharge Management Plan as required for a conditional Permit;
- (h) the Discharge Management Plan has not been followed at the time of an unexpected, unscheduled or accidental occurrence; or
- (i) charges incurred under this Bylaw have not been paid by the Permit Holder or person discharging.

20.2 The Council must provide 20 working days' written notice to the Permit Holder or person discharging Trade Waste of the suspension or cancellation of Permit.

20.3 A Permit Holder may submit a response to Council for its consideration against the suspension or cancellation of a Permit within the 10 working days from receiving notice from Council.

20.4 The Council may, at any time, suspend or cancel a Permit or a right to discharge with immediate effect by providing the Permit holder or person discharging Trade Waste written notice when, in the opinion of the Council:

- (a) the Permit Holder discharges any Prohibited Waste;

- (b) the continuance of a discharge is a threat to the environment, public health or the safety of any person;
 - (c) the continuance of a discharge may put at risk the Council's ability to comply with conditions of a resource Permit and/or requires additional treatment measures or costs to avoid any non-compliance; or
 - (d) it is necessary for the Council to comply with any other legal requirement.
- 20.5 The suspension or cancellation of a Permit under this clause does not limit the Council's powers under this Bylaw, the Act, or any other enactment where a person commits an offence.

21 Disconnection

- 21.1 The Council reserves the right to disconnect the Trade Waste premises from the Public Wastewater System in the following circumstances:
- (a) following suspension or cancellation under clause 20;
 - (b) the person discharging breaches Part 1 or 2 of this Bylaw;

Part Four – Miscellaneous

22 Metering

- 22.1 The Council may require flow or volume metering of Trade Waste discharge as a condition of Permit where:
- (a) a reasonable relationship between a metered water supply to the premises, and the discharge of Trade Waste does not exist; or
 - (b) the Council will not approve a method of flow estimation; or
 - (c) in the opinion of the Council, the discharge represents a significant proportion of the total flow/load of Wastewater it receives.
- 22.2 Where metering is required by way of a condition of Permit, the following matters must be complied with:
- (a) the Permit Holder will be responsible for the supply, installation, reading and maintenance of any Meter required by the Council for the measurement of the flow rate and volume of the Trade Waste discharge;
 - (b) any device must be approved by Council but will remain the property of the Permit Holder;
 - (c) records of flow rate and/or volume must be available for viewing at any time by the Council, and must be submitted to the Council at prescribed intervals by the Permit Holder in the format approved by the Council;

- (d) meters must be located in a position approved by the Council which is consistent with the manufacturer's installation specifications, provides the required degree of accuracy and is readily accessible for reading and maintenance;
 - (e) the Permit Holder must arrange for in situ calibration of the volume and/or flow rate metering equipment and instrumentation by a person and method approved by the Council at the time of installation and at least once a year thereafter to ensure its performance. The meter accuracy should be $\pm 10\%$ but with no greater a deviation from the previous meter calibration of $\pm 5\%$. A copy of independent certification of each calibration, must be submitted to the Council.
- 22.3 Should any Meter, after being calibrated, be found to have an error greater than that specified in clause 22.2 as a repeatable measurement, the Council may make an adjustment in accordance with the results shown by such tests back-dated for a period at the discretion of the Council but not exceeding 12 months, and the Permit holder must pay or be credited a greater or lesser amount according to such adjustment.
- 22.4 Where any Meter is out of repair or ceases to register or is removed, the Council will estimate the discharge for the period since the previous reading of the Meter based on the:
- (a) average of the previous 12 months' readings; or
 - (b) any other reasonable factors where it can be shown by the Permit Holder that estimation based on the method in (a) would be unreasonable.
- 22.5 Where a Meter has been tampered with the Council (without prejudice to the other remedies available) may declare the reading void and estimate the discharge as provided in clause 22.4.

23 Sampling and Monitoring

- 23.1 Sampling, testing and monitoring may be required by the Council to determine if:
- (a) a discharge complies with the provisions of this Bylaw;
 - (b) a discharge is Permitted, Conditional, or Prohibited Trade Waste; and
 - (c) any charges are applicable to that discharge in accordance with this Bylaw.
- 23.2 Authorisation for entry to premises is given under the LGA and entry shall be in compliance with the health and safety policies of that particular site.
- 23.3 The Council or an Independent Analyst may at any reasonable time and in accordance with the Act enter and/or access any Trade Premises believed to be discharging Trade Waste in order to determine the Characteristics of any Trade Waste discharge by:
- (a) taking readings and measurements;
 - (b) carrying out an inspection, including observing accidental occurrences and clean-ups; and/or
 - (c) taking samples for testing,

of any solid, liquid, or gaseous material or any combination or mixture of such materials being discharged.

- 23.4 Sampling and analysis must be undertaken to the satisfaction of the Council.
- 23.5 Council will provide notice to the Permit Holder or occupier that a reading or sample was taken in accordance with this clause.
- 23.6 The Permit Holder will be responsible for all reasonable costs of sampling and monitoring under this clause.
- 23.7 Where a dispute arises as to sampling or analysis under this clause, the dispute must be submitted to a technical expert nominated by Council or an independent arbitrator for resolution and each party must bear their own costs and contribute equally to the costs of the arbitrator.
- 23.8 In situations where monitoring is not required under a Permit or otherwise, it is the responsibility of the person discharging to ensure that any discharge from the Trade Waste premises complies with this Bylaw.

24 Fees and Charges

- 24.1 The council may from time to time by resolution set fees and charges payable by Permit Holders or occupiers of Trade Premises for:
- (a) administering this Bylaw;
 - (b) processing Permit applications, as well as administering and monitoring Permits under this Bylaw; and
 - (c) receiving, treating and disposal of Trade Waste.

25 Transfer or Termination of Rights and Responsibilities

- 25.1 A Permit Holder must not, without the written approval of the Council:
- (a) transfer to any other party the rights and responsibilities provided for under a Permit and/or this Bylaw;
 - (b) allow a Point of Discharge to serve another premises, or the Private Sewer to that point to extend by pipe or any other means to serve another premises; or
 - (c) without limiting clause 25.1(b), allow Wastewater from any other party to be discharged at their Point of Discharge.
- 25.2 Renewal of a Permit on change of ownership of a Trade Waste premises must not be unreasonably withheld by Council if the Characteristics of the discharge remain the same.
- 25.3 The Permit Holder or person discharging must give 48 hours' notice in writing to the Council of disconnection of the discharge connection and/or termination of the Permit, except where demolition or relaying of the discharge sewer is required, in which case the notice must be within seven working days.

- 25.4 On permanent disconnection and/or termination the Permit Holder or person discharging may at the Council's discretion be liable for Trade Waste charges to the end of the current charging period. It will be the responsibility of the disconnecting party to provide their new address for delivery of the final invoice.
- 25.5 When a person discharging ceases to occupy premises from which Trade Wastes are discharged into the Wastewater system, any Permit will terminate, but without relieving the Permit Holder or person discharging from any obligations existing at the date of termination.

Part Five – Offences, Repeals and Savings

26 Offences and Breaches

- 26.1 Every person who commits a breach of this Bylaw commits an offence and is liable to pay:
- (a) the maximum fine under the Act; and
 - (b) any other fine or penalty specified in another Act for the breach of the Bylaw.

Explanatory Note: This clause should be read in conjunction with clauses 13, 14 and 15 of the Manawatu District Explanatory Bylaw 2014.

27 Repeals, Savings and Transitional Provisions

- 27.1 Any Permit, exemption or approval granted under Chapter 15 of the Manawatu District Bylaw 2008 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a Permit, exemption or approval of that kind issued under this Bylaw, but:
- (a) expires on the date specified in such exemption, Permit or approval; or
 - (b) where no expiry date is specified, expires 12 months from the commencement of this Bylaw; and
 - (c) may be renewed only by application made and considered in accordance with this Bylaw.

This Bylaw was made by the Manawatu District Council by resolution at a Council meeting on <<Date>> and must be reviewed within five years.

Sealed with the Common Seal
of the MANAWATU DISTRICT COUNCIL
in the presence of:

Mayor

Chief Executive

Schedule 1: Permitted Discharge Characteristics

Introduction

The nature and levels of the Characteristics of any Trade Waste discharged to the Council system must comply at all times with the following requirements, except where the nature and levels of such Characteristics are varied by the Council as part of a Permit to discharge a Trade Waste.

The Council may take into consideration the combined effects of Trade Waste discharges and may make any modifications to the following Characteristics for individual discharges that the Council considers are appropriate.

The nature and levels of any Characteristic may be varied to meet any new resource consents or other legal requirements imposed on the Council.

Physical Characteristics

Flow

- a. The 24 hour flow volume must be less than 5 m³.
- b. The maximum instantaneous flow rate shall be less than 2.0 L/s.
- c. *Note that Trade Waste Discharges in excess of these flow limits may be subject to Mass Limits in accordance with their Trade Waste Permit.*

Temperature

The temperature must not exceed 40 °C.

