

Failure to comply with notices additional consequences
 27. If a person fails to comply with a notice under section 10(1), 11(1), 12(1), 13(1) or 16(1), the Council may do anything that the notice required the person to do and recover its costs from the person as a civil debt.

Penalties payable to Council
 28. All monetary penalties including any civil debt collected pursuant to this Ordinance shall be paid into the City Fund.

Authorised officers
 29. The City Clerk may, in writing, authorise any officer of the Council or another person for the purposes of this Ordinance.

PASSED by the Honiara City Council this 24th day of November 2009.

Cr. Andrew Mua
 Mayor
 Honiara City Council

ASSENTED TO by the Minister for Home Affairs this 24th day of November 2009.

MINISTER FOR HOME AFFAIRS

[Legal Notice No. 17]

**HONIARA CITY COUNCIL (MISCELLANEOUS AMENDMENTS)
 BILL 2009**

A BILL FOR

AN ORDINANCE made pursuant to sections 34 and 35 of the Honiara City Act 1999 (Act No. 2 of 1999) to amend penalties in and provide for the effective enforcement of certain Ordinances of the Honiara City Council and for related purposes.

ENACTED by the Honiara City Council as follows -

Short title and commencement
 1. (1) This Ordinance may be cited as the Honiara City Council (Miscellaneous Amendments) Ordinance 2009 and commences on the date it is published in the *Gazette* except for section 7 which commences on 1 January 2010.

Amendment to the Honiara City Council Cemeteries Ordinance
 2. The Honiara City Council Cemeteries Ordinance is amended
 (a) in section 15, by deleting the words "twenty dollars" and substituting the words "1,000 penalty units";

(b) by adding the following new sections

16. (1) For the purposes of section 37 of the Act, an enforcement officer employed under that section may, without warrant, arrest

"Powers of enforcement officers to arrest without warrant

(a) any person who is committing or about to commit or whom the officer suspects upon reasonable grounds of having committed an offence under this Ordinance; or

(b) any person for whom the officer has reasonable cause to believe a warrant of arrest has been issued with respect to an offence under this Ordinance.

(2) An enforcement officer shall, without unnecessary delay, take any person arrested under subsection (1) to a police officer, or to the nearest police station or a magistrate.

17. (1) The City Clerk may, in writing, authorise any officer of the Council or other person ("authorised officer") to prosecute any offence under this Ordinance in the magistrate's court.

Authorised officers may prosecute offences

(2) A person authorised under subsection (1) has the right to appear before a magistrate and the power to conduct proceedings in the magistrate's court in respect of any offence under this Ordinance.

18. All monetary penalties including any civil debt secured under this Ordinance shall be paid into the City Fund.

Penalties payable to Council

3. The Honiara City Council Building Ordinance is amended:

Amendment to the Honiara City Council Building Ordinance

(a) in section 52 -

(i) by deleting the words "one hundred dollars" and substituting the words "10,000 penalty units"; and

(ii) by deleting the words "two months" and substituting the words "twelve months".

(b) by adding the following new sections:

53. (1) For the purposes of section 37 of the Act, an enforcement officer employed under that section may, without warrant, arrest

"Powers of enforcement officers to arrest without warrant

(a) any person who is committing or about to commit or whom the officer suspects upon reasonable grounds of having committed an offence under this Ordinance; or

(b) any person for whom the officer has reasonable cause to believe a warrant of arrest has been issued with respect to an offence under this Ordinance.

(2) An enforcement officer shall, without unnecessary delay, take any person arrested under subsection (1) to a police officer, or to the nearest police station or a magistrate.

Authorised officers may prosecute offences

54. (1) The City Clerk may, in writing, authorise any officer of the Council or other person ("authorised officer") to prosecute any offence under this Ordinance in the magistrate's court.

(2) A person authorised under subsection (1) has the right to appear before a magistrate and the power to conduct proceedings in the magistrate's court in respect of any offence under this Ordinance.

Penalties payable to Council

55. All monetary penalties including any civil debt secured under this Ordinance shall be paid into the City Fund."

Amendment to the Honiara City (Hawkers) Ordinance

4. The Honiara City (Hawkers) Ordinance is amended:

(a) in section 8 --

(i) by deleting the words "one hundred dollars" and substituting the words "1,000 penalty units";

(ii) by deleting the words "or in default of payment, to imprisonment for three months";

(b) by adding the following new sections --

Powers of enforcement officers to arrest without warrant

9. (1) For the purposes of section 37 of the Act, an enforcement officer employed under that section may, without warrant, arrest --

(a) any person who is committing or about to commit or whom the officer suspects upon reasonable grounds of having committed an offence under this Ordinance; or

(b) any person for whom the officer has reasonable cause to believe a warrant of arrest has been issued with respect to an offence under this Ordinance.

(2) An enforcement officer shall, without unnecessary delay, take any person arrested under subsection (1) to a police officer, or to the nearest police station or a magistrate.

