

## Amendments to other Auckland City Council bylaws as a result of the Bylaw Administration Bylaw 2009 coming into force 09 October 2009

### Amendment of the Bathing, Health and Beauty Facilities bylaw 2008

1. Amend the Bathing, Health and Beauty Facilities bylaw 2008 by amending the definition of Massage Premises or Massage Rooms in clause 5.1.1 to read:

**Massage Premises or Massage Rooms** means any room or premises in which body massage is offered, with or without ~~bathhouse, beauty therapy clinic~~ the use of other facilities such as public pools, saunas, steam rooms, beauty therapy rooms or health and fitness centre facilities and for which a charge is made for admission or service, ~~but.~~ It does not include premises offering only facial massage ~~only~~ or any premises used for physiotherapy by physiotherapists with a practising certificate or an interim practising certificate issued under the Health Practitioners Competence Assurance Act 2003.  
~~Massage room shall have a similar meaning.~~

2. Amend the definition of a public pool to read:

**Public Pool** means a spa pool or swimming pool or any similar pool or bath (including flotation tanks) capable of holding more than 500 litres of water for which a charge of admission is paid, whether by way of entry fee, membership fee or by payment for any other facilities or services. For the avoidance of doubt, a public pool includes a pool provided at a school or educational establishment, a pool in a health and fitness centre, brothel, boarding house, guest rooming house, hotel, tavern, private hotel, motel, club, hostel or camping ground. It does not include private pools associated with private dwellings.

### Amendment of the Cemeteries bylaw 2008

1. Amend the Cemeteries bylaw 2008 by including in clause 7.1.1 a definition of “poor person” which reads:

**Poor person** means any person who has insufficient means to pay the ordinary charge of burial, either personally or through his or her friends or relatives.  
See section 49 of the Burial and Cremation Act 1964 for further details.

### Amendment of the Wharf bylaw 2008

Amend the Wharf bylaw 2008 by:

1. inserting in clause 8.0 a definition of structure which reads:

**Structure** means any building, pile, pipe, cable, drain, harbour work or any other permanent structure of any kind.

## **Amendment of the Food Premises bylaw 2008**

Amend the Food Premises bylaw 2008 by:

1. Inserting a definition of certificate of registration in clause 15.1.1 which reads:

**Certificate of registration** means a certificate of registration as required by the Health (Registration of Premises) Regulations 1966.

2. Inserting a definition of food which reads:

**Food** means anything that is used or represented for use as food or drink for human beings: and includes—

- a. Any ingredient or nutrient or other constituent of any food or drink, whether that ingredient or nutrient or other constituent is consumed or represented for consumption by human beings by itself or when used in the preparation of or mixed with or added to any food or drink; and
- b. Anything that is or is intended to be mixed with or added to any food or drink; and
- c. Chewing gum, and any ingredient of chewing gum, and anything that is or is intended to be mixed with or added to chewing gum:

3. Inserting a definition of food for sale which reads:

**Food for sale** has the same meaning as in the Food Act 1981 or any Act or amendment to this Act and includes the meaning given in Regulation 2(5) of the Food Hygiene Regulations 1974. **Sale or sell** has a similar meaning. Food given away for promotion is deemed to have been sold.

## **Amendment of the Skin Piercing Bylaw 2008**

1. Amend the Skin Piercing bylaw by inserting a definition of communicable disease in clause 17.1.1 which reads:

**Communicable disease** means any infectious disease, tuberculosis, venereal disease, and any other disease declared by the Governor-General, by Order in Council, to be a communicable disease for the purposes of the Health Act 1956.

## **Amendment of the Public Places bylaw 2008**

Amend the Public Places bylaw 2008 by:

1. amending clause 20.6.14 to read:

The provisions of this clause are in addition to any powers of dispensation and licensing under Part 1 (~~Bylaw Administration~~) of council's bylaws. council's Bylaw Administration bylaw.

## **Amendment of the Traffic bylaw 2006**

Amend the Traffic bylaw 2006 by:

1. amending the definition of Display by deleting the word part and replacing it with the word clause:

**Display** for the purposes of ~~Part~~ clause 25.15 – parking meters and pay and display areas means.....

2. amending the first sentence of the definition of Emergency vehicle to read:

**Emergency vehicle** for the purposes of clause 25.17.2 means any vehicle attending to an emergency or situation requiring urgent enforcement of one or more Part 25 of this bylaw's provisions operated -

3. inserting in clause 25.1 a definition of:

- a. Heavy motor vehicle which reads:

**Heavy motor vehicle** means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) the gross laden weight of which exceeds 3,500 kilograms.

- b. Holiday which reads:

**Holiday** means a public holiday defined by section 44 (1) of the Holidays Act 2003.

- c. Pedestrian mall which reads:

**Pedestrian Mall** means a road or part of a road specified by the council where the driving riding or parking of vehicles or the riding of animals is prohibited either generally or during particular hours.

- d. Prohibited entry point which reads:

**Prohibited entry point** means the point on a road under the control of council which is marked as a prohibited entry point, by prohibited entry signs erected by council, pursuant to a resolution of council to prohibit the entry of certain classes of vehicles under provisions of this bylaw.

- e. Traffic sign which reads:

**Traffic sign** means a traffic control device prescribed by part 2 of Land Transport Rule 54002: Traffic Control Devices 2004.

## **Amendment of the Water Supply bylaw 2008**

Amend the Water Supply bylaw 2008 by:

1. Inserting into clause 26.1.1:

- a. a definition of backflow preventer which reads

**Backflow preventer** means an approved device that prevents the unplanned flow of water or mixtures of water and contaminants into a water supply system.

- b. a definition of direct connection which reads:

**Direct connection** includes any underwater outlet or any arrangement of pipes, hoses or fittings, which may allow a possible backflow into a water supply system.

## **Amendment of Waiheke Wastewater bylaw 2008**

Amend the Waiheke Wastewater bylaw 2008 by:

1. Amending clause 29.2.1 by deleting the words “Building Act 1991” and replacing them with the words “Building Act 2004”.
  
2. Amending clause 29.3.2 so that the clause reads:

~~All new domestic wastewater treatment systems shall be inspected by an authorised officer before being covered up. The owner or the person undertaking the installation of a domestic wastewater treatment system shall give the council the required notification as set out in Regulation 7 of the Building Regulations 1992.~~

All new domestic wastewater treatment systems and any alterations to existing systems shall be inspected by an authorised officer before being covered up.