

Public Places Bylaw 2014

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Public Places Bylaw 2014

1 Preliminary Provisions

1.1 This Bylaw is the **Public Places Bylaw 2014**.

1.2 This Bylaw is made under the Local Government Act 2002 and every other power vested in the Council to make Bylaws and regulate activities in Public Places.

Explanatory note: the Council also has powers under the Reserves Act 1977, Health Act 1956, Litter Act 1979, and other legislation concerning activities in public places. The powers within these Acts and Regulations are not necessarily repeated in this Bylaw.

2 Purpose

2.1 The purpose of this Bylaw is to ensure that Public Places are used in a manner that will not cause any obstruction, Nuisance or damage, or endanger users.

3 Commencement

3.1 This Bylaw comes into force on [date].

4 Interpretation and Definitions

4.1 The provisions of the Manawatu District Explanatory Bylaw 2014 and its amendments are implied into and form part of this Bylaw.

4.2 In this Bylaw, unless the context requires otherwise:

Act means the Local Government Act 2002.

Camping Ground means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erection on the land temporary living places for occupation, by two or more families or parties (whether consisting of one or more persons) living independently of each other, whether or not such families or parties enjoy the use of common entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment.

Cycle means a vehicle having at least two wheels and designed to be propelled solely by the energy of the rider. Childrens' cycles having wheels less than 355mm diameter are excluded. BMX cycles are included no matter the diameter of the wheels.

Food Premises means

(a) Any premises -

(i) on or at which food is manufactured, prepared, packed, stored, or handled, for sale; or

(ii) on or from which food is sold; or

(iii) that is used in connection with any other food premises, for the purposes of their work, by persons who work on those other food premises, and:

- (b) Any stall but does not include occasional food premises or premises with an approved exemption under the Food Act 1981 from the Food Hygiene Regulations 1974.

Horse includes any ass, or mule.

Park includes any open space, plantation, garden or ground set apart for public recreation or enjoyment that is under Council management or control.

Self-Contained Vehicle means a Vehicle designed and built for the purposes of camping which has the capability of meeting the ablutionary and sanitary needs of the occupants (including potable water) for a minimum of three days without requiring any external services or discharging any waste and which complies with the New Zealand Standard 5465:2001 (W25 5465).

Skating Device means a wheeled device controlled or propelled by gravity or by the energy of the rider, including skateboards, roller skates, scooters, rollerblades and in-line skates. It does not include cycles, wheelchairs or baby or invalid carriages.

Weapon means any article intended for use to cause bodily injury.

- 4.3 Reference should be made to section 2 of the Manawatu District Explanatory Bylaw 2013 for any other definitions not included in clause 4.2.
- 4.4 Any explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be made, amended, revoked or replaced by the Council at any time.
- 4.5 In addition, this Bylaw should be read in conjunction with, but not in replacement of, other Bylaws or Council policies that may be applicable

5 Obstruction of or Damage to Public Places

- 5.1 No person may cause damage or deface or interfere with any Council property in a Public Place.
- 5.2 No person may, without prior written approval of Council, or as expressly allowed by this Bylaw:
- (a) place or leave any Vehicle, container, package, sign, or any other encumbrance that obstructs any Public Place;
 - (b) carry out any activity where a sign indicates that the activity is prohibited or is otherwise regulated;
 - (c) erect any stall, tent or structure of any kind in any Public Place without the permission of a Council Officer;
 - (d) do anything, on or adjacent to any Public Place, which may cause people to congregate in a manner, which may impede traffic, cause an obstruction or impede or annoy passers-by;
 - (e) cycle or operate any Vehicle in any Public Place without due care and attention, or without due consideration for the safety of other people;
 - (f) wilfully or negligently obstruct a Public Place in any other manner;

- (g) walk, drive, ride, trample, or in any other way damage any portion of a Public Place where a sign indicates that such activities are prohibited;
- (h) use or carry any firearm, axe, sword, spear, airgun, bow and arrow or other Weapon;
- (i) allow any dog, Horse or other animal in their custody to wander or be at large without proper control in any Public Place and, without the permission of a Council Officer;
- (j) allow any dog, Horse, or other animal under their control to cause a Nuisance, inconvenience or danger;
- (k) cause or allow any material or thing to be deposited or dropped onto a Public Place;
- (l) discharge any effluent containing human waste or animal waste, or waste of any kind, from any stationary Vehicle in a Public Place;
- (m) deposit, discharge or leave any offensive, inflammable, hazardous or dangerous substance in or about a Public Place;
- (n) stop, stand, or park any Vehicle upon the grass verge or flower bed or shrubbery laid out on any Road or on any land vested in or under the control of Council, or on a median strip or traffic island; or

