

CLUTHA DISTRICT COUNCIL REGULATORY BYLAWS

PART 2

PUBLIC PLACES

200 SCOPE

The Local Government Act 2002 gives Council a general bylaw-making power to adopt bylaws for the purpose of protecting the public from nuisance; protecting, promoting, and maintaining public health and safety; and minimising the potential for offensive behaviour in public places.

The Act also gives Council a specific bylaw-making power to adopt bylaws for the purpose of managing, regulating against, or protecting from, damage misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with reserves, recreation grounds, or other land under the control of the territorial authority.

This Part of the bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district. In particular this Part addresses damage to public facilities such as roads, grass verges, garden areas and reserves. It also addresses activities within public places and reserves which may have an adverse effect on other users of these facilities.

This part of the bylaw should be read in conjunction with the relevant provisions from the Local Government 2002, as well as other relevant legislation e.g. Reserves Act 1977, Health Act 1956, Litter Act 1979, which outline some of the powers and requirements of the Council in regard to streets, public places and reserves.

201 DEFINITIONS

For the purposes of this Bylaw, unless the context requires otherwise, the following definitions apply:

Freedom Camping	Any overnight stay on a public site, other than in commercial accommodation or an established camping ground which has toilets. Includes stays in campervans, mobile homes, other vehicles, tents or sleeping outdoors.
Material or thing	Any material of whatever kind, including wheelie bins and other containers for waste material, but excluding vehicles.
Public place	Defined in Part 1
Ride a skateboard	Having either one or both feet, or any other part of the body of any person, on a skateboard when it is moving.

Road As well as that defined in Part 1, should be taken to include all land lying between the boundaries of a road including footpaths and berms.

Skateboard A wheeled device controlled or propelled by gravity or by energy exerted by the rider. The definition should be taken to include roller skates, in-line skates, or similar recreational devices, but does not include any wheelchair, baby or invalid carriage or bicycles.

202 PUBLIC SAFETY AND NUISANCES

202.1

Except with the prior permission of Council or an authorised officer, a person shall not upon or over any public place:

- a) Place or leave any litter, materials, substance or thing likely to be hazardous or injurious to any person, or likely to create a nuisance;
- b) Deposit in a public litter receptacle any household or trade refuse;
- c) Interfere with any refuse which is awaiting collection by an authorised collector;
- d) Drive any vehicle except on a formed road, or drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in the public place;
- e) Cause or allow any material or thing to be deposited onto a public place or road;
- f) Leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
- g) Solicit any subscription, collection or donation, or preach or undertake any busking;
- h) Distribute any printed or written material advertising any product, service or entertainment;
- i) Fly from or land any aeroplane, including model aeroplane, hot air balloon, hang glider, parachute or similar in a manner that is dangerous or inconsiderate to other users of the public place;
- j) Play any game or use any object including scooters, skateboards, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may intimidate, endanger, injure or cause a nuisance to persons in the public place, or damage the public place;
- k) Erect or place any structure on, over or under the public place except in compliance with any other Part of this bylaw or the District Plan.

202.2

The deposit of litter in a public place, or on private land without the consent of the occupier of that land, is an offence under the Litter Act 1979 and may result in people being liable for penalties under that Act. Any person believed to have deposited litter in a public place or on private land without the consent of the occupier of that land may also be liable to Council for the following infringement fees:

- **Minor littering - \$100**

Where littering is:

- a) on a small scale, and;
- b) not likely to cause harm or injury to any person

For example, drink cans and food packaging.

- **Major littering - \$400**

For more serious or major littering offences where litter is:

- a) in large quantities, or;
- b) of a noxious nature, or likely to cause harm or injury to any person.

For example, household waste, commercial waste, green waste or car parts. The decision whether to issue an infringement notice for major littering or to refer the matter to the District Court will be determined on a case by case basis, based on the severity and malicious intent of the alleged offence.

202.3

Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which in the opinion of an authorised officer could cause damage or injury to a passerby, the authorised officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land safe.

202.4

Notwithstanding the requirements of any other clause of this Part of the bylaw, and without the prior permission of Council or an authorised officer, a person shall not in any public place light any fire, except at specially provided fireplaces or in an appliance designed for outdoor cooking, subject to any restriction imposed by Council on the lighting of fires.

