

ATTACHMENT 2

Section 155 Determinations

Bylaw	Problem identification and assessment	Is a bylaw the most appropriate way of addressing the perceived problem?	Is the current bylaw the most appropriate form of bylaw?	Proposal
Introductory Bylaw	The Introductory Bylaw addresses the issue of consistency of meaning across the individual bylaws. Its purpose is to identify and give interpretations of those terms and expressions common to and used in all bylaws (except as may be expressly provided otherwise) and sets the overall bylaw 'regulatory scene'. It governs the service of orders and notices, powers of delegation and entry, suspension and revocation of Licenses, removal of works executed contrary to any bylaw, the fees and charges payable under any bylaw, offences and breaches, and penalties for the breach of any bylaw.	Yes. The bylaw is appropriate as it contains definitions that are used throughout the Council's other bylaws and sets out, at a high level, the extent of the Council's powers to enforce those bylaws.	<p>It is important that this bylaw is retained because it contains links to the other Council bylaws, including some that are not included as part of this proposal.</p> <p>The bylaw is considered appropriate in its current form, and it is noted that there were no submissions received on this bylaw during the 2014 bylaw-making process or recent Long Term Plan (LTP) process. There have also not been any complaints received in relation to the current bylaw.</p> <p>The bylaw does not give rise to any implications under the NZBORA.</p>	To re-make the bylaw on the same terms as the Introductory Bylaw 2014.

<p>Animal Control Bylaw</p>	<p>The purpose of this bylaw is to control animal keeping in private property and trapping activities in public and private places in Napier City. It sets the requirements for the keeping of animals, poultry, bees and reptiles, and the minimum necessary requirements for owners for maintaining the principles of animal welfare and for the protection of residents and the local community from potential nuisance, excess noise, and health hazards. The bylaw is aimed primarily at the keeping of animals as pets or for home produce (whether in residential or industrial/commercial environments or on a temporary basis for mobile events) but may be applied to any circumstance as required.</p> <p>There is also a separate Dog Control Bylaw 2014 which does not form part of this proposal.</p>	<p>Yes. This bylaw has proven effective at addressing animal welfare concerns in the district.</p> <p>The fines provided for animal related nuisance under the bylaw are greater than those provided under the Health Act, so the bylaw penalty regime acts as a deterrent.</p>	<p>Yes. The bylaw is considered appropriate in its current form. The separation of this bylaw and the issues it addresses from the Dog Control bylaw makes it easier for the public to understand and enforcement staff to reference.</p> <p>There were no submissions received on this bylaw during the 2014 bylaw-making process or recent LTP process.</p> <p>The council officers involved in implementing and enforcing this bylaw are not aware of any complaints or other feedback that would suggest that the bylaw needs amending or is ineffective.</p> <p>The bylaw does not give rise to any implications under the NZBORA.</p>	<p>To re-make the bylaw on the same terms as the Animal Control Bylaw 2014.</p>
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<p>Cemeteries Bylaw</p>	<p>The purpose of this bylaw is to control activities within the cemeteries under the Council's area of responsibility to ensure acceptable standards of cemetery operation, and to ensure that convenience, safety, visual amenity and civic values are maintained for the well-being of users of the cemeteries, residents, monumentalists, and funeral services in the city.</p>	<p>Yes. The bylaw is an important legislative tool for the management of this critical Council asset.</p>	<p>Yes. The bylaw is considered appropriate and functional in its current form.</p> <p>The bylaw does not give rise to any implications under the NZBORA.</p>	<p>To re-make the bylaw on the same terms as the Cemeteries Bylaw 2014.</p>
<p>Fire Control Bylaw</p>	<p>This bylaw allows the Council to exercise control over burning in the open air and to prevent smoke from fires in the open causing a nuisance.</p>	<p>Yes. This bylaw allows Council to continue to exercise control over burning in the open air, including on Council property, to prevent smoke from fires causing a nuisance.</p> <p>Maintaining the bylaw is also important so that the Council can uphold its shared responsibilities for fire management with other agencies (including the Hawke's Bay Regional Council and FENZ).</p>	<p>Maintaining the bylaw is also important so that the Council can uphold its shared responsibilities for fire management with other agencies (including the Hawke's Bay Regional Council and FENZ).</p>	<p>To re-make the bylaw on the same terms as the Fire Control Bylaw 2014.</p>