Solids

- a. Non-faecal gross solids must have a maximum dimension which may not exceed 15 mm.
- b. The suspended solids content of any Trade Waste must have a maximum concentration which must not exceed 2000 g/m³. For significant industry this may be reduced to 600 g/m³.
- c. The settleable solids content of any Trade Waste must not exceed 50 mL/L.
- d. The total dissolved solids concentration in any Trade Waste will be subject to the approval of the Council having regard to the volume of the waste to be discharged, and the suitability of the Public Wastewater System to accept such waste.
- e. Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of sewage in the Public Wastewater System must not be present.

Oil and grease

- a. There may be no free or floating layer.
- b. A Trade Waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of the Council is not biodegradable, must not exceed 200 g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage, throughout the range of pH 6.0 to pH 10.0.

- c. A Trade Waste with oil, fat or grease unavoidably emulsified, which in the opinion of the Council is biodegradable may not exceed 500 g/m³ when the emulsion is stable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0.
- d. Emulsified oil, fat or grease must not exceed 100 g/m³ as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0.

Solvents and other organic liquids

There must be no free layer (whether floating or settled) of solvents or organic liquids.

Emulsions of paint, latex, adhesive, rubber, plastic

- a. Where such emulsions are not treatable these may be discharged into the Public Wastewater System subject to the total suspended solids not exceeding 1000 g/m³ or the concentration agreed with the Council.
- b. The Council may determine that the need exists for pre-treatment of such emulsions if they consider that Trade Waste containing emulsions unreasonably interferes with the operation of the Council's Wastewater treatment plant e.g. reduces % UVT ultra violet transmission).
- c. Such emulsions of both treatable and non-treatable types may be discharged to the sewer only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the Public Wastewater System.

Radioactivity

Radioactivity levels must not exceed [National Radiation Laboratory Office of Radiation Safety Code of Practice CSP1 for the use of Unsealed Radioactive Material Guidelines](#).

Pharmaceutical Waste

[Liquid waste discharged monthly from pharmacies that does not exceed the following volumes and concentrations of active ingredients:](#)

Volume Limit	Active Concentration
10 litres	125mg/5ml
5 litres	250mg/5ml
3 litres	Above 250mg/5ml

[Any discharge above these limits is a controlled discharge and will require a Trade Waste permit.](#)

[No waste may contain cytotoxic waste or liquid antibiotics, which are prohibited.](#)

Colour

No waste may have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the Council's own treated Wastewater discharge consent.

Chemical Characteristics**pH value**

The pH must be between 6.0 and 9.0 at all times.

Organic strength

The Biochemical Oxygen Demand (BOD₅) of any waste may be restricted where the capacity for receiving and treating BOD₅ is limited. A BOD₅ restriction may be related to mass limits.

Where there is no Council treatment system for organic removal the BOD₅ may not exceed 1000 g/m³. For significant industry this may be reduced to 600 g/m³.

Maximum concentrations

The maximum concentrations permissible for the Characteristics of an acceptable discharge are set out in Table 1 (general chemical characteristics), Table .2 (heavy metals) and Table 3 (organic compounds and pesticides).

Mass limits may also be imposed for larger discharges as part of a Trade Waste Permit.

Table 1 General Chemical Characteristics

Characteristic	Measured as	Maximum Concentration (g/m ³)
Anionic detergent	MBAS (Methylene Blue Active Substances)	500
Ammonia	N	50
- free ammonia		200
- ammonium salts		
Kjeldahl Nitrogen	N	150
Total Phosphorus	P	50
Sulphate	SO ₄	500 1500 (with good mixing)
Sulphite	SO ₂	15
Chlorine	Cl ₂	
- free chlorine		3
- hypochlorite		30

Dissolved Aluminium	Al	100
Dissolved Iron	Fe	100
Boron	B	25
Bromine	Br ₂	5
Fluoride	F	30
Cyanide -	CN weak acid dissociable	5

Table.2 Heavy Metals

Metal	Maximum Concentration (g/m³)	Metal	Maximum Concentration (g/m³)
Antimony	10	Manganese	20
Arsenic	5	Mercury	0.05
Barium	10	Molybdenum	10
Beryllium	0.005	Nickel	10
Cadmium	0.5	Selenium	10
Chromium	5	Silver	2
Cobalt	10	Thallium	10
Copper	10	Tin	20
Lead	10	Zinc	10

Table 3 Organic Compounds and Pesticides

Compound	Maximum Concentration (g/m³)
Formaldehyde (as HCHO)	50
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	1
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Polychlorinated biphenyls (PCBs)	0.002
Polybrominated biphenyls (PBBs)	0.002 each
Pesticides (general) (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand)	0.2 in total
Organophosphate pesticides	0.1
	0.1

Schedule 2: Prohibited Characteristics

Any discharge has prohibited Characteristics if it has any solid liquid or gaseous matters or any combination or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:

- (a) Interfere with the free flow of Wastewater in the Public Wastewater System;
- (b) Damage any part of the Public Wastewater System;
- (c) In any way, directly or indirectly, cause the quality of the treated Wastewater or residual biosolids and other solids from any Wastewater treatment plant in the catchment to which the waste was discharged to breach the conditions of a Consent issued under the Resource Management Act 1991, or water right, permit or other governing legislation;
- (d) Prejudice the occupational health and safety of workers maintaining or operating the Wastewater
- (e) After treatment be toxic to fish, animals or plant life in the receiving environment;
- (f) Cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a Nuisance; or
- (g) Have a colour or colouring substance that causes the discharge from any Wastewater treatment plant to receiving waters to be coloured.

A discharge has prohibited Characteristics if it has any Characteristic which exceeds the concentration or other limits specified in Schedule 1 unless specifically approved by Council by way of a Permit.

A discharge has a prohibited Characteristic if it has any amount of:

- (a) Harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
- (b) Liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1A), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage;
- (c) Asbestos;
- (d) Tin (as tributyl and other organotin compounds);
- (e) Any organochlorine pesticides;
- (f) Cytotoxic waste or liquid antibiotics
- ~~(f)~~(g) Genetic wastes, as follows:
 - i. All wastes that contain or are likely to contain material from a genetically modified organism that is not in accordance with an approval under the Hazardous Substances and New Organisms Act. The material concerned may be

from premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed;

- ii. Any health care waste prohibited for discharge to a sewerage system by NZS 4304 or any pathological or histological wastes; or
- iii. Radioactivity levels in excess of the [National Radiation Laboratory Office of Radiation Safety Code of Practice CSP1 for the use of Unsealed Radioactive Material Guidelines](#).

Traffic Safety and Road Use Bylaw 2015

Contents

1	Preliminary Provisions	1
2	Purpose	1
3	Commencement	1
4	Interpretation and Definitions	1
	Part One – Parking.....	5
5	General Requirements	5
6	Stopping, Standing and Parking	5
7	Mobility Parking	6
8	Special Vehicle Parking	7
9	Stopping in Loading Zones and Special Service Lanes	7
	Part Two – Roadway and Traffic Controls.....	7
10	Vehicle and Road Use	7
11	Heavy Vehicle Restrictions.....	8
12	Engine Brakes.....	8
13	Obstructions of Roads.....	9
14	Damage to Signs.....	9
15	Temporary Restrictions on the Use of Roads	9
	Part Four - Speed Limits	9
16	Setting Speed Limits.....	9
	Part Five - Stock on Roads	10
17	Application	10
18	Urban Areas	10
19	Droving of Stock	10
20	Regular Stock Crossing of Roads	11
21	Stock Crossing Consent	11
22	Temporary Restrictions.....	12
23	Suspension or Cancellation of Consent	12
24	Transfer or Termination of Consent	12
	Part Six- Offences	12
25	Non-compliance with this Bylaw	12
26	Offences and Penalties	13
27	Exceptions.....	13
	Part Seven- Repeals, Savings and Transitional Provisions	13

28	Repeals, Savings and Transitional Provisions.....	13
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Traffic Safety and Road Use Bylaw 2015

1 Preliminary Provisions

- 1.1 This Bylaw is the **Traffic Safety and Road Use Bylaw 2015**.
- 1.2 This Bylaw is made under the Land Transport Act 1998, the Resource Management Act 1991 and the Local Government Act 2002.
- 1.3 This Bylaw covers a broad range of issues, many of which are governed by a number of Acts and Regulations. This bylaw is an instrument to be read as an addendum to those other Acts and Regulations.

2 Purpose

- 2.1 The purpose of this Bylaw is to:
- (a) Regulate parking and control of vehicle traffic on any Road or Service Lane managed or controlled by the Council;
 - (b) Provide for the orderly driving and control of stock on roads in the District, with regard to the safety of road users and to minimise damage to, and avoid nuisance, on the roads.

3 Commencement

- 3.1 This Bylaw commences on 2015.