6 Control of Skateboards and Cycles

- 6.1 No person may use or ride a Cycle on any Footpath or on any lawn, garden or other cultivation forming part of the Road except in conjunction with:
- (a) postal delivery;
 - (b) newspaper delivery; and
 - (c) any other delivery activity.
- 6.2 No person shall propel, ride on or use any Skating Device on any Road, Footpath or other Public Place within the area shown in Schedule 1 to this Bylaw.
- 6.3 No person may use or ride a Cycle or Skating Device in any Public Place in a manner:
- (a) that is intimidating, dangerous or reckless; or
 - (b) creates a Nuisance to any member of the public.
- 6.4 Council may from time to time by resolution publicly notified, amend the areas set out in Schedule 1 of this Bylaw.

Any Council Officer may impound any Skating Device being used in breach of this Bylaw. Any impounded skateboard may be reclaimed from Council's offices upon payment of a fee not exceeding \$20.00 fixed by Council for the purpose of reasonable recovery of the costs of such impounding.

7 Parks and Reserves

- 7.1 No person may play any organised game or activity, fly any model aeroplane, operate any Vehicle or drive, ride, or lead any animal in any park or Reserve except:

- (a) on areas set aside especially for those purposes; or
 - (b) with the prior consent of the Council.
- 7.2 No person may drive any Vehicle in any park or Reserve faster than either:
- (a) the sign posted speed limit; or
 - (b) where no speed limited is signposted, 20 kilometres per hour.
- 7.3 No person may operate any Vehicle or drive, ride or lead any dog, Horse or other animal in any park or Reserve without due care and attention, or without reasonable consideration for other persons in the park or Reserve.
- 7.4 Every person must, on the request of a Council Officer, immediately cease playing or taking part in any game or such other activity on any park or Reserve which in the Council Officer's opinion is:
- (a) dangerous;
 - (b) likely to damage the park or Reserve or anything in it; or
is otherwise undesirable.

8 Opening and Closing Parks and Reserves

- 8.1 The Council may prescribe opening times for any park or Reserve, and no person shall enter or be in such park or Reserve at any other time without express permission from the Council.
- 8.2 The Council may at any time, by Public Notice or by notice displayed on the entrances to any park or Reserve, declare that park or Reserve to be closed.
- 8.3 No person may remain in a park or Reserve:
- (a) when requested to leave by a Council Officer;
 - (b) if a notice indicates that the park or Reserve is closed; or
 - (c) without paying any admission charge which the Council may prescribe from time to time in its Schedule of Fees and Charges.

9 Beaches

- 9.1 No person may without the Council's prior consent:
- (a) allow any Horse to:
 - (i) remain on the foreshore or swim within 400 metres of the Kaikokopu Stream at Himatangi Beach;
 - (ii) remain on the Southern foreshore or swim within 400 metres of the Rangitikei River at Tangimoana; or
 - (b) drive or ride any Vehicle, Horse, or animals within any sand dune area, except any area which is set aside by Council for that purpose.

- 9.2 Nothing in clause 11.1(a) and (b) applies to Horses passing through the areas specified within those clauses, which are under the control of a person.

10 Overhanging Trees or Shrubs

- 10.1 No person can permit or allow vegetation to encroach on to or over any public place that obstructs or interferes with the free movement of persons using that public place.

11 Fences

- 11.1 No person may erect or permit to be erected any barbed wire or electrified wire along, or within 1 metre of, any boundary which adjoins any Public Place, unless such wire:
- (a) is at least 2 metres above the ground level of the Public Place; and
 - (b) forms part of an existing fence.
- 11.2 Any electrified wire on a fence must be identified as such by appropriate signage.
- 11.3 Clauses 11.1 and 11.2 do not apply within any area zoned "Rural" or "Flood Channel" under the District Plan except when the fence adjoins a Footpath.

