

## PART 6 PUBLIC PLACES

### 54. Purpose

- 54.1. The purpose of this part of the bylaw is to control a diverse range of activities that may occur in public places 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 damage to public facilities such as roads, grass verges, garden areas and reserves are addressed. The bylaw also addresses activities within public places and reserves which may have an adverse effect on other users of these facilities.
- 54.2. This part of the bylaw should be read in conjunction with the relevant provisions from the Act, as well as other relevant legislation which outline some of the powers and requirements of the Council in regard to streets, public places and reserves.

### 55. Definitions

- 55.1. For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply.

<b>Major Littering</b>	Are more serious littering offences where litter is in large quantities, or 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.
<b>Material or Thing</b>	Any material of whatever kind, including wheelie bins and other containers for waste material, but excluding vehicles.
<b>Minor Littering</b>	Where littering is on a small scale and not likely to cause harm or injury to any person, for example, drink cans and food packaging.
<b>Portico</b>	Every awning, porch, verandah, shed, shade, or covering upon, across, or over any public footway or part of a road, street, private street, or access-way for the purpose of shade or shelter, together with any supports thereof, other than the building against which it shall be.
<b>Ride a Skateboard</b>	Having either one or both feet, or any other part of the body of any person, on a skateboard when it is moving.
<b>Road</b>	Has the same meaning assigned to that term in section 315 of the Local Government Act 1974 and should be taken to include all land lying between the <u>legal</u> boundaries of a road including footpaths and berms.
<b>Skateboard</b>	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, scooters or similar recreational devices, but does not include any wheelchair, baby or adult carriage or bicycles.

## 56. Public Safety and Nuisances

56.1. 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) Fly from or land any aeroplane, including model aeroplane, drone, hot air balloon, hang glider, parachute or similar in a manner that is dangerous or inconsiderate to other users of the public place.
- (h) Fly unmanned aerial vehicles.
- (i) 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.
- (j) Erect or place any structure on, over or under the public place except in compliance with any other bylaw or the District Plan.
- (k) Set off fireworks or other explosive material or device.

**Note not forming part of the bylaw:** When flying unmanned aircraft (including drones) every person must follow Part 101 of the Civil Aviation Rules. If you aren't able to follow these rules every person must apply for Part 102 of the Civil Aviation Rules certification.  
Refer to [www.aviation.govt.nz/drones/part-101-rules-for-drones/](http://www.aviation.govt.nz/drones/part-101-rules-for-drones/)

57. Litter

57.1. Depositing 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 the person responsible being liable for penalties under that Act.

57.2. 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:

Littering type (see definitions)	Fine
Minor littering	\$100
Major littering	\$400

57.3. 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.

58. Fences, Walls, Retaining Walls or Land Adjacent to a Public Place

58.1. 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 passer-by, 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.

59. Bans on Glass Drinking Vessels or Containers

59.1. 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.

59.2. Where such a ban 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.

59.3. 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.

#### 59.4. Kaka Point Ban on Glass Drinking Vessels or Containers

- 59.4.1. 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.
- 59.4.2. 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.
- 59.4.3. 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.

#### 60. Obstructing Public Places

- 60.1. 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.

#### 61. Freedom Camping

- 61.1. Refer to Councils Freedom Camping Bylaw for freedom camping provisions.

#### 62. Damage

- 62.1. Except with the permission of the Council or an authorised officer a person shall not in any public place:
- (a) 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.
  - (b) Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub, or plant or any inscription or label relating to it.

- (c) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facilities.
- (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.

62.2. Nothing in this section 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.

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

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

### 63. Placing of Articles on Public Places

63.1. 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 Council bylaw.

### 64. Control of Skateboards, Scooters, Roller Blades, Roller Skates, Bicycles or Motorised Scooters

64.1. No person shall ride a skateboard, scooter, roller blades, roller skates, bicycles or motorised scooters 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.

## 65. Exposing Articles for Sale

- 65.1. 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.

## 66. Assembly

- 66.1. 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.

## 67. Awnings and Blinds

- 67.1. 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.

## 68. Projections on Public Places Not Permitted

- 68.1. Except where permitted by any other Council 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.
- 68.2. This restriction shall not apply to any verandah or awning erected pursuant to a requirement of the District Plan.
- 68.3. 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.

68.4. Except where permitted by any other Council 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.

#### 69. Restrictions on Use of Barbed Wire and Electrified Fences

69.1. 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 except with the permission of an authorised officer.

69.2. Provided that clause 69.1 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.

69.3. Clause 69.1 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.

#### 70. Road and Building Identification

70.1. 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.

70.2. Notwithstanding clause 70.1 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:

- (a) Not less than 50 mm in height for residential buildings.
- (b) Not less than 150 mm in height for all other buildings.

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

70.4. Numbers required by clause 70.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

70.5. 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.

## 71. Animals and Stock on Public Roads

- 71.1. 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.
- 71.2. Subject to clause 71.1, 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.

**Note not forming part of the bylaw:** See also the Dog Control section of this bylaw.

- 71.3. Any person proposing to drive any stock on any road must do so in accordance with Council's Roading Bylaw.

## 72. Overhanging Vegetation Liable to Obstruct

- 72.1. 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.
- 72.2. 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.
- 72.3. Notwithstanding any removal costs under clause 72.2, any person who does not comply with clause 72.1 may also be liable for fines under section 356 of the Local Government Act 1974.

## 73. Additional Requirements for Reserves

- 73.1. 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 that Council or an authorised officer may determine that any reserve shall be closed to the public.
- 73.2. 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.
- 73.3. 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.



- 73.4. 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.
- 73.5. 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.