4 Interpretation and Definitions

- 4.1 The provisions of the Manawatu District Explanatory Bylaw 2014 and its amendments are implied into and form part of this Bylaw.
- 4.2 In this Bylaw, unless the context requires otherwise:

Act means the Land Transport Act 1998.

Approved Disabled Person's Parking Permit means a displayed permit label provided by Disability New Zealand

Authorised Officer means any person appointed or authorised by the Council to act on its behalf and with its authority including a parking warden appointed by Council under section 128D of the Land Transport Act 1998 or any Police Officer.

Bicycle includes every bicycle, tricycle, unicycle, velocipede or similar carriage designed to be propelled solely by the muscular energy of the rider, but does not include a wheelchair or similar vehicle.

Bus means a Vehicle designed solely or principally for the carriage of 13 persons or more, including the driver.

Carriageway means that part of a Road constructed or made for use of vehicular traffic and includes any shoulder, edging, kerbing or channelling.

Bicycle Lane means any road or part of a road which has been declared a Bicycle Lane by a resolution of Council.

Designated means an area or space as specified by a resolution of Council.

Drive means to direct or guide movement of Stock and includes to lead.

Driver of a Vehicle includes any person in charge of the Vehicle.

Footpath includes, without limiting the meaning of the term “Footpath” as defined in clause 2.1 of the Manawatu District Explanatory Bylaw 2014, any part of a vehicle crossing or temporary crossing laid out or constructed over a Footpath, and related edging, kerbing, channelling and any footbridge.

Goods Service Vehicle means a Vehicle designed exclusively or principally for the carriage of goods, but does not include a tractor.

Heavy Vehicle has the same meaning as in the Land Transport (Road User) Rule 2004.

Horse includes any ass, or mule.

Hours of Daylight means 30 minutes before sunrise to 30 minutes after sunset.

Loading Zone has the same meaning as in the Land Transport (Road User) Rule 2004.

Mobility Park means a Parking Space reserved by Council, by resolution, for the exclusive use of disabled persons.

Network Utility Operator has the meaning set out in section 166 of the Resource Management Act 1991.

Parking and Park mean:

- (a) in relation to any road, the stopping, standing or parking of a Vehicle for any period exceeding five minutes on that Road;
- (b) in relation to any other portion of any land or building, the stopping, standing or parking of a vehicle on that portion of land or building; and
- (c) includes all necessary approaches and means of entrance to and egress from any such Road, land or building; but
- (d) does not include a vehicle picking up or setting down passengers in a Loading Zone or Reserved Parking Space.

Parking Place means any areas of Road, Land or Public Place (including a building) which the Council has designated for the stopping, standing or parking of vehicles or any class of vehicle.

Parking Space means an area within any Parking Place which has been marked out to accommodate a vehicle.

Passenger Service Vehicle means a vehicle used or available for use in a passenger service for the carriage of passengers.

Prescribed Signs has the same meaning as a Traffic Control Device as defined in the Land Transport Rules : Traffic Control Device 2004

Reserved Parking Space means any Parking Place which has been designated by the Council as reserved Parking and which is clearly marked by a sign, notice, number or otherwise as being not available for public parking.

Service Lane refers to a parcel of land set aside primarily for providing a corridor for utilities or servicing commercial premises, and not primarily for providing vehicle access to properties.

Speed Limit has the same meaning as in the Land Transport Rule: Setting of Speed Limits 2003.

Special Vehicle Lane means a lane defined by signs or markings as restricted to a specified class of vehicle; and includes without limitation a Bus Lane, Transit Lane and Bicycle Track.

Stock Crossing means the authorised movement of stock across a road at a fixed location and under the control of a qualified person.

Stock Droving means the movement of stock across or along a road under the control of a qualified person, without a fixed location.

Stock Vehicle means a vehicle that is carrying Stock.

Stock Movement means any movement of stock on, across or along a road where the Animals move by their own efforts and are free of individual control, such individual control being by means of being ridden or lead or driven on a bridle, halter, collar or similar restraint.

Stock Movement Consent means consent from the Council which authorises the movement of stock on, across or along a road.

Traffic Lane means that portion of the road used or reasonably usable for the time-being for vehicular traffic in general.

Traffic Management Plan means a plan, drawing, sketch or map approved by Council as showing the method or measures for ensuring the safety of Stock and all other road users.

4.3 Reference should be made to section 2 of the Manawatu District Explanatory Bylaw 2014 for any other definitions not included in clause 4.2 of this Bylaw.

4.4 Unless the context requires another meaning, a term of expression that is defined in the Act or Rules made under the Act and used, but not defined in this Bylaw or the Explanatory Bylaw, has the meaning given by the Act.

- 4.5 Any explanatory notes are for information purposes only. They do not form part of the Bylaw, and may be made, amended, revoked or replaced by the Council at any time.
- 4.6 In addition, the Bylaw should be read in conjunction with, but not in replacement of the Public Places Bylaw, Freedom Camping Bylaw, and Street Users Bylaw.

Part One – Parking

5 General Requirements

5.1 Council may by resolution, permanently or temporarily:

- (a) prohibit or restrict the stopping, standing or parking of Vehicles of any specified class or description on any Road or Service Lane, including the time, manner and conditions for the parking of Vehicles on any part of the Road;
- (b) designate any land or building to be a Parking Place;
- (c) prohibit or restrict any specified class of Vehicle from being driven or parked on any specified Road, or part of a Road, (including any bridge, culvert, beach or other Public Place) or Parking Place; and
- (d) reserve any part of a Road as a Loading Zone, including the time, manner and conditions for the parking of vehicles, other than Good Service Vehicles, in a Loading Zone;
- (e) prohibit or restrict Vehicles being displayed for the purpose of sale, exhibition or demonstration on any Road, Public Place or part thereof.

5.2 This clause is subject to the Council erecting Prescribed Signs.

5.3 The Council may mark out Parking Spaces within any Parking Place.

5.4 Except with the written consent of Council, a person must not park a Vehicle or use any Parking Place or Parking Space in contravention of a prohibition or restriction made under this clause.

6 Stopping, Standing and Parking

6.1 No person may stop, stand, Park or turn a Vehicle, Heavy Vehicle, Goods Services Vehicle or any Stock Vehicle in breach of a prohibition or restriction made by Council under this Bylaw and evidenced by Prescribed Signs and/or Road markings.

6.2 No person may stop, stand or Park a Vehicle so it:

- (a) extends into an adjoining and unoccupied Parking Space (unless it is of a size which makes it unavoidable);
- (b) protrudes further than 5.2 metres from the kerb line when it is angle parked in a parking space; and
- (c) is within a Parking Space already occupied by another vehicle, with the exception of motorcycles, as dealt with below; or
- (d) obstructs a Loading Zone or Special Vehicle land for longer than is reasonably necessary for dropping or picking up passengers.

Explanatory Note: This clause does not apply to these containers that are used solely for the purpose of domestic refuse or recycling as authorised by the Council and placed off the roadway, provided that such containers are not left on any Road or Public Place for a period exceeding 48 hours. For more information see the Solid Waste Bylaw 2015.

- 6.3 No more than six motorcycles may occupy any Parking Space at the same time, and such motorcycles must park at right angles to the kerb in the Parking Space.
- 6.4 Clause 6.2 does not apply to a Goods Services Vehicle when it is:
- (a) loading or unloading a delivery undertaken with due consideration for the safety and convenience of other road users; and
 - (b) alternative access for loading or unloading the vehicle was not available.
- 6.5 Except with the written consent of the Council, or as indicated by signage, no person may stop, stand or park a vehicle either wholly or partly on a footpath, grass verge, garden or in any area that is not designed and constructed to accommodate a Vehicle.
- 6.6 A person may stop, stand or park a bicycle or mobility device on a footpath, if it does not unreasonably obstruct any other user of the footpath.
- ~~6.7~~ No person may stop, stand, park or place any machinery, equipment, materials, or freight containers on any Road or Public Place except with consent of the Council.
- ~~6.7.8~~ A person may stop, stand or park a registered vehicle, except a heavy vehicle, on a Service lane, if it does not unreasonably obstruct any other user of that Service Lane.

7 Mobility Parking

- 7.1 The Council may, by resolution, designate any Parking Place or Parking Space for the exclusive use of disabled persons.
- 7.2 A person may stop, stand or Park in a Mobility Park only:
- (a) when a current Approved Disabled Persons Parking Permit is on display and clearly legible; and
 - ~~(b)~~ the Vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.
 - ~~(b)(c)~~ For up to one additional hour over the time limit specified, unless the time limit specified is 15 minutes (in which case no additional time is allowed).
- ~~7.3~~ Clause 7.2 does not apply to a Vehicle conveying a Disabled Person and displaying an Approved Disabled Person's Parking Permit if:
- ~~(a)~~ A disabled person is embarking or disembarking while a Vehicle is stopped, or Parked in a Loading Zone or Special Vehicle Park; or
 - ~~(b)~~ the Vehicle does not exceed any time limit specified for the Parking Place by more than an hour, unless the restriction is for 15 minutes and this clause will not apply.

