

Amusement Galleries Bylaw 1991



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The South Waikato District Council, acting in exercise of and in pursuance of, the powers and authorities vested in it by the Local Government Act 1974 and all other powers and authorities enabling it in that behalf make by way of Special Order the following Bylaw:

1. Title

The title of the Bylaw shall be the **South Waikato District Council Bylaw (Amusement Galleries) 1991**.

2. Commencement

This Bylaw shall come into force on the 7th day of February 1992.

3. Interpretation

Amusement Gallery means any premises to which the public are admitted with or without payment and in which are situated facilities for the purpose of playing games on any electrical or mechanical device whether or not it is the principal activity carried out on the premises, subject to there being **four or more amusement machines** games or devices located on the premises such premises shall include fun parlours and video parlours.

Council means the South Waikato District Council.

Licence means a licence issued under this Bylaw for the use of premises as an amusement gallery.

Licensee means a person to whom a licence is issued pursuant to Clause 5.0 hereof.

Manager means the licensee and any person appointed by a licensee to conduct the operation of an amusement gallery.

4. Licence Required

No person shall use or cause to permit to be used any building or part of a building within the District as an amusement gallery unless the same has been licensed for that purpose by the Council.

5. Issuing or Extending of Licence

1. On the receipt of an application for the issuing or extending of a licence in respect of any premises, the Council after considering all matters pertinent to the application, may:
 - (a) Issue or extend a licence without conditions; or
 - (b) Refuse to issue or extend a licence for any of the reasons specified in Section 686 of the Local Government Act; or
 - (c) Issue or extend a licence subject to such conditions as Council may consider necessary to ensure the observance of its bylaws or any enactment it empowers.

2. Council shall not cancel or refuse any licence or impose any condition upon any licence without first giving the applicant or licensee (as the case may be) the opportunity to be heard in that regard before a Committee of the Council.

6. Licence Fees

For every licence issued under this bylaw or any annual renewal of licence or any transfer of licence, the applicant shall pay such fee as the Council may from time to time by resolution prescribe. Every licence shall expire on 30 June next following the date of issue.

7. Sanitary Standards

The Manager of any gallery shall for each sex provide and maintain in a clean, sanitary and good working condition water closets and washing facilities as required for "place of public assembly" as set out in the Drainage and Plumbing Regulations 1978.

8. Inspectors and Inspections

1. The Council may appoint an Inspector or Inspectors for the purpose of inspecting amusement galleries and for reporting thereon and on all Managers and applicants for a licence or renewal or transfer of a licence under this bylaw.
2. Prior to the issue, annual renewal or transfer of any licence, any building used or intended to be used as an amusement gallery shall be inspected by the Inspector and by an Officer of the New Zealand Fire Service authorised to inspect buildings. No licence shall be issued, renewed or transferred unless the building complies with the requirements for fire fighting equipment as stated in NZS 4503:1974 "Hand Operated Fire Fighting Equipment" and with the toilet facilities for Public Places scheduled in the Drainage and Plumbing Regulations 1978.

9. Licensee or Manager Responsible for Proper Conduct

From and after the issue of the licence, the Licensee of a gallery or, where a Manager is appointed, the Manger of the gallery shall be personally responsible for the proper conduct of such gallery and shall himself see that all provisions or requirements of the bylaw and any relevant Statute are duly carried out and observed.

10. Noise Nuisance

1. It shall be the duty of the Manager of an amusement gallery to ensure that the noise level is such that it does not unreasonably disturb members of the public or adjacent business people or residents.
2. The Council may, upon receipt of written complaints from three (3) persons, who reside or are employed or are engaged in any occupation or business in the vicinity, to the effect that the noise level is creating a nuisance, request the Manager of an

amusement gallery to abate the nuisance forthwith and if the Manager fails to do so, the Council may forthwith cancel any licence to operate the device or gallery.

11. Revocation of Licence

The Council may suspend the licence granted in respect of any amusement gallery if the Manager thereof has been convicted of any offence against this bylaw or Section 686 of the Local Government Act 1974. During the period of any suspension under this part of the bylaw, the amusement gallery shall be deemed to be unlicensed. A licensee may apply to Council for the suspension to be lifted and the licence issued in accordance with Clause 5 of this bylaw.

12. Offences and Penalties

Every person who fails to comply with the provisions of this bylaw or fails to comply with any conditions to which a licence is subject commits an offence and shall be liable on summary conviction to a fine not exceeding \$500.00 and where the offence is a continuing one then to a further fine of \$50.00 a day for every day or part of a day during which the offence has continued.

13. Licensed Premises

Nothing in this bylaw shall apply to any premises which are licensed under the Sale of Liquor Act 1989.

14. Repeals

The **Tokoroa Borough Bylaw No 5 1982 (Amusement Galleries)** is hereby repealed.

The foregoing bylaw was made by Special Order passed at a meeting of the South Waikato District Council held on the 28th day of November 1991 and confirmed at a meeting of the Council held on the 30th day of January 1992.

The said bylaw was ordered to come into force on the 7th day of February 1992.

THE COMMON SEAL of **THE SOUTH
WAIKATO DISTRICT COUNCIL** was hereto
affixed in the presence of:

(Signed) G J Blake

Mayor

(Signed) B S Harris

General Manager