<p>Parking Control Bylaw</p>	<p>This bylaw controls parking activities to ensure that acceptable standards of safety and civic value are maintained for the well-being and enjoyment of residents, visitors and businesses in Napier City.</p>	<p>Yes. The bylaw is critical for addressing Napier-specific parking issues, parking enforcement and ensuring the city functions effectively.</p>	<p>Yes. The bylaw is considered appropriate in its current form. Any feedback that has been received from the public in relation to parking issues is generally linked to satisfaction with parking supply as opposed to the effectiveness of the bylaw.</p> <p>The Council received only one Annual Plan submission on the bylaw since it was last reviewed which concerned the Council's freedom camping site at Westshore (a matter which is regulated by the Council's Freedom Camping Bylaw 2017).</p> <p>The bylaw does not give rise to any implications under the NZBORA.</p>	<p>To re-make the bylaw on the same terms as the Parking Control Bylaw 2014.</p>
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<p>Parks and Reserves Bylaw</p>	<p>This bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the well-being and enjoyment of citizens, residents, visitors and businesses within the district. In particular, the bylaw addresses behaviour in public facilities such as parks, reserves and beaches. It also addresses activities within these areas which may have an adverse effect on other users of these facilities.</p>	<p>Yes. The bylaw is considered a critical legislative tool for the management of this critical Council asset.</p> <p>It identifies rules around what is and is not acceptable behaviour in Council reserves, and what requires Council Officer approval, as well as bookings and a number of other matters.</p> <p>It is a key tool in managing users in parks to ensure social norms are adhered to.</p>	<p>Yes. The bylaw is considered appropriate and functional in its current form.</p> <p>The bylaw does not give rise to any implications under the NZBORA.</p>	<p>To re-make the bylaw on the same terms as the Parks and Reserves Bylaw 2014.</p>
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<p>Public Places Bylaw</p>	<p>This bylaw ensures that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the well-being of residents, visitors and businesses in Napier City. In particular, it addresses damage to public places such as roads, grass verges, garden areas and reserves, and activities within public places and reserves which may have an adverse effect on other users of these facilities.</p> <p>It also addresses specific areas within Napier and Taradale and specific issues such as skateboard riding.</p>	<p>Yes. This bylaw supports the community's expectations of how people will behave in public so as not to cause issues for or adverse effects on others and is the most appropriate tool for regulating behaviour in public places.</p>	<p>Yes. The bylaw is considered appropriate in its current form.</p> <p>The Council received a small number of submissions in relation to the matters regulated by the bylaw during the 2021 LTP process. However, these simply highlighted the need for continued regulation of public places and their safety and support the Council's view regarding the appropriateness of the bylaw.</p> <p>The council officers involved in implementing and enforcing this bylaw are not aware of any complaints or other feedback that would suggest that the bylaw needs amending or is ineffective.</p> <p>The bylaw does not give rise to any implications under the NZBORA.</p>	<p>To re-make the bylaw on the same terms as the Public Places Bylaw 2014.</p>
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<p>Public Places Liquor Control Bylaw</p>	<p>The primary purpose of this bylaw is to enhance safety and the public enjoyment of public places in a responsible manner, particularly within the central city, by providing for liquor control in specified public areas to reduce the incidence of alcohol-related offences, particularly those of a violent and/or destructive nature.</p>	<p>Yes. A bylaw is required to manage alcohol in public areas and ensure alcohol-related harm is reduced in commercial areas consistent with the Council's Local Alcohol Policy August 2019.</p> <p>The police also utilise this bylaw to enforce liquor ban areas, especially during large events in the city.</p>	<p>Yes. The bylaw is considered appropriate in its current form.</p> <p>The current bylaw is used by police and has proven particularly effective during large events in the city, such as Art Deco Weekend.</p> <p>Since the current bylaw came into force in 2015, there have been no indications from police to suggest that the bylaw needs amending or is ineffective.</p> <p>There were also no submissions received in relation to the bylaw during the 2014 bylaw-making process or the recent LTP process.</p> <p>The bylaw does not give rise to any implications under the NZBORA.</p>	<p>To re-make the bylaw on the same terms as the Public Places Liquor Control Bylaw 2014.</p>
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<p>Tattooists and Skin Piercers Bylaw</p>	<p>This bylaw prevents the transference of communicable diseases, such as Hepatitis B and C and HIV/AIDS, and the development of wound infections, by skin piercing practices (including tattooing). The bylaw requires premises at which skin piercing practices are carried out to be registered and works in conjunction with the Ministry of Health Guidelines for the Safe Piercing of Skin.</p>	<p>Yes. Skin piercing is a high risk practice and a bylaw is necessary to set standards for people who offer these services or are considering offering these services.</p> <p>This bylaw allows the Council to license premises and enforce rules relating to hygiene, operator conduct and sterilisation of equipment.</p>	<p>Yes. The bylaw is considered appropriate in its current form.</p> <p>There have been no changes to any regulation or guidelines (including the Ministry of Health Guidelines for the Safe Piercing of Skin) that would require any amendment to the terms of the current 2014 bylaw.</p> <p>There were no submissions received on this bylaw during the 2014 bylaw-making process or recent LTP process. The council officers involved in implementing and enforcing this bylaw are also not aware of any complaints or other feedback that would suggest that the bylaw needs amending or is ineffective.</p> <p>The bylaw does not give rise to any implications under the NZBORA.</p>	<p>To re-make the bylaw on the same terms as the Tattooists and Skin Piercers Bylaw 2014.</p>
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<p>Trading in Public Places Bylaw</p>	<p>This bylaw enables the Council to regulate the conduct of persons selling goods on streets, roads, footpaths and other public places and to regulate the conduct of persons using vehicles to sell goods and services to the general public.</p>	<p>Yes. The bylaw is critical to control the proliferation of vendors on streets, parks and reserves. Specifically, it protects the local retail community from unfair competition and ensures the city's parks and reserves are primarily used for rest and recreation.</p> <p>The bylaw is primarily used as a licensing tool, and to address complaints from shopkeepers and the public.</p>	<p>Yes. The bylaw is considered appropriate in its current form.</p> <p>There were no submissions received on this bylaw during the 2014 bylaw-making process or recent LTP process.</p> <p>The current bylaw is well known to the small group of local mobile vendors and has been effective at achieving high rates of compliance among those vendors. The council officers involved in implementing and enforcing this bylaw are not aware of any complaints or other feedback that would suggest that the bylaw needs amending or is ineffective.</p> <p>The bylaw does not give rise to any implications under the NZBORA.</p>	<p>To re-make the bylaw on the same terms as the Trading in Public Places Bylaw 2014.</p>
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