7.47.3 The disabled person(s) Parking places are listed in Council's Traffic Control Register and are deemed to be authorised under clause 7.1.

8 Special Vehicle Parking

- 8.1 The Council may, by resolution, designate and mark out any part of any Road as a stopping place or a stand for:
- (a) Passenger Service Vehicles including bus stops;
 - (b) Any other specified class of vehicle (for example a bicycle stand or taxi stand); or
 - (c) Any specified class of person including, but not limited to, the judiciary, the Police, Diplomatic Corps, medical practitioners and Senior Citizens).
- 8.2 No person may, without the written consent of the Council, cause or permit a Vehicle to be parked in a Special Vehicles Park.
- 8.3 Any application under this clause must be in writing and accompanied by the fee set out in Council's Fees and Charges from time to time.
- 8.4 The Council may grant consent subject to any conditions it sees fit, including, with particular regard to, among other things:
- (a) duration, use and management of the Special Vehicles Park; and
 - (b) the fees payable for use of the Special Vehicles Park.

9 Stopping in Loading Zones and Special Vehicle Lanes

- 9.1 No driver may stop, stand or park a Vehicle in a Special Vehicle Lane or Loading Zone so as to cause an obstruction, except for so long as is reasonably necessary to load or unload goods or passengers.

Part Two – Roading and Traffic Controls

10 Vehicle and Road Use

- 10.1 The Council may, by resolution, permanently or temporarily:
- (a) prohibit or restrict, the use of any Road, by any Vehicle of any specified class or description;
 - (b) designate a Road to be a One-Way Road;
 - (c) provide that Vehicles must drive in one specified direction;
 - (d) prescribe any traffic lane be used for the turning of any Vehicle;

- (e) prohibit Vehicles and Bicycles of any specified class or description from performing U-turns or turning to the right or left on a Road or part of a Road; and
- (f) designate any part of a Road a Special Vehicle Lane .

10.2 This clause is subject to the Council erecting Prescribed Signs.

10.3 A person must not use the Road in contravention of a prohibition or restriction made under this clause, without the written consent of Council.

11 Heavy Vehicle Restrictions

11.1 No person may drive, or permit to be driven, any Heavy Vehicle except a Passenger Service Vehicle on or along any Road or Service Lane in contravention of a resolution under clause 15 of this Bylaw unless:

- (a) the Vehicle is used for the express purpose of visiting a property with frontage to the Road or Public Place described in the resolution;
- (b) for the purposes of loading or unloading goods or passengers at any property whose access is by way of the Road or Public Place;
- (c) The written consent of Council has been obtained for the activity.

11.2 Clause 11.1 does not apply to the following:

- (a) A Network Utility Operator or its authorised agent or contractor engaged in the provision of, or maintenance of a network utility operation;
- (b) Emergency vehicles, Vehicle recovery services and trade-persons' vehicles;
- (c) Refuse collections carried out by either Council or one of its contractors;
- (d) Stock Vehicles;
- (e) Any other class of Vehicle that Council may specify from time-to-time by resolution,

subject to:

- (a) The Heavy Vehicle being used with due consideration for other road users;
- (b) The act or omission being reasonably necessary for the work being undertaken; and
- (c) All reasonable care being taken to prevent any accident or damage, or any injury to or interference with any person, animal or property.

12 Engine Brakes

12.1 The driver of a Vehicle may not use or operate a "Jacobs Engine Brake" or similar device, at any time on any urban road.

13 Obstructions of Roads

- 13.1 A person must not wilfully or negligently obstruct or damage any Road or Public Place in any manner which causes a Nuisance or interferes with any Person's right to use any Road.

14 Damage to Signs

- 14.1 No person may interfere with, damage or remove any Prescribed Sign.

15 Temporary Restrictions on the Use of Roads

- 15.1 The Council may temporarily close or restrict the use of any Road to all Vehicles or Specified classes of Vehicles, where it is necessary for:
- (a) an event;
 - (b) the repair of the Road;
 - (c) the placement or repair of any infrastructure on or near the Road; or
 - (d) in the opinion of an Authorised Officer, the prevention of harm or danger to the Public of road workers
- 15.2 Any restriction under clause 15.1 must be identified by the display of temporary warning signs conforming with the Traffic Regulations 1976.
- 15.3 Where a restriction is in place under clause 15.1, the Council may require the formulation and implementation of a Traffic Management Plan.
- 15.4 This clause will not apply to any Vehicle being used for the purpose of maintenance or construction of roading, or a Vehicle of any other utility who is authorised by the Council to use the Road or part of any Road which is subject to a restriction under this clause, provided the Vehicle is operated with due consideration of other users.

Part Four - Speed Limits

16 Setting Speed Limits

- 16.1 The Council may, by resolution, set or amend permanent, temporary or variable speed limits for any Road.

Explanatory Note: The Council may only set a speed limit if it has complied with the relevant requirements of the Land Transport Rule: Setting of Speed Limits.

- 16.2 The roads or areas described in Councils Traffic Control Register or as shown on a map referenced in the Traffic Control Register that have been declared to have the speed limits specified .

Explanatory Note: The Councils Traffic Control Register includes the Council's Register of Speed Limits as required under section 7.3(i) of the Land Transport Rule: Setting of Speed Limits 2003.

Part Five - Stock on Roads

17 Application

- 17.1 Nothing in this Part limits the application of any other Act or any rules or regulations made under that other Act, for example, and without limitation:
- (a) the Animal Welfare Act 1999;
 - (b) the Impounding Act 1956;
 - (c) the Resource Management Act 1991; and
 - (d) any other statutory or regulatory requirement.
- 17.2 The movement of Stock along or across any State Highway is within the jurisdiction of the New Zealand Transport Authority and outside the scope of this Bylaw.

18 Urban Areas

- 18.1 No person may move any Stock along or across any road in any ~~u~~Urban ~~A~~area of the district.
- 18.2 Clause 18.1 does not apply to the movement of stock in an emergency or in the event of an escape, although the conditions in clause 19.1 must, as far as practicable in the circumstances, be complied with to ensure road safety is not compromised.

19 Droving of Stock

19.1 ~~Nothing in this clause applies to the regular movement of Stock across roads at a fixed location outside of the urban area of the District, which is dealt with in clause 20 of this Bylaw.~~

~~19.1~~ 19.2 The movement of Stock along or across any road in any other part of the District is permitted in the following:

- (a) during the hours of daylight and where visibility is greater than 100 metres;
- (b) the Stock are unable to be reasonably moved across or along private land;
- (c) the number of Stock in any one mob does not exceed 200 head of cattle or 1000 head of sheep, or 100 head of any other Stock;
- (d) each mob is accompanied by at least two competent drovers, one in front and one behind the mob, for the purpose of alerting traffic;
- (e) the Stock are driven so as to move continuously forward at a good pace, with the drovers exercising control over the Stock at all times;
- (f) adequate warning of stock being on the road is provided to the public / traffic by way of adequate warning signs and or pilot vehicles.;

- (g) all drivers must ensure that vehicular traffic is not unreasonably impeded by the movement of Stock along or across any road; and
- (h) all reasonable steps are taken to remove excessive Stock excrement from the Road after each Stock movement.

~~19.2~~19.3 The measures proposed for traffic management in accordance with clause 19.1(h)] are to be set out in a traffic management plan submitted to Council no later than five (5) days prior to the movement of stock on the road.

~~19.3~~19.4 Any damage caused to private property, any road or roadside furniture, or any public place will be the responsibility of the drover.

~~19.41.1 Nothing in this clause applies to the regular movement of Stock across roads outside of the urban area of the District, which is dealt with in clause 20 of this Bylaw.~~

20 Regular Stock Crossing of Roads

20.1 The regular movement of Stock from one side of a road to another is permitted where:

- (a) a stock crossing permit has been issued under clause 21;
- (b) it occurs during the hours of daylight; and
- (c) the Stock are unable to be reasonably moved across or along private land.

21 Stock Crossing Consent

21.1 An application for a stock crossing permit must be:

- (a) in the form prescribed by Council from time-to-time;
- (b) accompanied by any fee set out in Council's Schedule of Fees and Charges from time-to-time; and
- (c) lodged with Council at least ten (10) working days prior to the first intended movement of Stock.

21.2 Council may request further information to assist in assessing an application under this clause, including but not limited to, a Traffic Management Plan appropriate to the location, timing and size of the stock movement.

Note: the Traffic Management Plan should be in accordance with the Code of Practice for Temporary Traffic Management

21.3 The Council may issue a permit subject to conditions having had regard to:

- (a) the nature of the road that is being requested to be used;
- (b) the alternatives available to the applicant including private or public land available for use as a race, any existing underpass that can be used, and the construction of a new underpass;

- (c) other options available to reduce nuisance, road safety issues or degradation of any part of the road or road reserve;
- (d) where applicable, the applicant's previous performance in addressing safety, amenity and nuisance issues associated with the movement of stock; and
- (e) any other matters that the Council considers appropriate.

