

Public Places Bylaw 2014

September 2014

Table of Contents

1	Introduction	4
2	Purpose	4
3	Obstruction	4
4	Litter Bins	4
5	Footways, Verges, Grass Plots and Flowerbeds	5
6	Gates to Open Inwards	5
7	Processions	5
8	Distribution of Notices	5
9	Begging and Soliciting Donations	5
10	Games & Other Activities	5
11	Trading	5
12	Damage	5
13	Display of Notices	5
14	Articles displayed for sale	6
15	Encroachment of Projections	6
16	Opening any Public Place	6
17	Protection of Cellars	6
18	Repair of Fences	6
19	Buildings Prohibited	6
20	Building May Be Removed	6
21	Lighting of Obstructions and Excavations	7
22	Interference with Street Lamps & Warning Lights	7
23	Building Numbers	7
24	Flammable Material	7
25	Planting or Removal of Trees and Plants	7
26	Vehicle Crossings over Footways	7
27	Discharge of Surface Water	8
28	Horses and Stock on Beaches	8
29	Slaughter of animals	8
30	Parks and Reserves	9
31	Removal of Material from Beaches	9
32	Activities in the Central Business District or Town Basin	9
33	Control of Skateboards, Roller Skates and Bikes	10
34	Removal of works in breach of bylaw	10
35	Seizure	10
36	Chief Executive Officer or delegate consent	10
37	Amendment by resolution	10
38	Offences	11
	Appendix 1 - Horses on the beach and adjacent reserves	

Schedule i	Beaches and adjacent reserves where horses are banned	12
Schedule ii	Conservation areas from which horses are banned	
	Bland Bay /Teparapara	13
	Bream Head/Ocean Beach	14
	Matapouri	15
	Mimiwhangata Coastal Park	16
	Ngunguru/Horahora	17
	Marsden Bay	18
	Ruakaka	19
	Waipu Cove	20
	Whananaki	21
Schedule iii	Ruakaka Safe Zone	22
Schedule iv	North Ruakaka year round horse riding area	23
	Uretiti year round horse riding area	24
Appendix II-	Activities in the Central Business District	25
Appendix III -	Control of Skateboards, Rollerblades and Bikes	
Schedule i	Central Business District rollerskate, skateboard rollerblade and bike ban area	26
Schedule ii	Kamo rollerskate, skateboard and rollerblade ban area	27

1 Introduction

This bylaw is made in accordance with the Local Government Act 2002, the Land Transport Act 1998 and the Bylaws Act 1910

2 Purpose

The Public Places 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.

Interpretation

In this bylaw, unless the context otherwise requires:

Beach means the foreshore between mean low water springs and mean high water springs and includes Whangarei District Council administered sand dunes.

Busking means performing for the public by playing a musical instrument, dancing, singing, clowning or juggling, or doing other acts of a similar nature in public places for voluntary donations.

Central Business District means the central business district of Whangarei as depicted in the diagram in Appendix II of this bylaw.

Constable or Member of Police means a person appointed under the Policing Act 2008.

Chief Executive Officer or delegate means the person appointed as the Chief Executive Officer of Council and includes any officer of Council acting under the delegated authority of the Chief Executive Officer.

Council means Whangarei District Council.

Mobility device has the meaning given to it in Section 2 of the Land Transport Act 1998.

Public place has the meaning given to it in Section 147(1) of the Local Government Act 2002.

Road has the meaning given to it in the Local Government Act 1974 and includes a street.

Roller Skate means a series of wheels attached to a framework, which can be fitted over ones shoe or a shoe with wheels attached and includes any similar thing used in a similar way.

Skateboard means a board mounted on sets of small wheels, for riding on and includes any similar thing used in a similar way.

Vehicle has the meaning given to it in Section 2 of the Land Transport Act 1998.

Week means the period from a Monday to the following Sunday inclusive.

3 Obstruction

No person shall:

- a. Leave standing or lying, nor pack or unpack upon a public place any case, crate, carton, barrow or other similar thing whatsoever so as to cause an obstruction;
- b. Push, pull or trail or cause to be pushed, pulled or trailed any heavy thing so as to obstruct or cause damage to a public place;
- c. Wilfully displays any item for sale on any mall, footpath or public place, or places any table or bench or similar thing used to display, or offer for sale any, good, service or product on any mall, footpath or public place without the prior permission of the Chief Executive Officer or delegate.
- d. Wilfully or negligently encumber or obstruct a public place in any manner, whether or not specifically proscribed in this bylaw.

4 Litter Bins

No person shall with respect to any litter bin on any public place:

- a. Place any flammable material or matter therein;
- b. Set light to the contents of any such bin;
- c. Use any such bin for the disposal of any offensive matter or household, shop, office or trade refuse of any kind

5 Footways, Verges, Grass Plots and Flowerbeds

5.1 No person shall on any footway (whether such footway be formed or unformed):

- a. Park any motor vehicle, trailer, caravan, cart or bicycle.
- b. Drive, ride or lead a horse in an unsafe manner

5.2 No person shall:

- a. Cause, permit or suffer any livestock to be led, ridden or driven, upon, across, or along any grass plot, berm, or flowerbed laid out on any public place.
- b. Cause, permit or suffer any vehicle to stand, or remain standing or be driven upon, across or along any grass plot, berm, or flowerbed in any public place under the control of Council, so as to cause, or be likely to cause, any damage.
- c. Cause, permit or suffer any livestock or vehicle to be driven along or across any water channel in a public place.

6 Gates to Open Inwards

No person shall hang, or permit or suffer to be hung, any door or gate abutting on any public place or in or about the entrance to any premises abutting on a public place so as to render it capable of being swung over to or across such public place.

7 Processions

No person shall, without the prior written consent of the Chief Executive Officer or delegate, participate in any procession other than a funeral procession, or any meeting, gathering or demonstration, so as in any way to impede traffic or cause an obstruction or inconvenience to other persons in a public place

8 Distribution of Notices

No person shall without the prior written consent of the Chief Executive Officer or delegate:

- a. Distribute handbills, tickets, pamphlets or other printed matter to any person in a public place.
- b. Expose to view, distribute or offer for sale in a public place, and placard, handbill, print or other document of an offensive or indecent character.

9 Begging and Soliciting Donations

No person shall in any public place:

- a. Beg, in a manner that may intimidate or cause a nuisance to any person.
- b. Solicit any subscription, collection or donation without the prior written consent of Chief Executive Officer or delegate.

10 Games & Other Activities

No person shall play any game or indulge in any sport, recreation or other activity of any kind whatsoever on any road or street, park, reserve or recreation facility to the annoyance, inconvenience or obstruction of any other person, or damage to property.

11 Trading

No person shall engage in any commercial enterprise whatsoever in a public place except as may be permitted by any other bylaw, the District Plan or by the Chief Executive Officer or delegate.

12 Damage

No person shall paint, damage, deface, destroy or remove any tree, shrub, flowerbed, or any building or other structure, any monument, statue, litter bin, or any other property whatsoever on any public place.

13 Display of Notices

No person shall place any poster, placard, notice or other document in any public place without the prior written consent of Chief Executive Officer or delegate and where consent is given for the temporary display of notices to be attached to poles then such poster, placard or notice shall be tied or otherwise firmly secured

to such poles. The sign must be removed at that time specified and not contradict other bylaws or the district plan.

14 Articles displayed for sale

No person shall without the prior written consent of Chief Executive Officer or delegate expose for sale any article whatsoever outside any shop or other business premises so as to encroach onto any public place, or suspend any article for sale over such public place.

15 Encroachment of Projections

No portion of any building may encroach on or project over any road or street, or public place unless it complies with the District Plan and all requirements of the Building Act 2004 except:

- a. Any verandah, portico, awning, lamp or other erection or construction which has been erected in accordance with a permit issued by the Chief Executive Officer or delegate and in any case subject to such conditions as the Chief Executive Officer or delegate may determine.
- b. Any architectural features, balconies, fire escapes, bay and oriel windows erected in accordance with the provisions of this or any bylaw.
- c. Any doorstep, cellar door or other projection with the prior written consent of the Chief Executive Officer.

16 Opening any Public Place

No person shall:

- a. Without the prior written consent of the Chief Executive Officer or delegate, open any public place or footway for the purpose of installing or repairing a private service of any kind whatsoever.
- b. Obstruct or damage any culvert, sewer or drain on any public place.