12 House Numbering

- 12.1 Every Premises or building must at all times be marked with the number allocated to that Premises or building by the Council.
- 12.2 Every Owner or Occupier of any Premises or building must:
- (a) replace the street number as required within one month of receiving notice to do so; and
 - (b) replace any street number that is destroyed or defaced.
- 12.3 Street numbers must be placed upon a building or upon a post, fence, or gate on the Premises in a manner that is readily visible from any road fronted by the building or Premises concerned.
- 12.4 Numbers must be maintained in good, legible and visible condition at all times.
- 12.5 The Council may at any time affix or apply a number to any Premises or building in such a manner and position as it thinks fit.

13 Repairing Vehicles

- 13.1 No person may repair any Vehicle in any Public Place, except in the case of an accident or breakdown and where repairs are necessary to allow the Vehicle to be removed.
- 13.2 Repairs permitted by clause 13.1 must be completed within 24 hours of the accident or breakdown occurring.
- 13.3 No person may allow any discharge or spillage of any contaminant into a Public Place from any Vehicle undergoing repairs permitted under clause 13.1.

13.4 Where any discharge or spillage has occurred in contravention of clause 13.3 a Council Officer may require:

- (a) that it be removed; and
- (b) that the owner take steps to remove the discharge or spillage.

14 Leaving Vehicles in Public Places

14.1 No person may, without the prior consent of the Council, leave on any street or Public Place for a period exceeding seven days:

- (a) any Vehicle having no effective motor power, or which is in such a state that it cannot be driven safely; or
- (b) any caravan, Horse float, or trailer.

15 Under-Verandah Lighting in Public Places

15.1 All Premises with verandahs identified in Figure 1- Verandah Area, Chapter 10 – Business Zone of the Manawatu District Plan must provide under-verandah lighting.

15.2 Under-verandah lighting provided under clause 15.1 must be:

- (a) of an intensity and location that it provides reasonable lighting for the safe use of the Public Place to the satisfaction of a Council Enforcement Officer; and
- (b) maintained and upgraded as required by Council, by the Owner of the Premises.

16 Activities requiring Approval

16.1 Every application for consent, exemption or approval under this Bylaw must be in writing and provide:

- (a) full details of the proposed activity;
- (b) the date, time and place of the proposed use of a Public Place; and
- (c) the full name and residential address of the applicant (with satisfactory supporting evidence of identity).

16.2 Applications for consent, exemption or approval must be received by the Council at least 14 days before the date of the proposed use of the Public Place or such lesser period as the Council may in its discretion deem fit.

16.3 The Council may attach to any consent, exemption or approval any terms or conditions as it thinks appropriate.

16.4 Every application for consent, exemption or approval must be accompanied by any fee prescribed from time to time in Council's Schedule of Fees and Charges.

16.5 Every person found to be in breach of any condition of consent, or this Bylaw, may have any consent, exemption or approval withdrawn by a Council Officer with immediate effect.

17 Exclusions from Public Places

- 17.1 Any person who breaches this Bylaw must, upon request of a Council Officer:
- (a) immediately leave the Public Place concerned; and
 - (b) may be excluded from that place for any period the Council Officer directs.
- 17.2 The provision in clause 17.1 is in addition to any other penalties and enforcement provisions for breach of this Bylaw, including those set out in the Manawatu District Explanatory Bylaw 2014.

18 Offences and Breaches

- 18.1 Every person who commits a breach of this Bylaw commits an offence.

Explanatory Note: This clause should be read in conjunction with clauses 13, 14 and 15 of the Manawatu District Explanatory Bylaw 2014.

19 Repeals, Savings and Transitional Provisions

- 19.1 Chapter 2 of the Manawatu District Bylaw 2008 is repealed on commencement of this Bylaw.
- 19.2 Any consent, exemption or approval granted under Chapter 2 of the Manawatu District Bylaw 2008 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent, exemption or approval of that kind issued under this Bylaw, but:
- (a) expires on the date specified in such exemption, consent or approval; or
 - (b) where no expiry date is specified, expires 12 months from the commencement of this Bylaw; and
 - (c) may be renewed only by application made and considered in accordance with this Bylaw.

This Bylaw was made by the Manawatu District Council by resolution at a Council meeting on [date] and must be reviewed within five years.

Sealed with the Common Seal
of the **MANAWATU DISTRICT COUNCIL**
in the presence of:

Mayor

Chief Executive

Schedule 1

SKATEBOARD BAN



 Area within which Skateboarding is not permitted