22 Temporary Restrictions

- 22.1 In the event of an obstruction from road works, flooding, landslide, civil emergency or any other event, an Authorised Officer may halt or divert any movement of Stock on any road notwithstanding any right to drive Stock or any existing stock crossing permit.

23 Suspension or Cancellation of Consent

- 23.1 An Authorised Officer may suspend or cancel any stock crossing permit by giving twenty (20) working-days written notice to the permit holder, if:
- (a) it is in the public interest to do so; or
 - (b) the permit holder fails to comply with any conditions imposed by the Council on the permit.
- 23.2 An Authorised Officer may suspend or cancel any stock crossing permit immediately by giving written notice to the consent holder, if the:
- (a) Council is lawfully directed to suspend or cancel the consent; and
 - (b) Consent holder fails to comply with any conditions of the consent in a manner which may endanger the health or safety of any person, damage any part of the Road or cause environmental harm.

24 Transfer or Termination of Consent

- 24.1 A person must not transfer the rights and responsibilities provided for under this Bylaw or under any stock crossing permit to any other person or entity.

Part Six- Offences

25 Non-compliance with this Bylaw

- 25.1 The Council may use its powers under the Act to enforce this Bylaw.
- 25.2 In addition to the powers conferred on it by any other enactment, the Council may remove or cause to be removed from any Road, Parking Place or Parking Space any Vehicle or thing using the Road, Parking Place or Parking Space in breach of this Bylaw.

26 Offences and Penalties

26.1 Every person who commits a breach of this Bylaw commits an offence and is liable to pay:

- (a) The maximum fine set out in the Local Government Act 2002;
- (b) Any penalty specified in the Act; and
- (c) Any other penalty specified in another Act for breach of the Bylaw.

Explanatory Note: This clause should be read in conjunction with clauses 13, 14 and 15 of the Manawatu District Explanatory Bylaw 2014.

27 Exceptions

27.1 A person is not in breach of this Bylaw if that person proves:

- (a) The act or omission was taken to avoid the death or injury of a person;
- (b) The situation was not of the person's own making;
- (c) The act or omission was taken at the direction of an Authorised Officer;
- (d) They have written consent from the Council in accordance with this Bylaw.

Part Seven- Repeals, Savings and Transitional Provisions

28 Repeals, Savings and Transitional Provisions

28.1 Chapter 4 and Chapter 6 of the Manawatu District Bylaw 2008 are repealed on commencement of this Bylaw.

28.2 Any consent granted under Chapter 4 or Chapter 6 of the Manawatu District Bylaw 2008 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent of that kind issued under this Bylaw, but:

- (a) expires on the date specified in such consent or
- (b) where no expiry date is specified, expires 12 months from the commencement of this Bylaw; and
- (c) may be renewed only by application made and considered in accordance with this Bylaw.

This Bylaw was made by the Manawatu District Council by resolution at a Council meeting on [insert] 2015 and must be reviewed within five years.

Sealed with the Common Seal

of the **MANAWATU DISTRICT COUNCIL**

in the presence of:

Mayor

Chief Executive

Water Supply Bylaw 2015

Contents

1	Preliminary Provisions	3
2	Purpose	3
3	Commencement	3
4	Interpretation and Definitions	3
	Part One - Supply of Water	6
5	Protection of Water Quality	6
6	Water Supply Areas	6
7	Entitlement to Supply	6
8	Continuity of Supply	6
9	Demand Management	7
10	Emergency Restrictions	7
11	Liability	8
	Part Two – Customer Obligations	8
12	Application for Supply	8
13	Approval of Applications for Supply	8
14	Acceptance of Supply	9
15	Responsibility for Maintenance	9
16	No Person to Connect to System	9
17	Termination and Disconnection	9
18	Council Equipment	10
19	Prevention of Waste	10
20	Backflow Prevention	10
21	Working Around Buried Services	11
	Part Three – Point of Supply	11
22	Single Ownership	11
23	Multiple Ownership	12
24	Maintenance and Access	12
	Part Four – Meters and Flow Restrictors	13
25	Fees and Charges	13
26	Meters and Flow Restrictors	13
27	Reading of Meters and Accounts	13
28	Testing of Meters and Restrictors	13
29	Adjustments and Estimations	14
	Part Five – Fire Protection	14

30	Fire Hydrants	14
31	Supply of water - Fire fighting	15
	Part Six – Protection of Water Supply System	15
32	Catchment Classes	15
33	Controlled Catchments	16
34	Restricted Catchments	16
35	Open Catchments	17
	Part Seven - Miscellaneous	17
36	Applications	17
	Part Eight - Offences	17
37	Offences and Breaches	17
	Part Nine - Repeals, Savings and Transitional Provisions	17

Water Supply Bylaw

1 Preliminary Provisions

- 1.1 This Bylaw is the Water Supply Bylaw 2015.
- 1.2 This Bylaw is made under the Local Government Act 2002 and every other power vested in the Council to make Bylaws and regulate activities.
- 1.3 The supply of water by Council is also subject to, among others:
- (a) Acts and Regulations
 - i. Building Act 2004 & Associated Regulations
 - ii. Fire Service Act 1975
 - iii. Health Act 1956
 - iv. Health (Drinking Water) Amendment Act 2007
 - v. Local Government (Rating) Act 2002
 - vi. Resource Management Act 1991
 - (b) Codes and Standards
 - i. Drinking Water Standards for New Zealand 2005 (revised 2008)
 - ii. SNZ/PAS 4509:2003 Fire Fighting Water Supplies Code of Practice
 - iii. NZS US17:2002 Fire Sprinkler Systems or Hoses
 - iv. BS EN 14154-3:2005 Water Meters. Test methods and equipment
 - v. WaterNZ Backflow Code of Practice
 - vi. WaterNZ Water Meter Code of Practice
 - vii. Manawatu District Council Standard Specifications Laying of Watermains and Service Pipes

Explanatory Note: The powers within these Acts, Regulations, Codes and Standards are not necessarily repeated in this Bylaw.

2 Purpose

- 2.1 The purpose of this Bylaw is to:
- (a) ensure a safe and efficient public water supply;
 - (b) to manage and regulate the Council's water supply; and
 - (c) to protect public water supply infrastructure.

3 Commencement

- 3.1 This Bylaw comes into force on <<date>> 2015.

4 Interpretation and Definitions

- 4.1 The provisions of the Manawatu District Explanatory Bylaw 2014 and its amendments are implied into and form part of this Bylaw.
- 4.2 In this Bylaw, unless the context requires otherwise:

Act means the Local Government Act 2002.

Backflow means a flow of water or other liquid through any Service Pipe or Supply Pipe in a reverse direction to the normal supply flow.

Controlled Catchment Area means an area under the control of the Council, to which the public and domestic animals including dogs are prohibited from entry and from which water is drawn.

Customer means the person, or authorised agent, who uses, or has the right to use water supplied by the Council.

Extraordinary Supply means a category of On Demand Supply used for Extraordinary Use, which may be subject to specific conditions or limitations.

Extraordinary Use means use of water for purposes other than Ordinary Use. Extraordinary use may include:

- i. Domestic - spa or swimming pool in excess of 10m³ capacity or fixed garden irrigation systems;
- ii. Commercial and business;
- iii. Industrial;
- iv. Horticultural;
- v. Fire protection systems;
- vi. Agricultural/Rural;
- vii. Out of district;
- viii. Temporary supply;
- ix. Hospital or Rest Home Facilities; and
- x. Any other uses determined in writing by Council

Fire Hose Reel means a metal reel, permanently connected to the water supply, on which is wound rubber tubing having an internal diameter of 12.5 millimetres nominal or 20 millimetres nominal, which can be used for first aid fire-fighting purposes.

Fire Sprinkler System means the system of pipes fitted with Sprinkler nozzles which open by an extraordinary rise in temperature to automatically drench an area for the purpose of extinguishing fire and is maintained with a superimposed pressure so that an alarm is activated when a nozzle opens allowing the pressure to fall to mains pressure.

Flow Restrictor is a device fitted inside a supply manifold to supply a constant low flow to a water tank. Typically a single unit Flow Restrictor will limit the flow into the tank to 0.7 l/min.

Hose means any flexible or moveable tube for conducting water and includes a Sprinkler, soaker or distributing device whether held by hand or not.

Level of Service means the measurable performance requirements on which the Council endeavours to supply water to its Customers as outlined in the Long Term Plan.

Mechanical Sprinkler or Sprinkler means a revolving spray, Sprinkler pipe, or contrivance to distribute water for garden or lawn watering, but does not include a hand-held Hose, or a contrivance installed exclusively for the purpose of extinguishing fire.

Meter A device for measuring the volume of water flowing through a pipe.

On Demand Supply means a supply which is available on demand directly from the Point of Supply subject to the agreed Level of Service.