17 Protection of Cellars

No person shall:

- a. Fail to keep in good repair any rail, grate, fence or cover, over or about any area or entrance or lighting place to any cellar, basement or other place opening into or upon any public place.
- b. Keep open any cellar, basement or other place for more than a reasonable time when putting articles into or taking articles out of it, or omit to protect the entrance when open for use.

18 Repair of Fences

1. Where any fence abutting onto a public place is in the opinion of the Chief Executive Officer or delegate, in a dangerous state of disrepair or is impacting on the amenity value of the area the Chief Executive Officer or delegate may by notice in writing require the owner to repair or remove such fence within a specified time.
2. Where a fence abutting onto a public place is removed the Chief Executive Officer or delegate may require a new fence to be erected where the Chief Executive Officer or delegate deems it expedient for public safety.
3. The Chief Executive Officer or delegate may by notice in writing require the owner or occupier of land which has no fence erected along a boundary between that land and a public place, to erect sufficient fence as defined in the Fencing Act 1978 along that boundary.

19 Buildings Prohibited

No person shall:

- a. Erect, construct or place any temporary or permanent building, tent or other structure whatsoever, or any part thereof, under, over or across any public place, except with the prior written consent of the Chief Executive Officer or delegate.
- b. Use any building, tent, caravan or other vehicle on any public place for the purpose of living accommodation except with the prior written consent of the Chief Executive Officer or delegate.

20 Building May Be Removed

The Chief Executive Officer or delegate may remove or alter any building, structure or erection or any part thereof which has been erected, constructed or placed so as to be over, under, upon or across any public

place, in breach of this bylaw and may recover the costs of removal or alteration from the person responsible.

21 Lighting of Obstructions and Excavations

No person shall, between sunset of one day and sunrise of the next day:

- a. Place or leave on any public place any material, building debris, rubbish or other thing whatsoever (whether or not with the permission of the Chief Executive Officer or delegate), without adequate approved lighting or without regard to public safety.
- b. Make any hole or excavation whatsoever in any public place without adequate barriers being erected around such excavation and without the installation of approved lighting.

22 Interference with Street Lamps & Warning Lights

No person shall extinguish damage or break any street lamp, or break or damage any lamp post, or break, damage, remove or interfere with any warning light, sign or barricade placed to warn the public of danger or for any other public purpose.

23 Building Numbers

- 23.1 The owner of any building shall mark the building with such number as the Chief Executive Officer or delegate shall direct or approve, and shall renew such number as often as it becomes obliterated, defaced or illegible, or as the Chief Executive Officer or delegate may order or direct.
- 23.2 No person shall destroy, pull down, obliterate or deface the number of any building or the nameplate of any street or public place, or paint, affix or set up any other number to any building or name of any street contrary to the provisions of this part of this bylaw.

24 Flammable Material

No person shall leave any flammable material or matter on any public place so as to cause danger to any person or property except with the prior written consent of the Chief Executive Officer or delegate.

25 Planting or Removal of Trees and Plants

No person shall plant or remove or damage any tree, shrub or flower on any public place except with the prior written consent of the Chief Executive Officer or delegate.

26 Vehicle Crossings over Footways

- 26.1 No person shall drive, ride, propel or wheel any vehicle across any footway or grass plot on any public place except over a vehicular crossing constructed in accordance with this Bylaw.
- 26.2 Any person desiring the construction, repair, widening or altering of any vehicular crossing may apply and at the same time pay the prescribed fee to the Chief Executive Officer or delegate for a vehicular crossing permit.
- 26.3 Any person to whom such a permit is issued shall carry out all work in a safe manner in accordance with that permit.
- 26.4 All properties or premises require adequate complying vehicle crossings. Where a crossing is required or does not meet the appropriate council standards the Chief Executive Officer or delegate may require the owner to construct a complying vehicle crossing. Where the vehicle crossing is not installed as required the crossing may be constructed by Council at the owner's expense.
- 26.5 Where a vehicle crossing becomes damaged and in need of repair and it is established that the damage has been caused by the owner or occupier of the premises served by the crossing, the Chief Executive Officer or delegate may require that the crossing be repaired by the owner. Failure to comply with the instruction may result in the crossing being repaired by Council with the costs being recovered from the owner.
- 26.6 In complying with any consent given, an applicant shall:
 - a. Construct the temporary crossing for which permission has been given to a standard approved by the Chief Executive Officer or delegate.

- b. Ensure that all vehicles using the crossing shall be taken right across the crossing so as not to obstruct a public place.
- c. Ensure that such temporary crossing is kept well lit between sunset of any one day and sunrise of the next day, and swept clear of all debris at all times. Also removed at an agreed time or as instructed by the Chief Executive Officer or delegate.

27 Discharge of Surface Water

Where in the opinion of the Chief Executive Officer or delegate land adjoining, fronting or near any street or public place is so situated that surface water from or upon such land may discharge onto such street or public place in such a manner so as to cause, or be likely to cause, damage to the street or public place then the Chief Executive Officer or delegate may serve upon the owner of such land a notice in writing requiring the owner within a reasonable specified time to repair, reconstruct, or construct any work or appliance to such standard as is specified in the notice and in the event that any notice so issued is not complied with the Council may carry out work and to recover the costs from the owner.

28 Horses and Stock on Beaches

28.1 No person shall:

- a. Ride, drive or lead stock, excluding horses, on any beach.
- b. Ride, drive or lead any stock or horse on any footbridge.

28.2 Horses are generally permitted on any beach provided that no person shall:

- a. Ride, drive or lead horses on any beach in an inconsiderate, careless or dangerous manner.
- b. Ride, drive or lead horses on any sand dune.
- c. Swim horses within 100 metres of a swimmer.
- d. Unload any horse directly onto any beach from a horse float, clean out or sweep out a horse float onto any beach.

28.3 No person shall:

- a. Ride, drive or lead horses on any beach or adjacent reserve at the locations detailed in Schedule i of Appendix I.
- b. Ride, drive or lead horses on the foreshore on any conservation area from which horses are banned at the locations detailed in Schedule ii of Appendix I.
- c. Ride, drive or lead horses on any beach that is a safe zone at the locations detailed in Schedule iii of Appendix I.

28.4 No person shall, without the prior written consent of the CEO or delegate, ride, drive or lead any horse on any beach between the hours of 9am to 5pm on any day during the period from and including 20 December in any year to 31 January in the following year **excluding the following beaches:**

- a. Ruakaka lying between the eastern end of Mair Street Ruakaka and finishing at a line drawn directly eastward across Ruakaka Beach from the eastern end of Station Road, Ruakaka such being shown generally in Schedule iv of Appendix I attached hereto.
- b. Uretiti lying between Tip Road and finishing at a line drawn directly eastwards across Ruakaka beach from the southern point of the Uretiti Camp ground block such being shown generally in Schedule iv of Appendix I attached hereto.

28.5 Council may by resolution add, delete or otherwise alter schedules i, ii, iii and iv in Appendix I.

28.6 Notwithstanding clauses 28.2 and 28.3, no person shall ride, drive or lead any horse on Ruakaka Beach between Ruakaka River and Karawai Street, without the prior written consent of the Chief Executive Officer or delegate.

28.7 Horses ridden on any beach by Police staff for enforcement purposes are exempt from the provisions of this bylaw.

29 Slaughter of animals

No person shall:

- a. Slaughter or skin an animal upon a public place; or
- b. Fail to dispose of in a proper manner the carcass or any part of the carcass of an animal belonging to, or in the charge or keeping of that person.

30 Parks and Reserves

30.1 The following activities are expressly prohibited in parks and reserves. Where there are approved Management Plans prepared under the Reserves Act, these provide specific provisions for uses and activities for particular parks or reserves. These documents should be read in conjunction with this bylaw, however the Reserve Management Plan will prevail.

