

# *Napier City Council*

# **BYLAW PROPOSAL**

## *November 2021*

### *What is a bylaw?*

Bylaws are rules or regulations made by local authorities under national legislation that are created to control specific activities of potential concern within the boundaries of a particular district or region. They allow a local authority to address local problems with local solutions.

The Local Government Act 2002 (**LGA**) enables local authorities to adopt bylaws for the following general reasons:

- To protect the public from nuisance (section 145(a));
- To protect, promote and maintain public health and safety (section 145(b)); and
- To minimise the potential for offensive behaviour in public places (section 145(b)).

Section 146 of the LGA also gives local authorities the power to make bylaws for a number of specific reasons, including to regulate the keeping of animals, bees, and poultry, trading in public places, cemeteries, and reserves, recreation grounds, and other land under the control of the authority.

Section 158 of the LGA requires local authorities to review all bylaws within five (5) years of the date on which they were first made. After a bylaw has been reviewed in accordance with section 158, it can then be reviewed every 10 years thereafter.

### *The proposal*

Napier City Council (**the Council**) currently relies on a series of bylaws made under the LGA and other legislation to manage and regulate a range of issues throughout Napier City. At present, the Council has one overarching Introductory Bylaw and 18 individual bylaws.

Pursuant to section 160A of the LGA, the following ten (10) bylaws will be revoked on 17 December 2021 and the Council is therefore seeking public feedback on a proposal to replace these bylaws with new bylaws made on the same terms:

- Introductory Bylaw 2014
- Animal Control Bylaw 2014
- Cemeteries Bylaw 2014
- Fire Control Bylaw 2014
- Parking Control Bylaw 2014
- Parks and Reserves Bylaw 2014
- Public Places Bylaw 2014
- Public Places Liquor Control Bylaw 2014
- Tattooists and Skin Piercers Bylaw 2014
- Trading in Public Places Bylaw 2014

## *Making new bylaws*

To make new bylaws, the Council is required by section 155 of the LGA to determine whether a bylaw is the most appropriate way of addressing the perceived problem and, if so, whether the proposed form of bylaw is appropriate and whether there are any implications under the New Zealand Bill of Rights Act 1990 (**NZBORA**).

The Council has undertaken these assessments and considers that the ten (10) bylaws that are proposed to be re-made are still appropriate and necessary to:

- Protect the public from nuisance;
- Protect, promote and maintain public health and safety; and/or
- Minimise the potential for offensive behaviour in public places.

The Council has also undertaken an assessment under section 77(1) of the LGA to identify all reasonably practicable options that may be available to achieve the Council's objectives. An assessment of the advantages and disadvantages of each option can be found at **Schedule 1** to this proposal.

## *Consultation process*

As part of the consultation process required by the LGA, the Council wants to hear from any person, group or business that would like to make submissions with respect to any of the bylaws included in this proposal.

Feedback and comments on the proposed bylaws contained in this document can be submitted from **Monday, 22 November 2021 to midday on Friday, 10 December 2021**.

The Council will make its decision on each of the bylaws after carefully considering the feedback received.

## *Proposed bylaws*

A full copy of the proposed bylaws can be found at **Schedule 2** to this proposal, with any changes to the 2014 bylaws shown in red-coloured text.

A copy of the current bylaws can be found on the Napier City Council website: <https://www.napier.govt.nz/documents-and-forms/bylaws/>.

The current bylaws will remain in place until 17 December 2021, at which point they will be revoked pursuant to section 160A of the LGA.

## *Public inspection*

Print copies of the draft bylaws may be inspected from **Monday, 22 November 2021** at the following places during normal office and library hours:

Customer Service Centre  
215 Hastings St  
Napier

Napier Library  
1 Tennyson St  
Napier

Taradale Library  
24 White St  
Taradale

Electronic copies are available at [www.sayitnapier.nz](http://www.sayitnapier.nz)

## *How to make a submission*

### Online form:

Go to our consultation website at [www.sayitnapier.nz](http://www.sayitnapier.nz)

### Post to:

Private Bag 6010  
Napier 4142  
New Zealand

### Delivery to:

Customer Service Centre  
215 Hastings St  
Napier

All submissions must be made in writing (hardcopy or electronic) by **midday on Friday, 10 December 2021**.