Ordinary Supply means a category of On Demand Supply used solely for domestic purposes (which may include use in a fire sprinkler system NZSU17). Such purposes can include:

- i. Household use for drinking, washing and laundry
- ii. Washing down a car, boat, or similar;
- iii. Garden watering by hand and
- iv. Garden watering by a portable sprinkler.

Ordinary Use means use of water as described in an Ordinary Supply.

Point of Connection is a generic term to represent the Point of Supply and Point of Discharge.

Point of Supply means the point on the Service Pipe which denotes the boundary of responsibility between the Customer and the Council, irrespective of property boundaries.

Potable has the same meaning as in section 69 of the Health Act 1956.

Publicly Notified means published on at least one occasion in one daily newspaper and one weekly community paper circulating in the District.

Restricted Catchment means an area from which water is drawn that is under the control of the Council, to which the public and domestic animals, including dogs, are prohibited from entry unless they have a permit.

Restricted Supply or Rural Scheme means a local supply that has been set up to supply rural units predominantly for stock management. This type of supply is usually run by a local committee with administration services supplied by the Council. Where a Restricted Supply provides water for domestic properties it is usually a supplementary supply to a rainwater tank. Members on the Rural Schemes are allocated Water Units that entitle them to up to 95m³/quarter/unit owned.

Restricted Flow Supply means a type of water supply connection where a small continuous flow is supplied by a flow control device across an air gap separation, and storage is provided by the Customer to cater for his/her demand fluctuation.

Stoptap includes a stop cock, stop valve and any other device for stopping at will the flow of water in a line of pipes.

Service Pipe means the section of pipe between a main and Point of supply. This section of pipe is owed and maintained by the Council.

Storage Tank means any tank other than a flushing cistern having a free water surface under atmospheric pressure from which water supplied by the Council is stored for use.

Supply Pipe means the pipe provided by the Customer to connect the Service Pipe to the premises and includes pipes, tanks, valves and fittings connected thereto within the premises.

Urban Water Supply Area means an urban area within the district that is reticulated for public water supply and that water supply is not a Restricted Supply.

Water Unit means a single share in a Rural Scheme.

Water Use Level means levels of use to manage Demand as given in Section 9.1

- 4.3 Reference should be made to section 2 of the Manawatu District Explanatory Bylaw 2014 for any other definitions not included in clause 4.2.
- 4.4 Any explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be made, amended, revoked or replaced by the Council at any time.

Part One - Supply of Water

5 Protection of Water Quality

- 5.1 No person may contaminate or pollute any raw water or drinking water, or do any act to likely contaminate or pollute any raw water or drinking water.

6 Water Supply Areas

- 6.1 The Council may identify water supply areas in the District, including those within which an On Demand Supply is available.

Explanatory Note: Nothing in this Bylaw should be construed as requiring the Council to provide or continue to provide a supply of water to any premises.

7 Entitlement to Supply

- 7.1 Every premises is entitled to an Ordinary Supply of water, subject to:
- (a) The premises lying within an Urban Water Supply Area;
 - (b) The exclusion of its use for garden watering under any restrictions made by the Council under Clause 9.1;
 - (c) Payment of the appropriate charges in respect of the premises;
 - (d) Compliance with this Bylaw; and
 - (e) Payment of any other charges or costs associated with subdivision development.
- 7.2 The Council is under no obligation to provide an Extraordinary Supply of water.
- 7.3 Council administer a number of Restricted Supply Schemes. Membership of the scheme entitles members to receive up to one cubic metre of water per day per unit held. The number of units within each scheme is limited and therefore there is no entitlement to water for premises that are not members of the scheme.
- 7.4 Restricted Supply Scheme members are charged for the Restricted Supply in accordance with the number of water units allocated.

8 Continuity of Supply

- 8.1 The Council will endeavour to provide water in accordance with the Level of Service contained in the Long Term Plan but does not guarantee an uninterrupted or constant supply of water or any maximum or minimum pressure.

- 8.2 If a Customer has a particular requirement for an uninterrupted Level of Service (flow, pressure or quality), it will be the responsibility of that Customer to provide any necessary storage, back up facilities, or equipment.

Explanatory Note: Customers on a Restricted Supply may lose water for up to three days, therefore it is recommended that a minimum of 5m³ water is stored by a Customer on a Restricted Supply so that it is available in case of supply interruptions.

- 8.3 Where works of a permanent or temporary nature are planned which will substantially affect an existing water supply, the Council will make every reasonable attempt to give advance notice to all known Customers likely to be substantially affected.
- 8.4 Where immediate action is required and notice under clause 8.3 is impracticable, the Council may shut down the water supply without notice.

9 Demand Management

- 9.1 The Council may, by publicly notified resolution, set Water Use Levels to manage the District's water use. The levels are:
- (a) **Level 0: No restrictions apply.**
 - (b) **Level 1: Sprinkler use evenings only, every two days:** unattended Hoses, Sprinklers, and garden irrigation systems can only be used between 7.00 pm and 9.00 pm; for even numbered houses on even dates, and odd numbered houses on odd dates. Handheld Hoses can be used at any time.
 - (c) **Level 2: Sprinkler use prohibited. Handheld Hoses only, every two days:** unattended Hoses, Sprinklers, and garden irrigation systems cannot be used. Handheld Hoses can only be used between 7.00 pm and 9.00 pm; for even numbered houses on even dates, and odd numbered houses on odd dates.
 - (d) **Level 3: Irrigation prohibited – Hose pipe ban:** unattended Hoses, Sprinklers, garden irrigation systems and handheld Hoses cannot be used. Car washing by hand-held Hose is also prohibited.
- 9.2 In setting Water Use Levels the Council will take into account the usage of water compared to the target levels set by Horizons Regional Council, seasonal weather conditions, including recent rainfall, and the prospects for rain.
- 9.3 The Customer must comply with any Water Use Levels put in place by the Council.

10 Emergency Restrictions

- 10.1 During an emergency the Council may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its Customers.
- 10.2 Any restriction or prohibition may apply to the whole District or part of the District.
- 10.3 Any restrictions or prohibitions will be publicly notified unless immediate action is considered by an Authorised Officer to be necessary under emergency provisions.
- 10.4 Natural hazards (such as floods, droughts or earthquakes) or accidents which result in disruptions to the supply of water, may be deemed an emergency and may be exempted from the Level of Service referred to in clause 8 of this Bylaw.

- 10.5 No person may use any water, or allow any water to be used, in contravention of any restriction or prohibition made under this clause.

11 Liability

- 11.1 The Council will endeavour to meet the level of service requirements of Clause 8.

Explanatory Note: This clause must be read subject to Councils obligations under section 69S of the Health Act 1956 for the supply of drinking water

- 11.2 The Council will not be liable for any loss, damage or inconvenience which the Customer (or any person using the supply) may sustain as a result of restrictions or interruptions to, the water supply including any pressure in supply. Nothing in this Bylaw should be construed as requiring the Council to provide or continue to provide a supply of water to any premises.

Part Two – Customer Obligations

12 Application for Supply

- 12.1 Every application for a supply of water must be:
- (a) made in writing by a Customer on the form provided by the Council; and
 - (b) lodged by a person with the authority to act on behalf of the owner for which the supply is sought; and
 - (c) accompanied by the fee prescribed in Council's Fees and Charges from time-to-time.
- 12.2 An application must include all information required by the Council and if necessary, the Council may request further information to assist it in processing the application.
- 12.3 A new application may be required if a Customer wishes to change their level of service or there is a change of use of a premises.

13 Approval of Applications for Supply

- 13.1 On receipt of an application, the Council, after considering, among other things, the matters in clause 7.1 will either:
- (a) Approve the application and inform the applicant of the type of supply, the level of service and any conditions applicable to that supply: or
 - (b) Refuse the application and giving reasons to the applicant for the refusal.
- 13.2 Any approval under Clause 13.1 shall classify the 'type' of supply.
- 13.3 The Council may from time to time review the type of supply approved under Clause 13.1, and may alter the type of supply if there has been a change in circumstances.
- 13.4 Any approval under this clause, which has not been actioned within 3 months of the date of application, will lapse unless otherwise authorised by Council. Any refund of fees and charges will be determined on a case-by-case basis, at the discretion of the Council.

14 Acceptance of Supply

- 14.1 The customer must comply with the requirements of this Bylaw including any conditions of approval imposed by the Council under clause 13;
- 14.2 Every person found to be in breach of any condition of consent under this Bylaw may have the consent withdrawn by a Council Officer with immediate effect.
- 14.3 The Customer may not transfer to any other party any conditions of supply imposed by Council or any of the rights and responsibilities provided for under this Bylaw.
- 14.4 However, where a Customer has rights to a number of water units within a Restricted Supply Area, these water units can be traded with others within the same supply area, subject to the retention of at least one unit by the Customer and approval of the Council and the committee responsible for the Restricted Supply.