30.2 No person shall:

- a. Operate or drive any vehicle on any sports field, turf and garden areas of parks and reserves unless those areas are set aside and clearly marked for car parking without the consent of the Chief Executive Officer or delegate.
- b. Use any park, sports field or reserve at a time when public use of such park, sports field or reserve has been closed at the direction of the Chief Executive Officer or delegate.
- c. Use any sports field or park or reserve for any organised sports or activities, such as weddings, parties and the like, without the consent of the Chief Executive Officer or delegate.
- d. Ride a bike in any park or reserve in a manner that is dangerous or inconsiderate to other persons.
- e. Dispose or place any waste or garden material on any park or reserve, including bush and coastal dune areas.
- f. Construct or place any building or structure of any kind on any park or reserve without first obtaining the appropriate consents.
- g. Play or practice golf on any sports field, park or reserve
- h. Operate or drive a motorised water craft on any water body within any park or reserve, except that any motorized model craft may be operated provided that the water body is not reserved for wildlife.
- i. Land any aircraft, except in an emergency on any park or reserve, without the consent of the Chief Executive Officer or delegate.
- j. Possess any poison or trap used for pest control or set any such poison or trap in a park or reserve without the consent of the Chief Executive Officer or delegate.

30.3 No person shall:

- a. Lead, ride or drive stock, excluding horses on any park or reserve.
- b. Lead drive or ride any horse on any park or reserve, provided that horses may be permitted on any reserve:
 - (i) where a Reserve Management Plan applies; or
 - (ii) where a defined, direct access route is used and any grassed area is avoided where a beach is being accessed in accordance with clause 28 of this bylaw; or
 - (iii) where that reserve is a road.

30.4 Notwithstanding clause 30.3b, horses may be prohibited from any beach or adjacent reserve, including any access way, where in the opinion of the Council, damage has been caused to that reserve or dune or access way to the beach by the use of horses.

30.5 Council may by resolution add, delete or otherwise alter the schedule of beaches or adjacent reserves detailed in clause 30.4.

31 Removal of Material from Beaches

No person shall, except with the prior consent of the Chief Executive Officer or delegate:

- a. Remove any stone, shingle, sand, boulders, silt, mud or other material from any beach; or
- b. Interfere with or remove any portion of a fascine or groyne erected for the control of sand

32 Activities in the Central Business District and Town Basin

32.1 Subject to the following, Busking is permitted in the Central Business District and Town Basin as defined in Appendix II;

- a. For a maximum of one hour per day up to a total of three hours per week; and
- b. No person shall use an amplifier or loud hailer while busking in accordance with this clause.

32.2 Other than in accordance with clause 32.1, no person shall, without the written consent of the Chief Executive Officer or delegate, in any public place in the central business district or Town Basin as defined in Appendix II:

- a. Set up or operate any stall or entertainment;
- b. Perform any concert, musical or sporting event;
- c. Use any amplifier or loud hailer;
- d. Cook or offer food for sale;
- e. Sell or expose for sale any goods, food, raffles or advertise any business;
- f. Perform any entertainment or play any musical instrument
- g. Set up or display any banner across the Cameron Street Mall or across any road.
- h. Conduct or hold any meeting, rally or other event
- i. Solicit any donation
- j. Drive or park any vehicle on any mall, pavement or footpath.

32.3 Any consent given by the Chief Executive Officer or delegate may be withdrawn without prior notice at any time.

33 Control of Skateboards, Roller Skates and Bikes

33.1 No person shall use any roller skate, scooter or skateboard in any public place within the areas detailed in Appendix III provided always that the use of any wheelchair, pushchair, perambulator, trolley, cart or other transportation of disabled persons, young children, elderly persons or their personal effects shall not be a breach of this clause.

33.2 No person shall ride a bike on the footpath or in any mall within the areas detailed in Appendix III.

33.3 No person shall use any bike, roller-skate, scooter, mobility device or skateboard in any public place so as to cause damage to any property or person or in a manner which is without reasonable consideration for other persons using any public place.

34 Removal of works in breach of bylaw

Council may:

- a. Remove or alter any work or thing that is, or has been, constructed in breach of this bylaw
- b. Recover the costs of removal or alteration from the person who committed the breach.

35 Seizure

Seizure of property not on private land

Council has powers of seizure of property not on private land under the Local Government Act 2002.

An enforcement officer may seize and impound property in a public place if:

- a. The property is materially involved in a breach of this bylaw, and
- b. It is reasonable in the circumstances to seize and impound the property, and
- c. Before seizing and impounding the enforcement officer-
 - i. directed the person committing the offence to stop committing the offence
 - ii. has advised the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has the power to seize and impound the property, and
 - iii. provided the person with a reasonable opportunity to stop committing the offence.
- d. However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with clause 35c.

36 Chief Executive Officer or delegate consent

In any clause of this bylaw where the consent of the Chief Executive Officer or delegate is required, such consent may include conditions as deemed appropriate.

37 Amendment by resolution

Council may by resolution publicly notified amend any area relating to clauses 32 and 33 of this bylaw as depicted in the appendices to this bylaw.

38 Offences

38.1 Every person who breaches a bylaw made under this bylaw commits an offence.

Appendix I - Horses on the beach and adjacent reserves

Schedule i

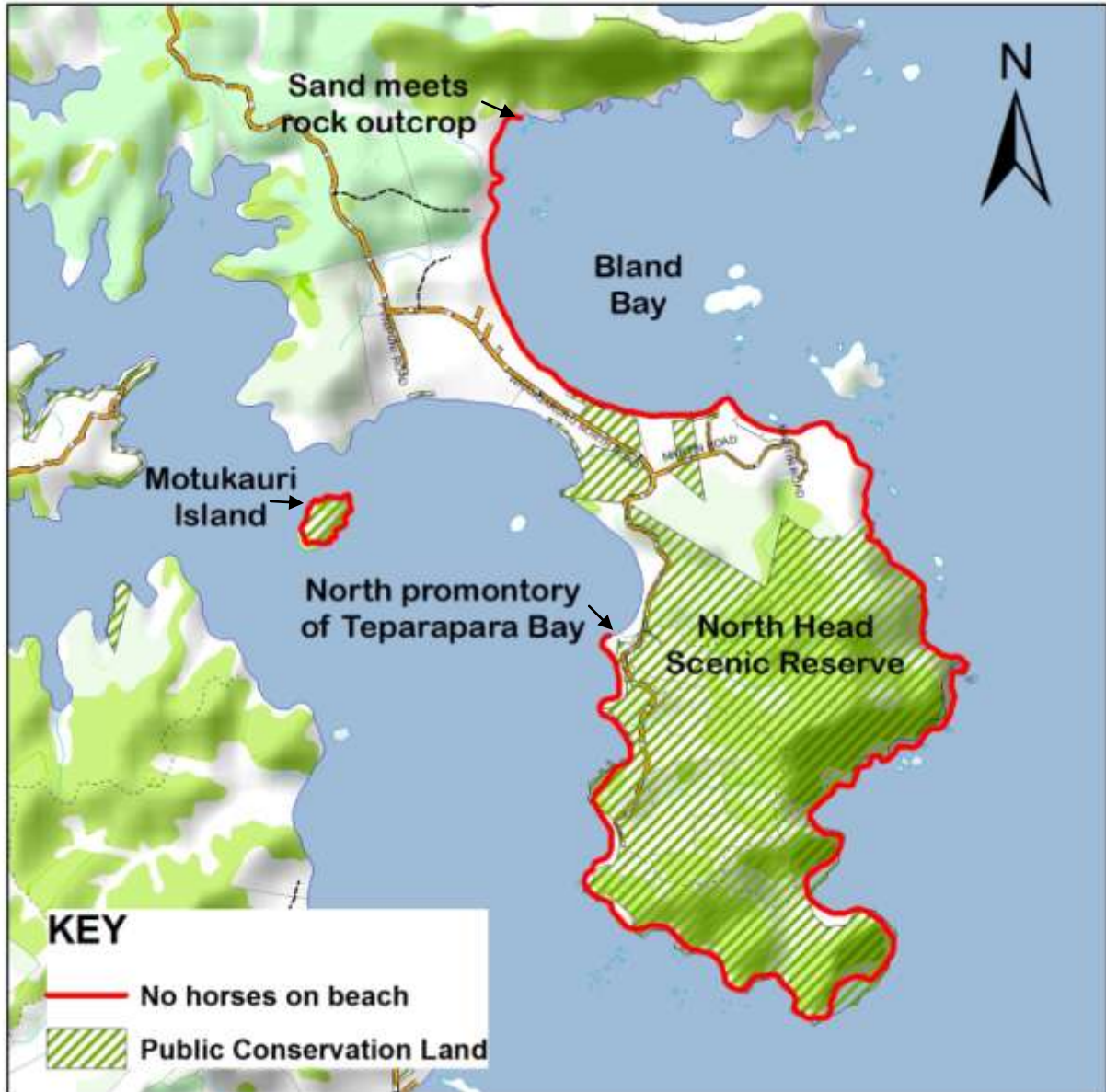
Horse ban areas

Beaches and adjacent reserves where horses are banned (clause 28.4 and 30.3)

