

## **1 INTRODUCTION**

- 1.1 Short Title**
- 1.2 Interpretation**
- 1.3 Delegations**
- 1.4 Service of Notices**
- 1.5 Right of Entry on to Land**
- 1.6 Offences and Breaches**
- 1.7 Fees and Deposits**
- 1.8 Notices to be Obeyed**
- 1.9 Penalties**
- 1.10 Dispensing Power**
- 1.11 Name and Address to be Supplied**
- 1.12 Amendments Included**
- 1.13 Commencement**
- 1.14 Appeals**
- 1.15 Access to Council Property**

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# DUNEDIN CONSOLIDATED BYLAW 2008

## PART 1: INTRODUCTION

The Dunedin City Council in accordance with its powers under the Local Government Act 2002 and all other acts authorising it to make Bylaws hereby makes the following Bylaw:

**1.1 Short Title** - This Bylaw may be cited as the "Dunedin City Consolidated Bylaw 2008 – Introduction".

**1.2 Interpretation and Application** - In this Bylaw, unless the context otherwise requires:

"City" means the area for the time being administered by the Dunedin City Council;

"City Council" and "Council" means the Dunedin City Council.

The provisions of this Bylaw apply to all other Dunedin City Bylaws in force from time to time.

### **1.3 Delegations -**

(1) Except where this Bylaw provides that a resolution is required, all actions required to be done by the Council under this Bylaw may be undertaken by any officer or employee or agent of the Council to whom the authority for undertaking such action has been lawfully delegated.

(2) Proof of such Authority may be established by:

(a) Reference to the Instrument of Delegation; or

(b) Production of a Council Warrant Card indicating in general terms the holder's area of delegated authority; or

(c) Any other reasonable means.

### **1.4 Service of Notices -**

(1) Except where otherwise expressly provided for in any statute in any case where this Bylaw requires notice to be given to any person, such notice shall be delivered either personally or by registered post to that person's last known place of abode or business.

(2) If such person is absent from New Zealand the Notice may be sent to an agent or such person, in the manner prescribed in 1.4(1).

(3) If service of any notice is not possible under either 1.4(1) or 1.4(2) and if the notice relates to any land or building, the notice may be addressed to the owner or occupier of the land or building and may be served on the person in occupation of the land or building or if there is no such person it may be served by displaying it on some conspicuous part of the land or building.

**1.5 Right of Entry on to Land** - Any officer of the Council to whom authority has been delegated in connection with the subject matter of any of these Bylaws may at all reasonable times enter upon any land, building or premises in order to ensure that the provisions of the Bylaw are observed.

**1.6 Offences and Breaches** - Any person commits a breach of this Bylaw who:

- (1) Does, or causes to be done, or permits to be done, anything contrary to or otherwise than as provided for by this Bylaw; or
- (2) Omits, or neglects to do, or permits, or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done at the time and in the manner therein provided; or
- (3) Fails to refrain from doing anything which under this Bylaw that person is required to refrain from doing; or
- (4) Permits or suffers any condition of things to exist contrary to any provision contained in this Bylaw; or
- (5) Refuses or neglects to comply with any notice or direction given in accordance with the provisions of this Bylaw; or
- (6) Obstructs or hinders any officer, employee or agent of the Council in the performance of any duty lawfully being discharged by such person; or
- (7) Does anything or causes any condition to exist or remain for which a licence, permit or approval or consent from the Council is required under this Bylaw without first obtaining that licence, permit, approval or consent or other than in accordance with the conditions attached to that licence, permit, approval or consent; or
- (8) Does anything or causes any condition to exist for which a fee is payable without first paying the fee prescribed; or
- (9) For any purpose whatsoever knowingly or recklessly supplies false information to the Council.

**1.7 Fees and Deposits** -

- (1) The Council may from time to time by resolution publicly notified prescribe the fees or charges payable in respect of any permit, licence, consent, service or any other matter given or done by the Council in connection with this Bylaw.
- (2) Where under this Bylaw any fee is payable or where the Council is entitled to make any charge on any person the Council may require the payment of the fee or the whole or any part of any amount that will become payable before issuing any licence, approval or consent or before doing anything whatsoever.

**1.8 Notices to be Obeyed -**

- (1) Any person commits a breach of this Bylaw who having received notice in writing requiring any lawful action to be undertaken fails within such reasonable time as may be specified in the notice to carry out that action.
- (2) Where any notice under 1.8(1) requires the person served to take down, remove or alter any building, work or material or thing and such person fails to comply with that requirement then the Council may undertake the action required by the notice and recover the cost thereof from that person.

**1.9 Penalties -**

- (1) Every person who commits a breach of this Bylaw shall for every separate offence be liable to pay such penalty or penalties as shall be prescribed from time to time for the breach of Bylaws by any applicable enactment.
- (2) The continued existence of any work or thing in a state contrary to this Bylaw shall be deemed to be a continuing breach.

**1.10 Dispensing Power -** The Council may by resolution on the application of any person grant dispensation to that person from full compliance with any of the provisions of this Bylaw if full compliance would needlessly or injuriously affect that person or the course or operation of that person's business or cause that person loss or inconvenience without any corresponding gain or benefit to the community.

**1.11 Name and Address to be Supplied -** If it appears that any person is committing or has committed any offence under the provisions of this Bylaw the Council may require such person to desist from such offence and may require that that person supply his or her real name in full, and his or her residential address. If any person after being so required fails to supply such information or gives incorrect information that person commits a further breach of this Bylaw.

**1.12 Amendments Included -** The reference in this Bylaw to any statute, regulation or Bylaw (unless the context otherwise requires) includes reference to all subsequent statutes, regulations or Bylaws made in amendment or in substitution and for the time being in force.

**1.13 Commencement -** This Bylaw shall come into force throughout the City on the 1st day of July 2008.

**1.14 Appeals -** In any case where the issue of a licence or permit or any consent or approval under this Bylaw has been refused or is revoked the applicant or holder of the licence as the case may be shall be entitled to appeal to a Committee of the Council.

**1.15 Access to Council Property** - Any person for the time being on any property owned or managed by the Council shall follow the lawful directions given by any officer or employee or agent of the Council in charge of or with responsibility for the property and shall obey any rules adopted by the Council in relation to that property.