15 Responsibility for Maintenance

- 15.1 The Council will own and maintain any pipes, fittings and any other equipment up to the Point of Supply.
- 15.2 The Customer will own and maintain the Service Pipe where it is located on private land and the Supply Pipe and any fittings (e.g. back flow prevention device) on the customer side of the Point of Supply.
- 15.3 The Customer must take due care to protect Council equipment from damage up to the Point of Supply, including pipework, valving, meters, backflow prevention devices, and restrictors.
- 15.4 Where pipe or fitting on the Customer's side of the Point of Supply is causing or is likely to cause water to be wasted, the Council may by written notice require the Customer to complete the works specified in the notice within a specified timeframe.
- 15.5 Where the Customer fails to comply with a notice under clause 15.4, the Council, in addition to any other remedies available to it, may charge the Customer for disconnecting the water supply.

16 No Person to Connect to System

- 16.1 A Supply Pipe must only serve one Customer, and must not extend by Hose or any other pipe beyond that Customer's property.
- 16.2 No person, other than the authorised agents of the Council, may, without the express approval of the Council under this Bylaw make or allow any connection to, or otherwise interfere with, any part of the water supply system.
- 16.3 No person may run a privately owned Supply Pipe on Council-owned property without the prior written approval of the Council.

17 Termination and Disconnection

- 17.1 The Customer must give 48 hours notice in writing to Council of disconnection of the supply of water.
- 17.2 The supply of water to any Customer may be disconnected (or have the flow restricted in some way) by the Council in the event of:

- (a) Failure to pay the required fees and charges in the specified time;
 - (b) Repeat tampering with a Flow Restrictor;
 - (c) Failure to repair a leak, or in any way wilfully allow water to run to waste or be misused;
 - (d) Interference with the Council's water supply system;
 - (e) The fitting of quick-closing valves (subject to Clause 20);
 - (f) Failure to prevent Backflow (refer Clause 20);
 - (g) Non-compliance with, or breach of, any other requirements of this Bylaw;
 - (h) Where the water supply has not been used for a period of three (3) months or the water supply system is left in a detrimental state.
- 17.3 In the event of changes in ownership of premises, the new owner will automatically be recorded as the Customer for that premises. Where a premises is metered the outgoing Customer must give the Council 48 hours notice to arrange a final reading.
- 17.4 Where there are outstanding rates for water Supply at the final reading the Council will invoice the outgoing Customer.
- 17.5 Where Council has disconnected the water supply, a reconnection application is required in accordance with Council's Fees and Charges Schedule.

18 Council Equipment

- 18.1 No person may tamper or interfere with Council equipment up to the Point of Supply (including any Meter), either directly or indirectly.
- 18.2 Where a person has tampered or interfered with Council equipment, the Council may, in addition to any other remedies available to them, charge for the additional water consumption not recorded or allowed to pass as a result of that person's actions, either directly or indirectly.

19 Prevention of Waste

- 19.1 A Customer must not waste or allow to be wasted water from any pipe, tap or other fitting on the premises.
- 19.2 A Customer must not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, condensers or any other similar device without the prior approval of the Council.

20 Backflow Prevention

- 20.1 The Customer must take all necessary measures on the Customer's side of the Point of Supply to prevent water which has been drawn from the Council's water supply from returning to that supply.
- 20.2 The Council may require the Customer to provide a backflow prevention device which the Council will fit and maintain on the Council side of the Point of Supply to prevent any

cross-connection between the Council water supply. Such a device will remain the property of the Council.

21 Working Around Buried Services

- 21.1 All excavations within roadways are subject to the permit process of the appropriate road controlling authority.
- 21.2 The Council will keep permanent records (as-builts) of the location of its buried services for viewing by the public at no charge.
- 21.3 Any person proposing to carry out excavation work must view the as-built records to establish whether or not Council services are located in the vicinity of the proposed works

Explanatory Note: Charges may be levied where copies of documents are required.

- 21.4 Where requested, at least 24 hours prior to the proposed works the Council will mark out to the location of its services and may nominate in writing any restrictions on the work it considers necessary to protect its services. A charge for this service may apply.
- 21.5 When excavating and working around buried services, due care must be taken to ensure the services are not damaged and that bedding and backfill is reinstated in accordance with the appropriate Council specification.
- 21.6 Any damage which occurs to a Council service must be reported to Council immediately. The cost of the repair will be charged to the person or entity responsible for the damage.

Part Three – Point of Supply

22 Single Ownership

- 22.1 There will only be one Point of Supply for each service per premises, except where specifically approved by the Council.
- 22.2 For single dwelling units, or multiple dwellings serviced via a shared right of way the Point of Supply must be located as shown in Figures 1 or 2, or as close as possible where fences, walls or other permanent structures make it difficult to locate the Point of Supply at the required position.

Figure 1. Single Dwelling Units

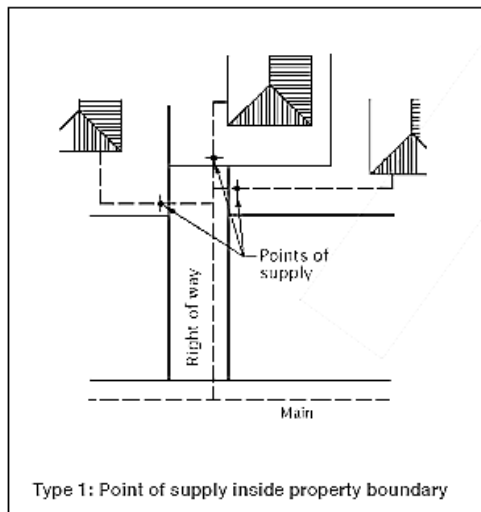
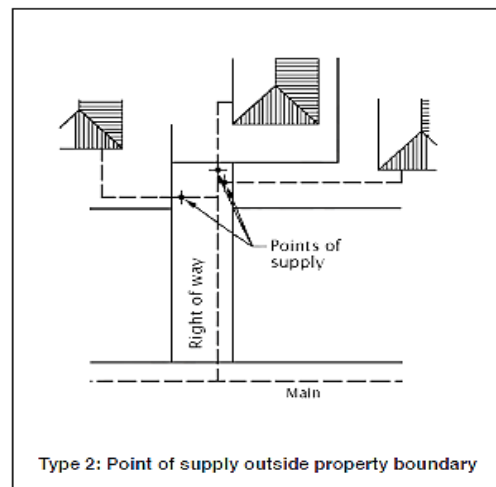


Figure 2. Multiple Dwellings Single Ownership



23 Multiple Ownership

- 23.1 The Point of Supply for the different forms of multiple ownership of premises and/or land is as follows:
- (a) For Company Share/Block Scheme (Body Corporate): as for single ownership in clause 23; and
 - (b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, and Unit Title (Body Corporate): each owner will have an individual supply with the Point of Supply determined by agreement with the Council. In specific cases other arrangements may be acceptable subject to approval by the Council.
- 23.2 For a multiple ownership supply which was in existence prior to the coming into effect of this Bylaw the Point of Supply will be the arrangement existing at that time, or as determined by agreement with the Council for an individual case.

24 Maintenance and Access

- 24.1 The Customer shall maintain the area in and around the Point of Supply so as to keep it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.
- 24.2 During an emergency the Customer must allow the Council free access to and about the Point of Supply at any hour. The Council must otherwise give notice of access to the Customer in accordance with the Levels of Service given in the Long Term Plan.
- 24.3 The Customer must allow the Council, with or without equipment, access to any area of the premises for the purposes of determining compliance with this Bylaw.
- 24.4 Where access is not made available by the Customer and a return visit is required by the Council, the Customer must pay the charge as determined by the Council.

Part Four – Meters and Flow Restrictors

25 Fees and Charges

- 25.1 Every 'type' of Water Supply provided shall be charged in accordance with Council's current Fees and Charges.
- 25.2 Where universal metering has been adopted by resolution of Council, both ordinary and extraordinary supplies of water will normally be metered and charged for in accordance with this part of the Bylaw or under rating legislation and policies.

26 Meters and Flow Restrictors

- 26.1 Meters for On-Demand Supply and Flow Restrictors for Restricted Flow Supply will be supplied installed and maintained by the Council, and remain the property of the Council.
- 26.2 Meters and Flow Restrictors will be located in a position which is readily accessible for reading and maintenance, and as far as practicable immediately on the Council's side of the Point of Supply.
- 26.3 The Customer must allow the Council access to and about the Point of Supply between 7.00 am and 6.00 pm on any day for:
 - (a) Meter reading without notice; and
 - (b) Checking, testing and maintenance work with notice being given whenever possible.

27 Reading of Meters and Accounts

- 27.1 Meters will be read, and where applicable accounts rendered at such intervals as Council considers appropriate.
- 27.2 Meter readings made at the request of the Customer will be charged for as determined by the Council.
- 27.3 The Customer must pay all charges for the supply of water as determined by the Council.