Schedule ii

Conservation areas from which horses are banned

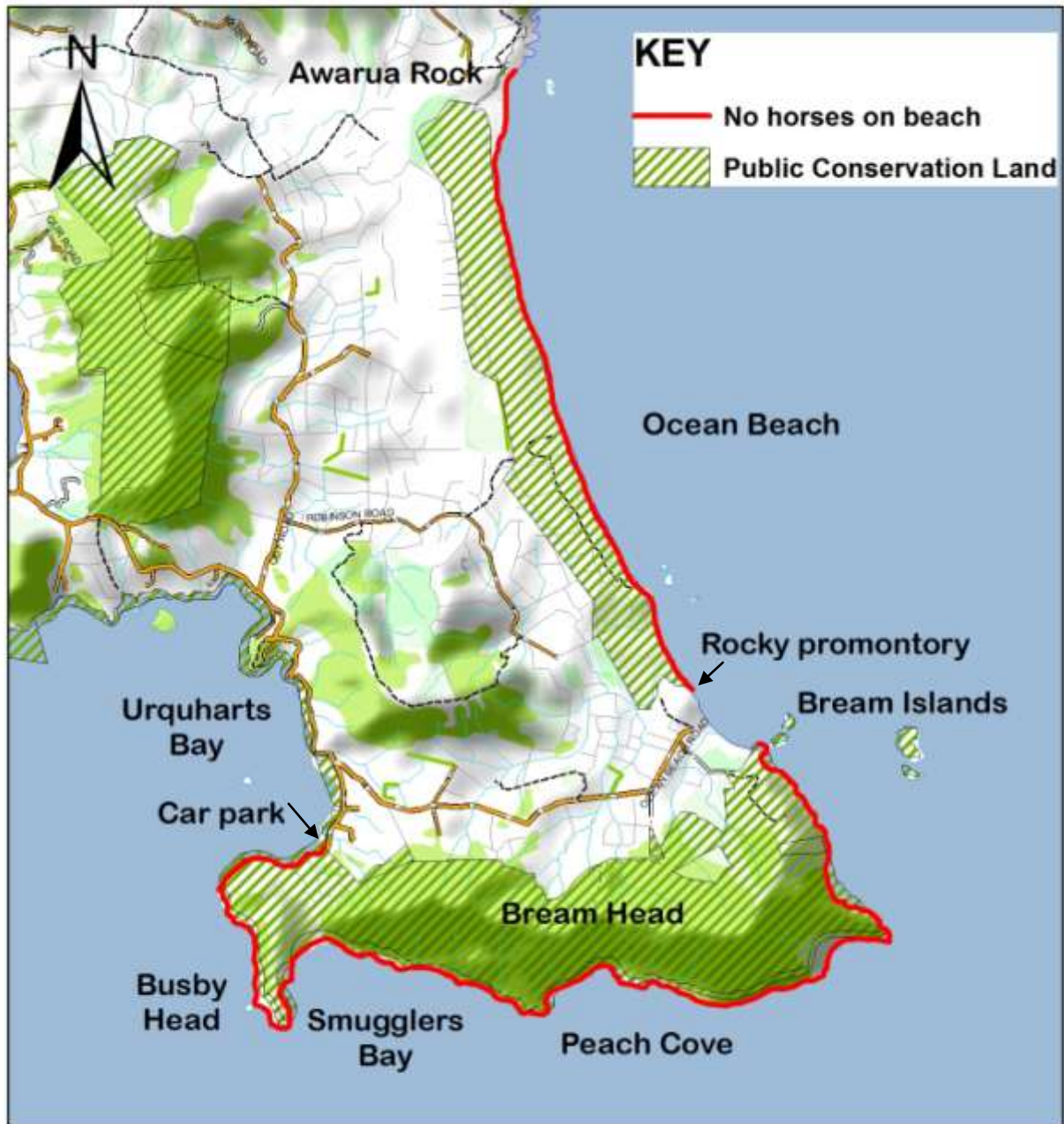
Bland Bay/Teaparapara



From the northern promontory of Teaparapara Bay around North Head Scenic Reserve to the northern end of Bland Bay at intersection where the sand meets the rock outcrop. Around Motukauri Island.

Conservation areas from which horses are banned

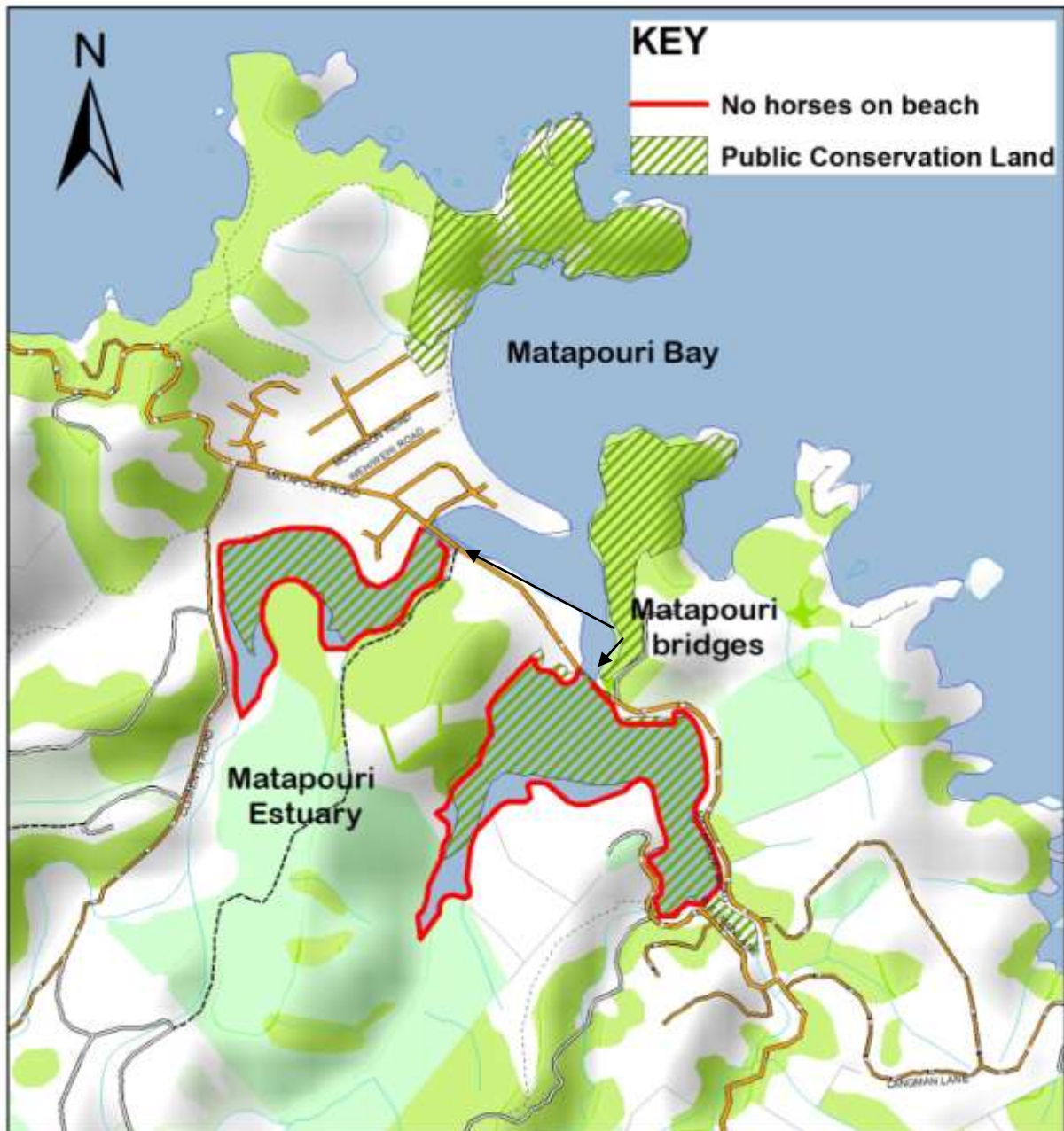
Bream Head/Ocean Beach



From the Urquharts Bay car park around the Bream Head reserve coast to the southern end of Ocean Beach adjacent to the rocks opposite Bream Islands. From the northern promontory on main use beach to the northern extremities opposite Awaroa rock.

