

SELWYN DISTRICT COUNCIL GENERAL BYLAW 2009

1. TITLE

- 1.1 A Bylaw of the Selwyn District Council by way of Special Order pursuant to the provisions of the Local Government Act 2002 powers and authorities enabling it in that behalf to make a Bylaw to be known as the Selwyn District Council General Bylaw 2009.

2. DATE OF COMMENCEMENT

- 2.1 This Bylaw comes into force on 1 January 2009.

3. APPLICATION OF BYLAW

- 3.1 This Bylaw is to make provisions which are common to and form part of all other Bylaws of the Council.

4. DEFINITIONS

References to a repealed enactment include its replacement.

For the purpose of this bylaw, unless the context otherwise requires;

“Act” means the Local Government Act 2002.

“Agent” means a person or business authorised to act on another’s behalf.

“Approved” means approved in writing by the Council, either by resolution of the Council or by any authorised officer of the Council authorised for that purpose.

“Authorised Officer” means a person appointed by the Council to perform duties required under any of the Council’s Bylaws.

“Bylaw” means this Bylaw as altered, varied or amended from time to time

“Chief Executive” means the person appointed under section 42 of the Local Government Act 2002 to be Chief Executive of the Council.

“Consent” means permission granted from the Council in written form.

“Council” means the Selwyn District Council or any officer authorised to exercise the authority of the Council.

“District” means the Selwyn District.

“Enforcement Officer” means a person appointed by the Council to exercise the power of an enforcement officer in relation to offences against, and offences under, the Local Government Act 2002 and any Bylaw.

“Licence” means a licence, permit, consent, agreement, or approval issued under any Bylaw.

“Occupier” in relation to land means a person who exercises effective control over the land.

“Offence” means any act or omission in relation to a particular Bylaw for which any person can be punished either on indictment or by summary process.

“Owner” in relation to land means the person who is for the time being entitled to the rack rent of the land or who would be so entitled if the land were let to a tenant at a rack rent; and includes-

- (i) the owner of the fee simple of the land; and
- (ii) any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force.

“Permit” means permission granted by the Council in writing.

“Person” means a natural person, corporation or a body of persons whether corporate or otherwise.

5. OFFICERS TO CONTINUE IN OFFICE

- 5.1 All Enforcement Officers appointed by the Council under or for the purpose of any repealed Bylaw(s), and holding office at the time the Bylaws take effect, are deemed to have been appointed under the Bylaws.

6. SERVING OF ORDERS AND NOTICES

- 6.1 Except where any enactment or Bylaw expressly provides otherwise, any notice, order, or other document served on any person for the purposes of a Bylaw may be served by:
- (a) Delivering it to the person; or
 - (b) Sending it by courier to that person's last known place of residence or business; or
 - (c) Sending it by registered post to that person's last known place of residence or business; or
 - (d) Sending it by prepaid post addressed to the person at the usual or last known place of residence or business of that person.
- 6.2 If the person is absent from New Zealand the order, notice or other document may be served on the person's agent in the manner referred to in Clause 6.1.
- 6.3 If the order, notice, or other document relates to land or buildings, then the order, notice or other document may be served on the person who owns that land or buildings. If that person is not known, or is absent from New Zealand, or has no known agent in New Zealand, the order, notice or other document may be:

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

It may be necessary in that order, notice or other document to name the occupier or the owner of that land or buildings.

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

6.5 Any order, notice or other document shall state the time within which any remedial action is to be carried out. Such time may be extended by written authority of the Council.

7. SIGNING OF NOTICES

7.1 Every order, notice or other document sent by the Council will except as otherwise provided by any Act or Bylaw, be signed by the Chief Executive or any other person who has delegated authority by the Council to act on its behalf in that respect, and need not be under seal.

8. SCHEDULES AND PRESCRIBED FORMS

8.1 Each schedule to a Bylaw forms part of the Bylaw and if provided for in the Bylaw, may be altered from time to time by Council resolution.

9. GRANTING OF A LICENCE

9.1 An application for a licence must be made in writing using the standard application form (if any), must contain all the required information and must be accompanied by the prescribed fee (if any).

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

9.3 A licence granted under a Bylaw has no effect until and unless the prescribed fee is paid.

10. SUSPENSION AND REVOCATION OF LICENCES

10.1 When the holder of a licence issued under a Bylaw is convicted of any offence and the Council considers that conviction to be relevant to that person's suitability to be a licence-holder, the Council may revoke or suspend the licence, except where any provision of an Act or Bylaw provides otherwise.

10.2 Prior to revoking a licence pursuant to Clause 10.1, the Council will allow a licence holder an opportunity to appear before it and give reasons why the licence should not be revoked or suspended.

- 10.3 A person whose licence has been suspended under Clause 10.1 and 10.2 and any premises for which that licence has been suspended is, during that period of that suspension, deemed to be unlicensed.

11. FEES AND CHARGES

- 11.1 Where the Council has imposed fees or charges for a service in accordance with section 150 of the Local Government Act 2002, and that service has not been provided, the Council may refund, remit or waive that fee or a portion of it as the Council may determine.

12. REPEAL

- 12.1 The Ellesmere County Council General Bylaw 1969 NZSS 791 Introductory Amendment No.1 and No.2, Malvern County Council General Bylaw 1987 Chapter 1 (1972) Introductory and the Paparua County Bylaw 1981 Section 1 Interpretations and General.

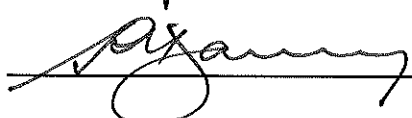
13. SAVINGS

- 13.1 All licences which originated under any of the Bylaws repealed by Section 12 and all applications, and other acts or parties and generally all documents, matters, acts and things which so originated and are continuing at the commencement of this Bylaw, continues for the purposes of the Bylaw to have full force and effect except where inconsistent with any existing Bylaw.

The **COMMON SEAL** of the
SELWYN DISTRICT COUNCIL
was hereunto affixed, in accordance
with the Special Order made by the
Council on _____
in the presence of:)
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Mayor



Chief Executive