Authorised officers may prosecute offences

10. (1) The City Clerk may, in writing, authorise any officer of the Council or other person ("authorised officer") to prosecute any offence under this Ordinance in the magistrate's court.

(2) A person authorised under subsection (1) has the right to appear before a magistrate and the power to conduct proceedings in the magistrate's court in respect of any offence under this Ordinance.

Penalties payable to Council

11. All monetary penalties secured under this Ordinance shall be paid into the City Fund."

5. The Honiara City (Licensing of Businesses) Ordinance is amended:
- (a) in section 3(1)
- (i) by deleting the words “twenty dollars” and substituting the words “3,000 penalty units”;
- (ii) by deleting the words “or in default of payment, to imprisonment for six weeks”;
- (b) in section 6(2):
- (i) by deleting the words “ten dollars” and substituting the words “500 penalty units”;
- (ii) by deleting the words “or in default of payment, to imprisonment for three weeks”; and
- (c) by adding the following new sections:
10. (1) For the purposes of section 37 of the Act, an enforcement officer employed under that section may, without warrant, arrest
- (a) any person who is committing or about to commit or whom the officer suspects upon reasonable grounds of having committed an offence under this Ordinance; or
- (b) any person for whom the officer has reasonable cause to believe a warrant of arrest has been issued with respect to an offence under this Ordinance.
- (2) An enforcement officer shall, without unnecessary delay, take any person arrested under subsection (1) to a police officer, or to the nearest police station or a magistrate.
11. (1) The City Clerk may, in writing, authorise any officer of the Council or other person (“authorised officer”) to prosecute any offence under this Ordinance in the magistrate’s court.
- (2) A person authorised under subsection (1) has the right to appear before a magistrate and the power to conduct proceedings in the magistrate’s court in respect of any offence under this Ordinance.
12. All monetary penalties including any civil debt secured under this Ordinance shall be paid into the City Fund.
6. The Honiara City (Dogs) Ordinance is amended:
- (a) in section 3(2):
- (i) by deleting the words “thirty dollars” and substituting the words “500 penalty units”;
- (ii) by deleting the words “or, in default of payment, to imprisonment for three weeks”;

Amendment to the Honiara City (Licensing of Businesses) Ordinance

Powers of enforcement officers to arrest without warrant

Authorised officers may prosecute offences

Penalties payable to Council

Amendment to the Honiara City (Dogs) Ordinance

- (b) in section 10 by deleting the words "twenty dollars" and substituting the words "1,500 penalty units";
- (c) in section 11:
 - (i) by deleting the words "ten dollars" and substituting the words "1,000 penalty units";
 - (ii) by deleting the words "or in default of payment, to imprisonment for three weeks";
- (d) in section 12:
 - (i) by deleting the words "ten dollars" and substituting the words "500 penalty units";
 - (ii) by deleting the words "or in default of payment, to imprisonment for three weeks";
- (e) in section 14 by deleting the words "twenty dollars" and substituting the words "1,500 penalty units"; and
- (f) by adding the following new sections:

"Powers of enforcement officers to arrest without warrant"

16. (1) For the purposes of section 37 of the Act, an enforcement officer employed under that section may, without warrant, arrest --

- (a) any person who is committing or about to commit or whom the officer suspects upon reasonable grounds of having committed an offence under this Ordinance; or
- (b) any person for whom the officer has reasonable cause to believe a warrant of arrest has been issued with respect to an offence under this Ordinance.

(2) An enforcement officer shall, without unnecessary delay, take any person arrested under subsection (1) to a police officer, or to the nearest police station or a magistrate.

Authorised officers may prosecute offences

17. (1) The City Clerk may, in writing, authorise any officer of the Council or other person ("authorised officer") to prosecute any offence under this Ordinance in the magistrate's court.

(2) A person authorised under subsection (1) has the right to appear before a magistrate and the power to conduct proceedings in the magistrate's court in respect of any offence under this Ordinance.

Penalties payable to Council

18. All monetary penalties secured under this Ordinance shall be paid into the City Fund."

7. The Honiara City Council (Fees, Rates and Charges) Ordinance 2009 is amended in Schedule 1 by repealing the Endnotes and substituting the following Endnotes:

An amendment
to the Honiara
City Council
(Fees, Rates
and Charges)
Ordinance
2009

1. Honiara City (Licensing of Businesses) Ordinance - section 7.
2. Honiara City Council (Markets) Ordinance 2009 - section 6.
3. Honiara City (Dogs) Ordinance - section 4(1).
4. Honiara City (Dogs) Ordinance - section 8.
5. Honiara City Council (Litter) Ordinance 2009 - section 19(a).
6. Honiara City Council (Litter) Ordinance 2009 - section 19(a).
7. Honiara City Council Building Ordinance - section 4(2).
8. Honiara City Council Cemeteries Ordinance - section 6(1)."

PASSED by the Honiara City Council this 24th day of November 2009.

Cr. Andrew Mua
Mayor
Honiara City Council

ASSENTED TO by the Minister for Home Affairs this 24th day of November 2009.

MINISTER FOR HOME AFFAIRS

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