28 Testing of Meters and Restrictors

- 28.1 A Customer who disputes the accuracy of a meter or Restrictor may apply to the Council for it to be tested, provided that it is not within 12 months of the last test.
- 28.2 The accuracy of Meters and Restrictors is acceptable when there is no more than a -/+ 5% variance with the manufacturer's specification. The following test methodology will be adopted:
 - (a) Meters will be tested by running a measured quantity of not less than 400 litres through the meter in accordance with BS 5728: Part 3;
 - (b) Flow Restrictors will be tested by measuring the quantity that flows through the restrictor in a period not less than 1 hour at its normal operating pressure; and
 - (c) A copy of independent certification of the test result will be made available to the Customer on request.

- 28.3 The Customer may pay a fee in accordance with the Council's Schedule of Fees and Charges for any testing undertaken.

29 Adjustments and Estimations

- 29.1 If a Meter is found after testing to register a greater or lesser consumption than the actual consumption the Council may make an adjustment in accordance with the test results backdated for a period at the discretion of the Council. The Customer must pay a greater or lesser amount accordingly.
- 29.2 Should any Meter be out of repair (e.g. a seal dial of a meter is broken) or cease to register, or be removed, the Council will estimate the consumption for the period since the previous reading of the Meter (based on the average of the previous six billing periods charged to the Customer). The Customer must pay according to the estimate.
- 29.3 However, when by reason of a large variation of consumption due to seasonal or other causes, the average of the previous six billing periods would be an unreasonable estimate of the consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate.
- 29.4 Where Meters or Flow Restrictors have been tampered with, removed or bypassed, the Council may recover all costs incurred in fitting replacement equipment or fitting additional equipment to reduce tampering in the future.
- 29.5 Where Meters or Flow Restrictors have been removed or bypassed an estimate may be made by the Council of the volume of water consumed since the last inspection of the Flow Restrictor and the difference between the restricted volume and the estimated unrestricted volume will be charged to the Customer.
- 29.6 Where the Meter reading does not otherwise accurately represent the actual consumption then the account may be adjusted using the best information available to the Council.

Explanatory Note: These errors may include, among others, misreading of the Meter, errors in data processing, Meters signed to the wrong account, and unauthorised supplies.

- 29.7 Any adjustment under this clause must not be backdated more than 12 months from the date the error was detected.

Part Five – Fire Protection

30 Fire Hydrants

- 30.1 No person may take water from a fire hydrant unless that person:
- (a) is an Authorised Officer or agent of Council;
 - (b) Is a fire fighter or a member of a volunteer fire brigade or is taking the water for the purposes of fire fighting; or
 - (c) Has the written approval of Council and the taking of water is in accordance with any conditions on the approval.
- 30.2 The Council may seize and impound any equipment used by a person to gain access to, or draw water from a fire hydrant.

- 30.3 The Council may assess and recover the value of the water drawn without authorisation and recover any of the associated costs incurred by the Council.

31 Supply of water - Fire fighting

- 31.1 Water supplied for the purpose of extinguishing fires will be provided free of charge.
- 31.2 The Council is under no obligation to provide a fire protection connection at any particular flow or pressure.
- 31.3 Any proposed connection for fire protection must be applied for on the prescribed Council form. The approval of any connection will be subject to any terms and conditions specified by the Council.
- 31.4 The Council may install a Meter on any fire connection installed prior to this Bylaw taking effect if it is likely or possible that water will be drawn from it or from any part of it by any person for purposes other than fire fighting.
- 31.5 Where the supply of water to any premises is metered, Fire Hose Reels must not be connected to a fire protection connection.
- 31.6 The Council may allow supply of water for the purposes of fire fighting to be made in a manner which by-passes any Meter, provided that the drawing of water will only be permitted:
- (a) where the drawing of water is only possible in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
 - (b) where a Council approved detector check valve has been fitted on the Meter bypass.
- 31.7 Any Fire Sprinkler System must be constructed, installed and maintained in good order, and must be designed and fixed so that water cannot be drawn from it for any purpose other than fire fighting. The Council may require specific backflow protection to any fire protection supply and may fit a backflow prevention device on the Council side of the Point of Supply.
- 31.8 It is the Customer's responsibility to ascertain and monitor whether the fire protection supply available is adequate for the intended purpose.

Part Six – Protection of Water Supply System

32 Catchment Classes

- 32.1 Catchment areas from which untreated water is drawn for the purposes of water supply are divided into the following classes:
- (a) Controlled;
 - (b) Restricted; and
 - (c) Open.
- 32.2 These may apply to both surface water and/or groundwater catchments.

- 32.3 No person may enter any land or building owned or occupied by the Council which is set aside for the protection of source water or for a public water supply facility without first obtaining the approval of Council.
- 32.4 No person, other than Council and its authorised agents, may access any part of a water supply system without prior written approval of the Council, except for the New Zealand Fire Service and/or Civil Defence Services.

33 Controlled Catchments

- 33.1 No person may enter Controlled Catchments except those specifically authorised or permitted in writing by the Council.
- 33.2 A person may be required to present a medical clearance before an entry permit can be issued.
- 33.3 Every person on any Controlled Catchment Area or land held by the Council as a water reserve will, upon demand, produce any such permit for inspection.
- 33.4 No permit issued can be transferred.
- 33.5 The Council may at any time, by notice in writing delivered to the holder, revoke or suspend any such permit for such time as may be stated in such notice.
- 33.6 No person, whether holding any permit issued under the provisions of this part of this Bylaw or not (other than an Authorised Council officer), may commit or cause or permit to be committed any act which may interfere with or be likely to interfere with the free and lawful exercise of any rights vested in any other person in any Controlled Catchment Area or any land held by Council as a water reserve.
- 33.7 Every person may upon the request of an officer of the Council, immediately leave the Controlled Catchment Area or land held by Council as a water reserve, but may nevertheless be liable also to be prosecuted for the breach of any of the provisions of this Bylaw, and any failure to leave may constitute a further offence.
- 33.8 No person may obstruct or hinder any duly appointed officer of the Council in the exercise of any powers vested in that officer under the provisions of this Bylaw in any Controlled Catchment Area or any land held by Council as a water reserve.

34 Restricted Catchments

- 34.1 Where a person wants to enter a Restricted Catchment for purposes such as: tramping, hunting, trapping, shooting or fishing, a permit in writing by the Council will be required.
- 34.2 No person may camp overnight in a Restricted Catchment.
- 34.3 A person may be required to present a medical clearance before an entry permit can be issued.
- 34.4 Every person may upon the request of an officer of the Council, immediately leave the Restricted Catchment Area, and may be liable also to be prosecuted for the breach of any of the provisions of this Bylaw, and any failure to leave may constitute a further offence.

35 Open Catchments

- 35.1 Any person may have unrestricted access to an Open Catchment area.
- 35.2 In the event of any chemicals or hazardous substance being spilled on land or in water, the Council must be advised of the details with due urgency, and the Council may change the Catchments status to Restricted or Controlled until such time as the event and its effects have been reduced, or remedied.

Part Seven - Miscellaneous

36 Applications

- 36.1 Any application under this Bylaw must be in writing, provide all the information as requested by Council, and be accompanied by the applicable fee as set out in Council's Fees and Charges.
- 36.2 The Council may approve an application at its discretion and subject to any terms and conditions it considers appropriate.
- 36.3 The Customer must pay for the supply of water and related services in accordance with Council's current Schedule of Fees and Charges.

Part Eight - Offences

37 Offences and Breaches

- 37.1 Every person who commits a breach of this Bylaw commits an offence and is liable to pay:
- (a) The maximum fine set out in the Act;
 - (b) The maximum fine or penalty specified in the Health Act 1956;
 - (c) Any other penalty specified in another Act for the breach of this Bylaw.

Explanatory Note: This clause should be read in conjunction with clauses 13, 14 and 15 of the Manawatu District Explanatory Bylaw 2014.

- 37.2 Where there is non-compliance with this Bylaw, Council will serve notice on the Customer advising the nature of the breach and the steps to be taken to remedy it.
- 37.3 If, after one week, the Customer persists with the breach, Council may disconnect the supply without further notice. The supply will be reconnected only after remedy of the breach to the satisfaction of the Council and payment of the reconnection fee.
- 37.4 In addition, if non-compliance results in Council having to disconnect the water supply for health or safety considerations, disconnection will occur immediately.

Part Nine - Repeals, Savings and Transitional Provisions

Any consent, exemption or approval granted under Chapter 13 of the Manawatu District Bylaw 2008 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent, exemption or approval of that kind issued under this Bylaw, but:

- (a) expires on the date specified in such exemption, consent or approval; or
- (b) where no expiry date is specified, expires 12 months from the commencement of this Bylaw; and
- (c) may be renewed only by application made and considered in accordance with this Bylaw.

This Bylaw was made by the Manawatu District Council by resolution at a Council meeting on <<Date>> and must be reviewed within five years.

Sealed with the Common Seal
of the **MANAWATU DISTRICT COUNCIL**
in the presence of:

Mayor

Chief Executive