Conservation areas from which horses are banned

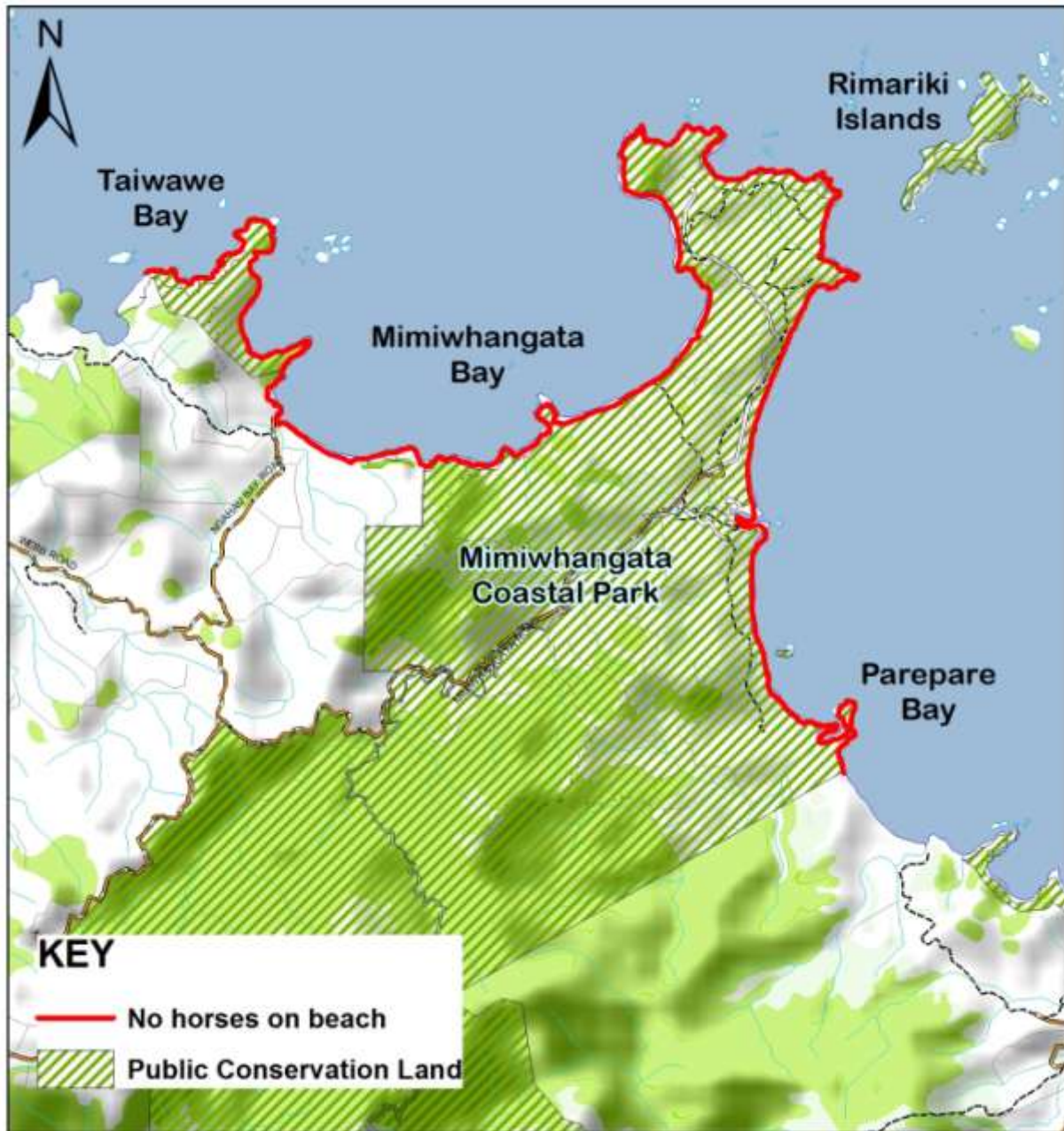
Matapouri



All estuarine areas upstream of both Matapouri bridges (*western side of the road*).

Conservation areas from which horses are banned

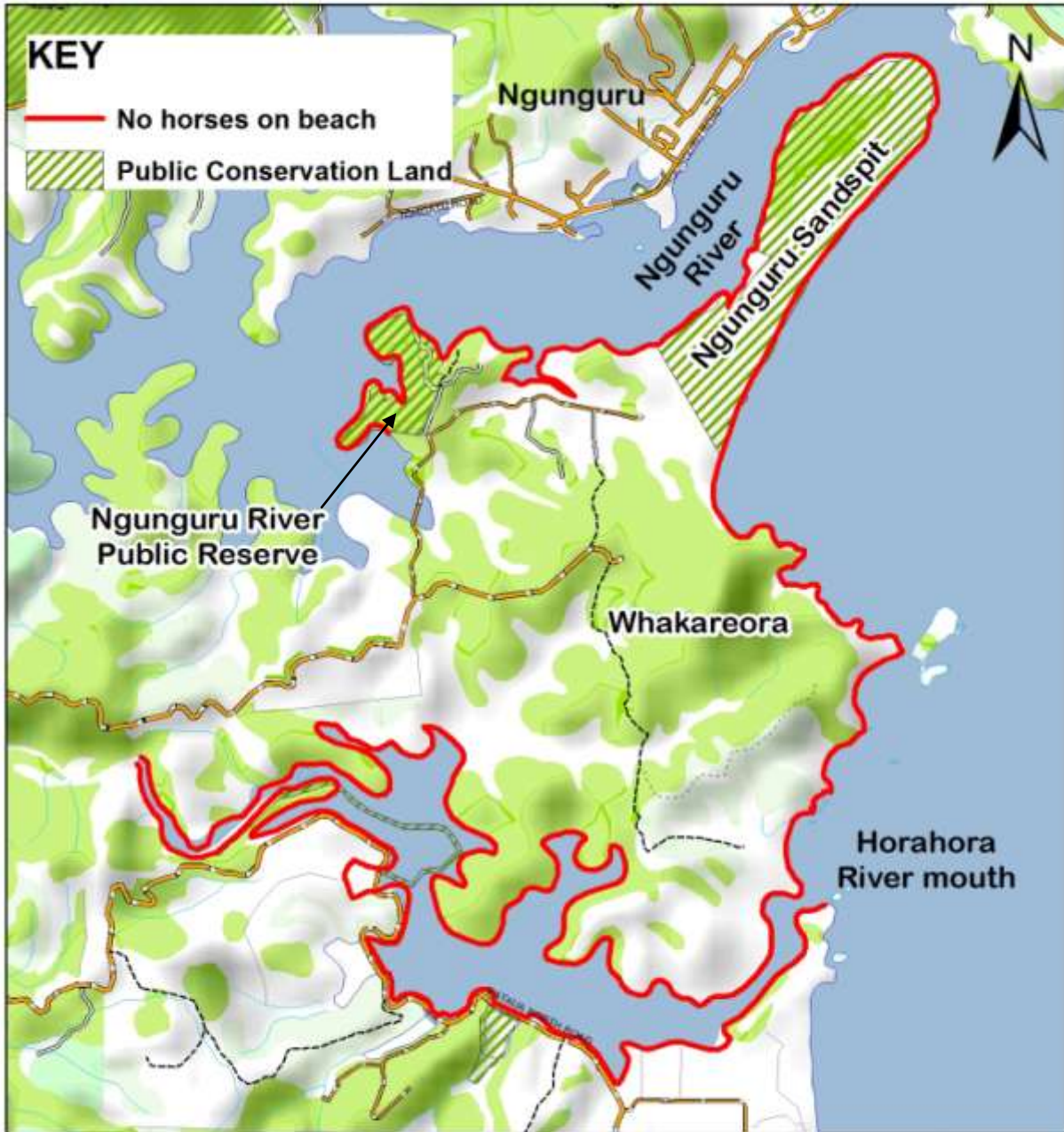
Mimiwhangata Coastal Park



From Taiwawe Bay to Pareparea Bay. Around Rimiriki and Wide Berth Islands.