202.5

Council may from time to time, and by publicly notified resolution, place a temporary ban on the possession of glass drinking vessels or containers from any public place throughout the district. Where a temporary ban on the possession of glass drinking vessels or containers from any public place has been imposed and that ban has been publicly notified, there shall be displayed at that public place a notice informing the public of the time and duration of that ban.

A person commits an offence against this Bylaw where they are in possession of any glass drinking vessel or container within any public place during the period of any temporary glass ban in respect of that place and where there is a notice displayed at the place informing of the glass ban's time and duration.

202.6

A ban on the possession of glass drinking vessels or containers is in place for Kaka Point over the foreshore adjoining the Esplanade from the intersection with Rata Street to the intersection with Karoro Creek Road, from 1 December to 31 January of the following year inclusive each summer, and over Moana Street for the period 30 December to 2 January of the following year inclusive each new year.

While the ban is in force, there shall be displayed notices at Kaka Point informing the public of the location and duration of the ban.

A person commits an offence against this Bylaw where they are in possession of any glass drinking vessel or container within the location and duration of the above glass ban.

203 FREEDOM CAMPING

203.1

Freedom camping shall only be permissible where:

- a) camping is carried out in a mobile vehicle fitted with a minimum three day capacity toilet and greywater storage facility,
- b) camping takes place on Council controlled public land for a maximum of two nights in any location, with the exception of the prohibited areas stated in Schedule 1 of Council's Policy on Freedom Camping attached. This Schedule may be changed from time to time by resolution of Council,
- c) all toilet waste and greywater is disposed of in Council approved dump points, set out in Schedule 2 of Council's Policy on Freedom Camping attached. This Schedule may be changed from time to time by resolution of Council,
- d) refuse is disposed of in an approved litter bin, skip or landfill,
- e) campers leave sites in a clean and tidy state.

Where campers fail to comply with any of the above requirements they are in breach of this part of the bylaw and may be liable for either:

- a fine not exceeding [\$500] and, in the case of a continuing offence, to a further fine not exceeding [\$50] for every day on which the offence has continued (under the Health Act), or;
- prosecution where the court may impose a fine not exceeding \$20,000 (under the Local Government Act 2002).

Campers must comply with any request of an authorised officer of Council to move on from their chosen camping spot.

204 OBSTRUCTING PUBLIC PLACES

Except with the permission of the Council or an authorised officer a person shall not in any public place:

- a) Obstruct an entrance to, or exit from, a public place;
- b) Place or leave any material or thing, including signage, on a public place that could obstruct the public right of passage, other than in accordance with such conditions as may be imposed, or in accordance with District Plan rules;
- c) Allow any gate or door on property abutting a public place, to swing over or across the public place or any part of a public place;
- d) Carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary for the vehicle's removal.

205 DAMAGE

205.1

Except with the permission of the Council or an authorised officer a person shall not in any public place:

- a) Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub, or plant or any inscription or label relating to it;
- b) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facilities;

Nothing in this sub-clause shall prevent the Council from supplying or approving the installation of display boards or temporary signs in any public place for the purpose of allowing posters to be displayed announcing upcoming functions or events;

- c) Cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
- d) Damage or interfere with any natural feature, animal or plant;
- e) Use any vehicle or be in control of an animal in a manner so that it damages any part of a public place;
- f) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
- g) Remove any sand, soil or other naturally occurring material found in a public place except in accordance with the Regional or District Plan;
- h) Open any drain or sewer on, or disturb or remove the surface of, any public place.

205.2

Any person carrying out authorised works on a public place shall reinstate the area to a standard approved by an authorised officer.

205.3

Any person wishing to gain access to a beach shall use a designated access where this is available.

206 PLACING OF ARTICLES ON, AND DAMAGE TO, PUBLIC PLACES

206.1

A person shall not place or leave, or cause or permit to be placed or left, any material or thing, including signage, amusement devices or items for sale or hire, on any public place unless:

- a) Such action has first been approved by Council or an authorised officer, and then only in accordance with such conditions as Council or the authorised officer may impose; or
- b) Such action is taken for the purpose of regular refuse or other collections authorised by the Council or is otherwise authorised by law; or
- c) Such action is permitted pursuant to any other Part of this bylaw.

206.2

A person shall not do, cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place.