Conservation areas from which horses are banned

Ngunguru/Horahora



From the sign and post at the western edge of Ngunguru River Public Reserve on the south side of the Ngunguru river/estuary, around the peninsular to the southern side of the Horahora River mouth, including the Horahora River estuary

Conservation areas from which horses are banned

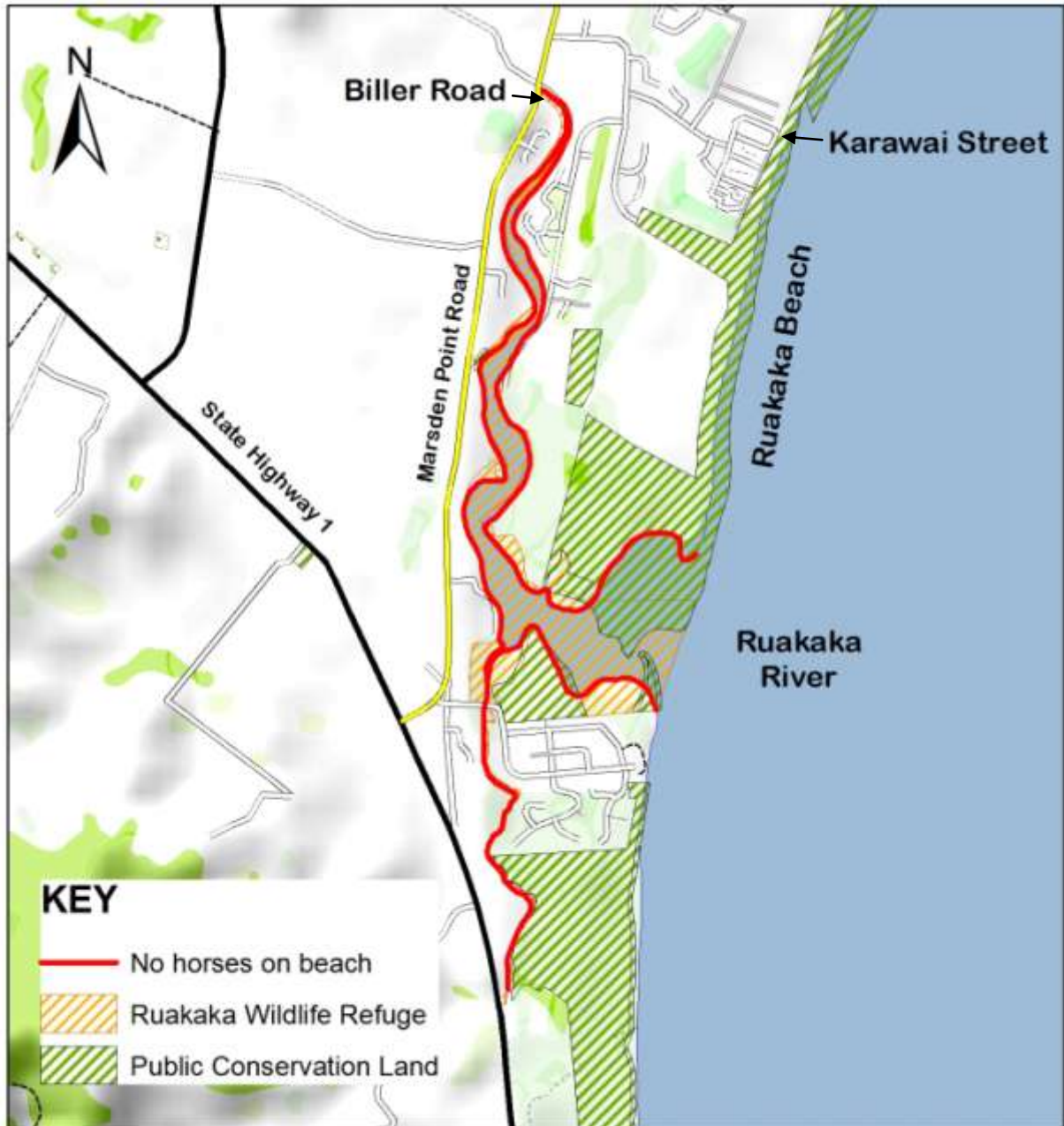
One Tree Point



From the edge of the Marsden Point Oil Refinery, along Marsden Bay, past the Marsden Cove Marina to the end of the beach

Conservation areas from which horses are banned

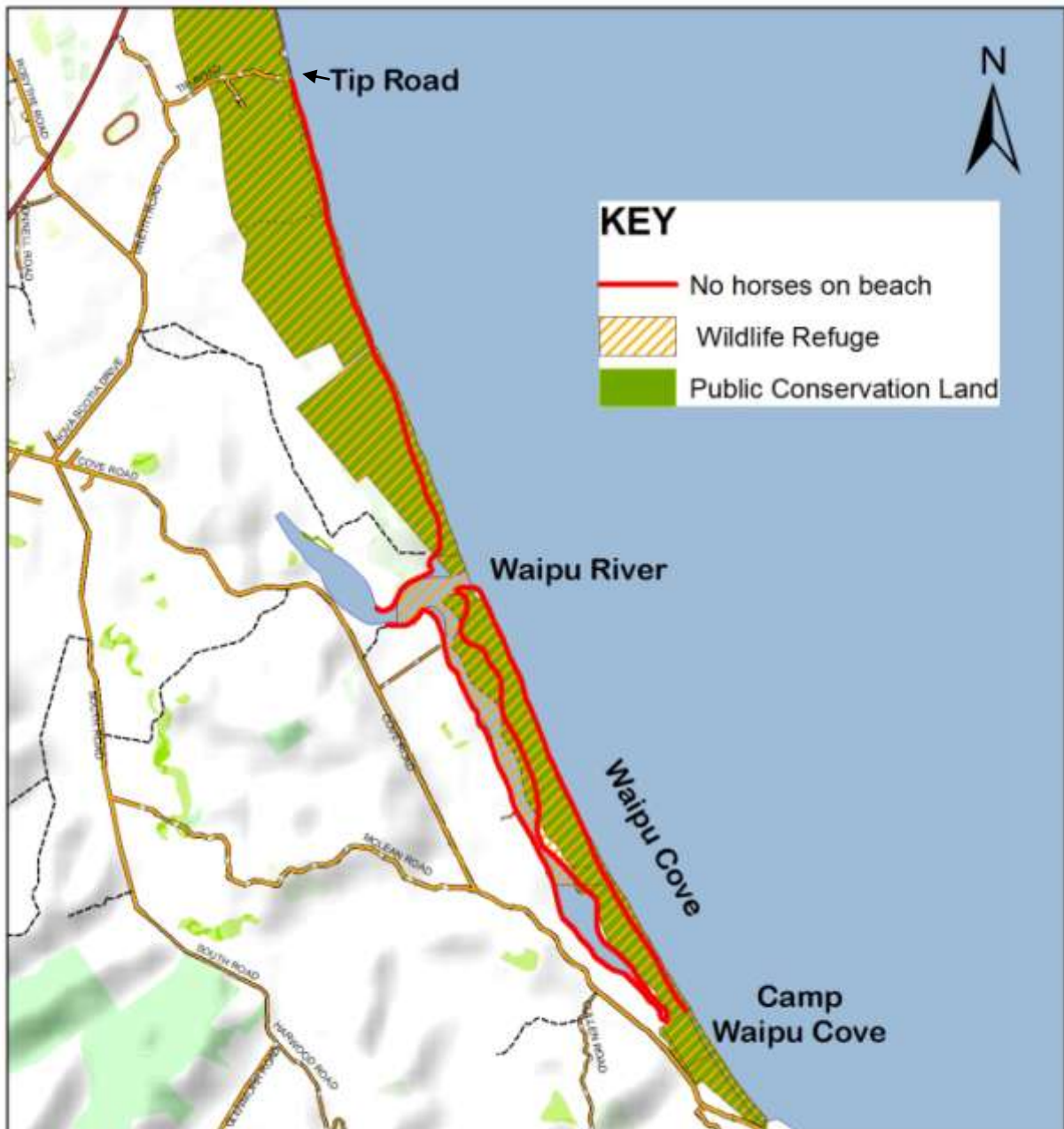
Ruakaka



From the Ruakaka estuary mouth up to Biller Road and where the estuary intersects with State Highway 1. Includes shaded water areas.