207 CONTROL OF SKATEBOARDS

No person shall ride a skateboard on any footpath or any other public area without taking due care to ensure no damage is caused to any property or without reasonable consideration for other persons using the footpath or public area.

208 EXPOSING ARTICLES FOR SALE

Except as provided for by any other Part of this bylaw no person shall expose for sale any article whatsoever on any footpath, or outside of any shop, shop window, or doorway abutting on any public place, so as to encroach on or over that public place, without the prior permission of Council, and then only in accordance with such conditions as Council may think fit to impose.

209 VEHICULAR CROSSINGS

209.1

Any person wishing to construct, repair, remove or widen any vehicular crossing shall first obtain a permit from the Council.

209.2

A permit issued by the Council under 209.1 may be subject to such conditions concerning dimensions and materials as the Council may consider reasonably necessary to protect the road (including any footpath or berm) adjacent to the vehicle crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles.

209.3

No person shall drive, ride, propel, or wheel any motor vehicle across any footpath or water channel in any public place otherwise than upon a crossing properly constructed under the provisions of this bylaw.

209.4

If, in the opinion of the Council, any crossing is in a bad or unsafe state of repair Council may, by notice in writing, require the owner of the land which the crossing provides access to, to repair, reconstruct, or renew such crossing to the satisfaction of Council. Any owner or occupier who fails to comply with such notice within the period specified is committing an offence against this Part of this bylaw.

210 ASSEMBLY

A person shall not, without the prior consent of an authorised officer:

- a) Participate in any assembly or associate with other persons in a public place in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place;
- b) Organise or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place.

211 AWNINGS AND BLINDS

No person shall erect or maintain, or cause to be erected or maintained, any awning over any public place, or hang any awning, blind, or screen from any portico on any public place except with the permission of an authorised officer or pursuant to a requirement of the District Plan. In granting such permission an authorised officer may set such conditions as deemed appropriate. Any such permission may be revoked at any time by an authorised officer.

212 PROJECTIONS ON PUBLIC PLACES NOT PERMITTED

212.1

Except where permitted by any other Part of this bylaw or by Council consent no person shall put, or allow to be put, any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, or other obstruction or projection of any kind whatsoever in, on, over or under a public place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place.

This restriction shall not apply to any verandah or awning erected pursuant to a requirement of the District Plan.

212.2

If any projection or obstruction has been placed against or in front of any building before the commencement of this bylaw which is contrary to any bylaw, Council may give notice to the owner or occupier of such building to remove or alter such projection or obstruction. Such owner or occupier shall, within the time stated in such notice, remove or alter the projection or obstruction.

212.3

Except where permitted by any other Part of this bylaw or by Council consent, no person shall stand on any verandah erected over a public place except for the purpose of inspection, maintenance or escape in the case of fire.

213 RESTRICTIONS ON USE OF BARBED WIRE AND ELECTRIFIED FENCES

213.1

Except with the permission of an authorised officer:

No person shall erect or permit to be erected any electrified fencing or barbed wire along, or within one metre of any boundary line between any land or building on one side and any public place on the other side.

Provided that, this sub-clause does not prohibit the placing of such barbed wire at a height of at least two metres, or electrified fencing at least three metres, from ground level at any public place.

213.2

Sub-clause 213.1 shall not apply within any area which has a predominantly rural character under the District Plan prepared by Council, except when the fence abuts or adjoins a footpath; provided that Council may from time to time by resolution specify conditions that will apply to temporary electric fences.

214 ROAD AND BUILDING IDENTIFICATION

214.1

The Council shall have the exclusive right to cause to be painted or affixed on a conspicuous part of a building, the name of the road, private road or public place to which it has frontage.

214.2

Notwithstanding 214.1 where a building or property is identified by other means, the owner or occupier of every building or group of buildings forming part of a complex or of the property shall mark such building or complex with numbers to be:

- not less than 50 mm in height for residential buildings, and;
- not less than 150 mm in height for all other buildings.

Numbers shall be as allocated or approved by an authorised officer and displayed in a position so as to be readily visible from the road to which it has frontage.

214.3

Numbers required by 214.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

214.4

Council shall have power at any time to alter the number of any building where in the Council's opinion it may be necessary or advisable to do so.

215 ANIMALS AND STOCK ON PUBLIC ROADS

215.1

No person shall take or allow any animal under their care or control onto any public place if the Council has by resolution or public notice prohibited entry of that type of animal to that public place.

215.2

Subject to sub-clause 215.1, every person being the owner or having the care, custody, or control of any animal shall keep and prevent the animal from wandering or being at large without proper guidance on any public place.

See also Regulatory Bylaw - Part 6 - Dog Control

215.3

Any person proposing to drive any stock on any road must do so in accordance with the Rooding Bylaw – Part 2 – Stock Movement.

216 OVERHANGING VEGETATION LIABLE TO OBSTRUCT

216.1

No person shall permit or allow vegetation to encroach onto or over any public place so as to obstruct or interfere with the free movement of persons using that public place.

216.2

Where any person allows vegetation to encroach onto or over any public place which obstructs or interferes with public access then an authorised officer of Council will order it to be removed within a timeframe as considered reasonable by the officer. Where it is not removed within the set timeframe Council will take action to remove the overhanging vegetation at the cost of the property owner.

216.3

Notwithstanding any removal costs under sub-clause 216.2, any person who does not comply with sub-clause 216.1 may also be liable for fines under s356 of the Local Government Act 1974.

217 ADDITIONAL REQUIREMENTS FOR RESERVES

217.1

Subject to the provisions of this part of the bylaw every reserve shall be open to the public at all times except during such hours and the Council or an authorised officer may determine that any reserve shall be closed to the public.

217.2

An authorised officer may from time to time and for such periods as they think fit, and in accordance with section 53 of the Reserves Act 1977, set aside areas of a reserve, for the exclusive use of particular groups or for particular kinds of recreational activities. Council may charge for the right to have exclusive use of a reserve.

217.3

The Council may fix charges for the entry to a reserve in accordance with the Reserves Act 1977, and it shall be an offence against this part of the bylaw to enter a reserve without having paid the property charge for entry, if a charge is payable.

217.4

An authorised officer may close or restrict entry to all of, or any portion of, a reserve at such times as considered necessary to prevent damage to, or allow maintenance of, the reserve. Such closure shall be advertised by signs at the entrances to the reserve. It shall be an offence against this part of the bylaw to be found on a reserve at any time when the reserve is closed to public entry.

217.5

Every person committing a breach of the provisions of this Part of the bylaw shall, upon request by an authorised officer, immediately leave the reserve, and shall be prohibited from appearing on the reserve for such period as the authorised officer deems fit. Any person so ordered to leave shall still be liable to be prosecuted for the breach of the bylaw, and any person failing to leave with reasonable speed, to comply with a request to leave, shall commit a further offence.

SCHEDULES FROM COUNCIL'S POLICY ON FREEDOM CAMPING

SCHEDULE 1: PROHIBITED AREAS

- Public places in any urban area. This includes: Balclutha, Clinton, Kaitangata, Kaka Point, Lawrence, Milton, Owaka, Papatowai, Pounaweia, Stirling, Taieri Mouth, Tapanui and Waihola. This prohibition does not apply to any signposted designated freedom camping sites within those urban areas.
- All areas where Council 'No Camping' signs are displayed.
- The foreshore area between Kaka Point and The Nuggets.

SCHEDULE 2: DUMP POINT LOCATIONS

- Balclutha - Balclutha Camping Ground (commercial)
- Catlins Valley - Woodstock Lodge (commercial)
- Chaslands - McLean Falls Holiday Park, Rewcastle Road (commercial)
- Clinton - Triangle Reserve opposite BP Station (public)
- Kaitangata - Kaitangata Riverside Motor Camp (commercial)
- Kaka Point - Kaka Point Camping Ground (commercial)
- Lawrence - Reserve opposite Police Station (public)
- Milton - Taylor Park (commercial)
- Owaka - Catlins Inn (commercial)
- Owaka - Thomas's Catlins Lodge & Holiday Park (commercial)
- Papatowai - Papatowai Motor Camp (commercial)
- Pounaweia - Pounaweia Motor Camp (commercial)
- Tapanui - Near Bushyhill Street playground (public)
- Waihola - Lake Waihola Holiday Park (commercial)

Note: Dump Point locations may be added to or deleted from this list from time to time as availability changes. Fees may apply for using dump points at commercial locations.