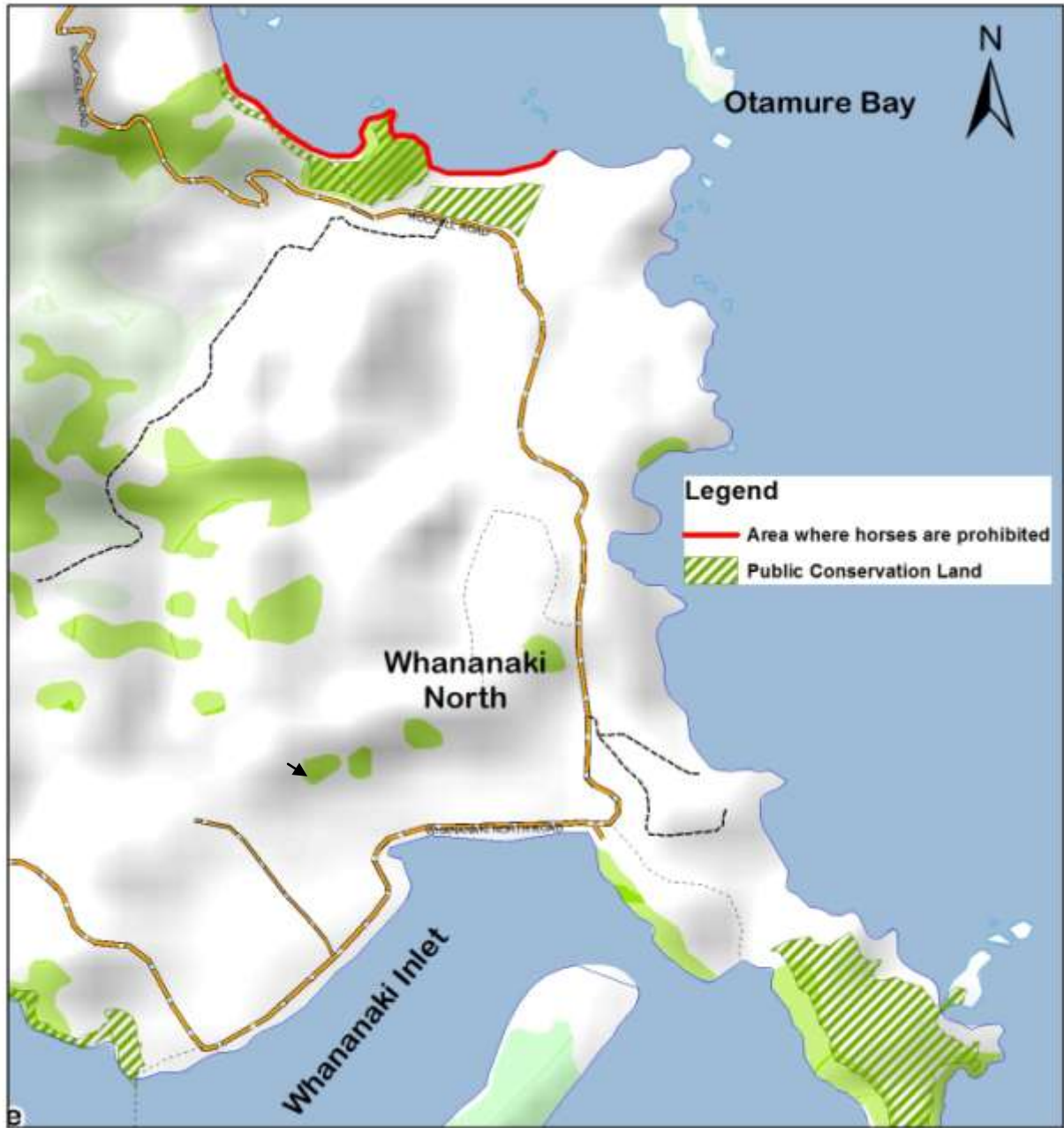
Conservation areas from which horses are banned

Waipu



From the Tip Road beach entrance south to the northern end of Camp Waipu Cove, back around the western side of the Waipu Wildlife Refuge to the northern side of the Waipu River mouth. Includes the shaded water areas.

Conservation areas from which horses are banned Whananaki



The beach at Otamure Bay.

Schedule iii

Safe zones

Ruakaka safe zone



The Safe Zone at Ruakaka will comprise the beach as represented on the above diagram between Points A and B.

The northern limit of the Safe Zone is a line perpendicular to the ocean which intersects point A on the above diagram at the south bank of the Ruakaka River inlet. Point A is located approximately 600 metres north of the Ruakaka Surf Life Saving Club. Point A will be marked with a sign.

The southern limit of the Safe Zone is a line perpendicular to the ocean which intersects Point B on the above diagram which is a point approximately 215 metres south of the Ruakaka Surf Life Saving Club. Point B will be marked with a sign.

Appendix I

Schedule iv

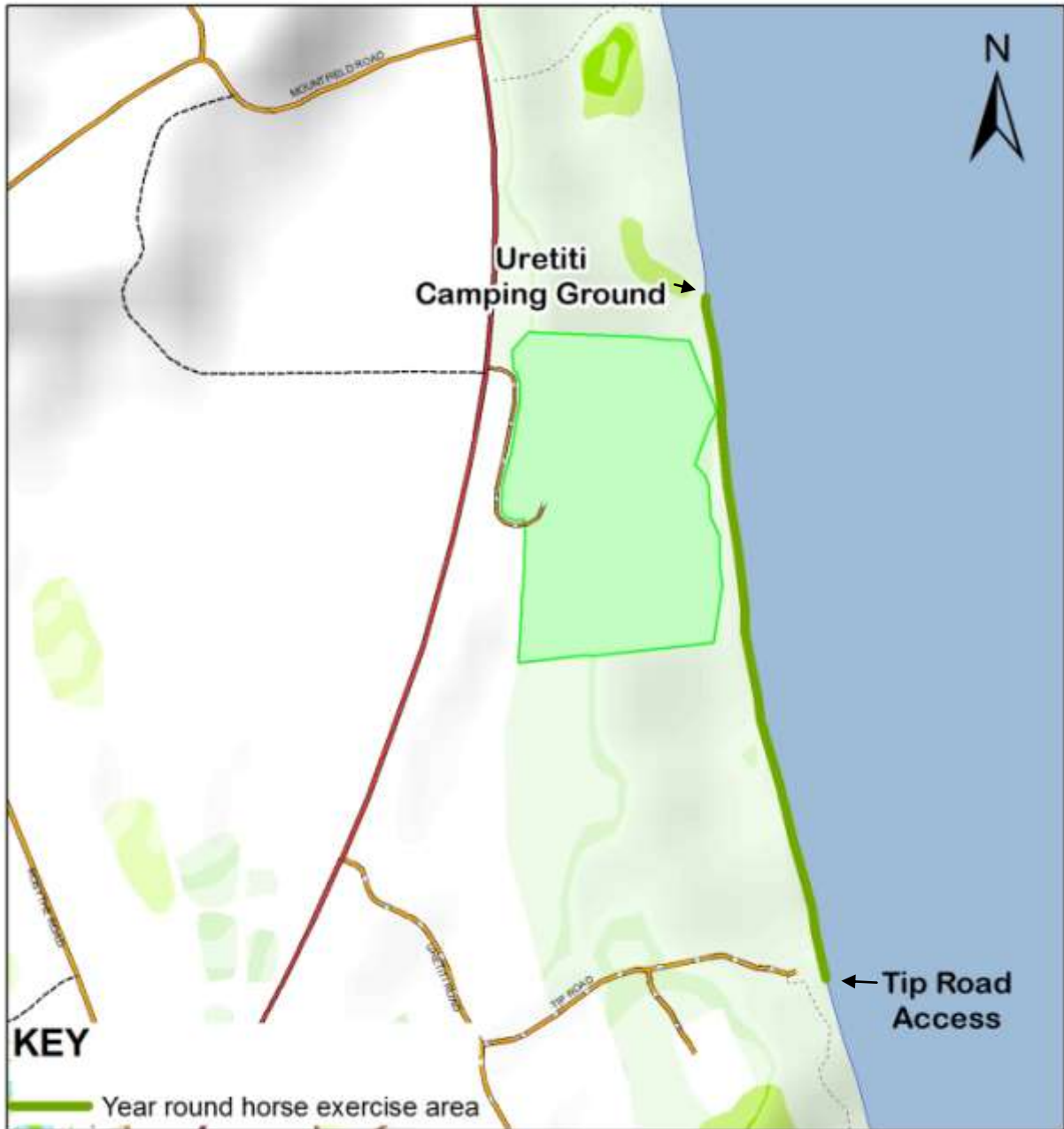
Year round horse riding areas

North Ruakaka year round horse riding beach area

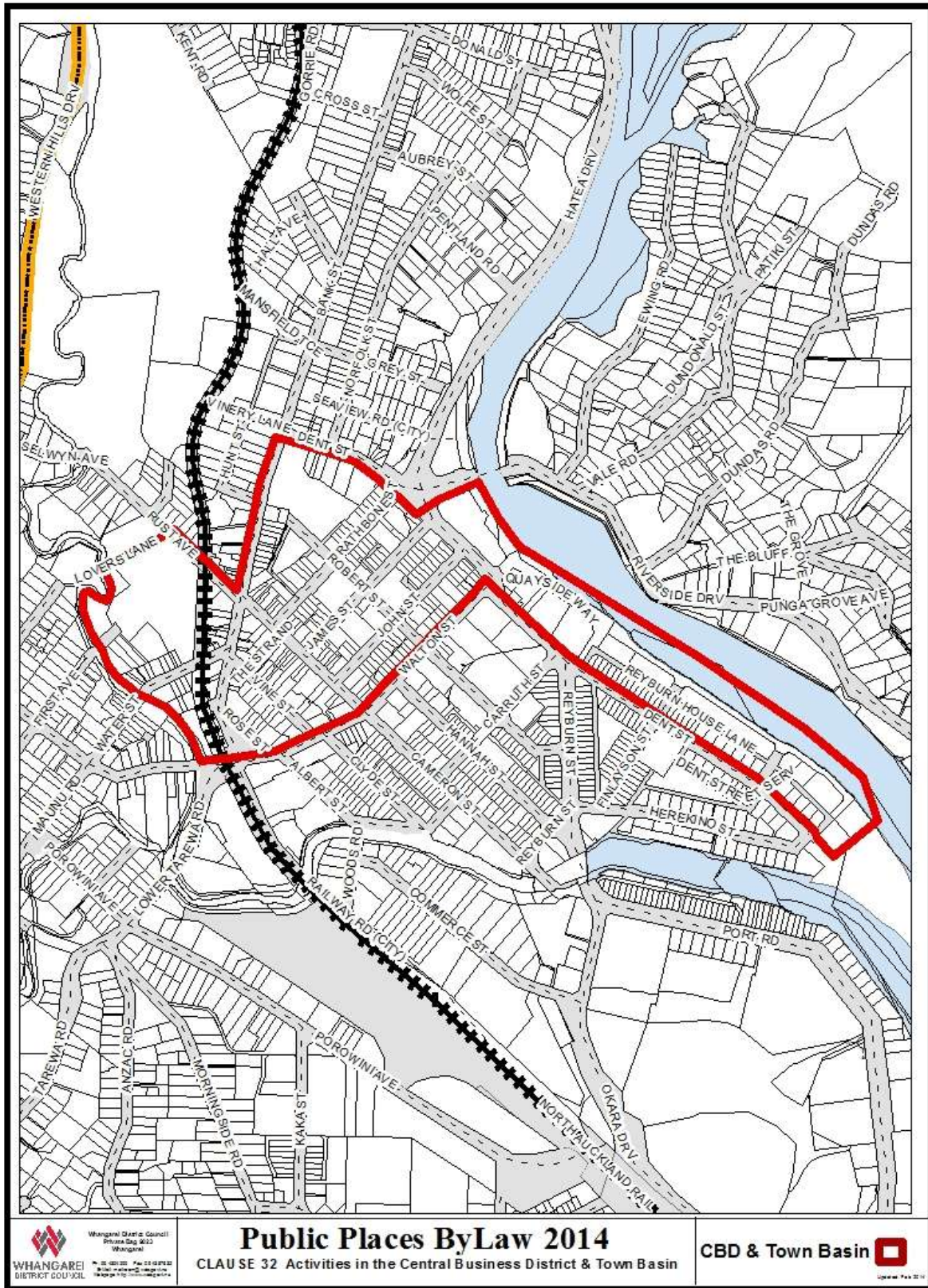


Year round horse riding areas

Uretiti year round horse riding beach area

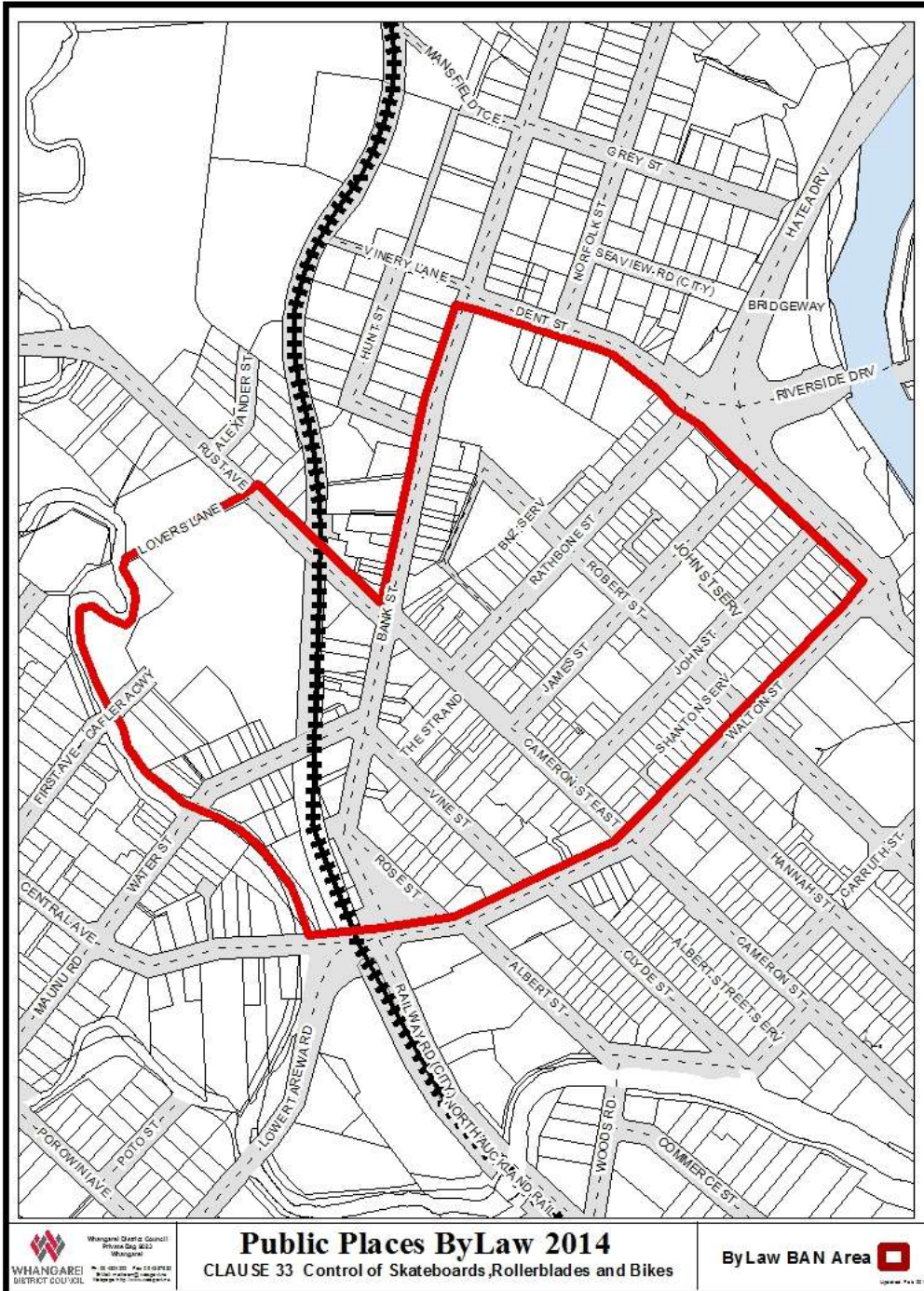


Appendix II – Activities in the Central Business District and Town Basin



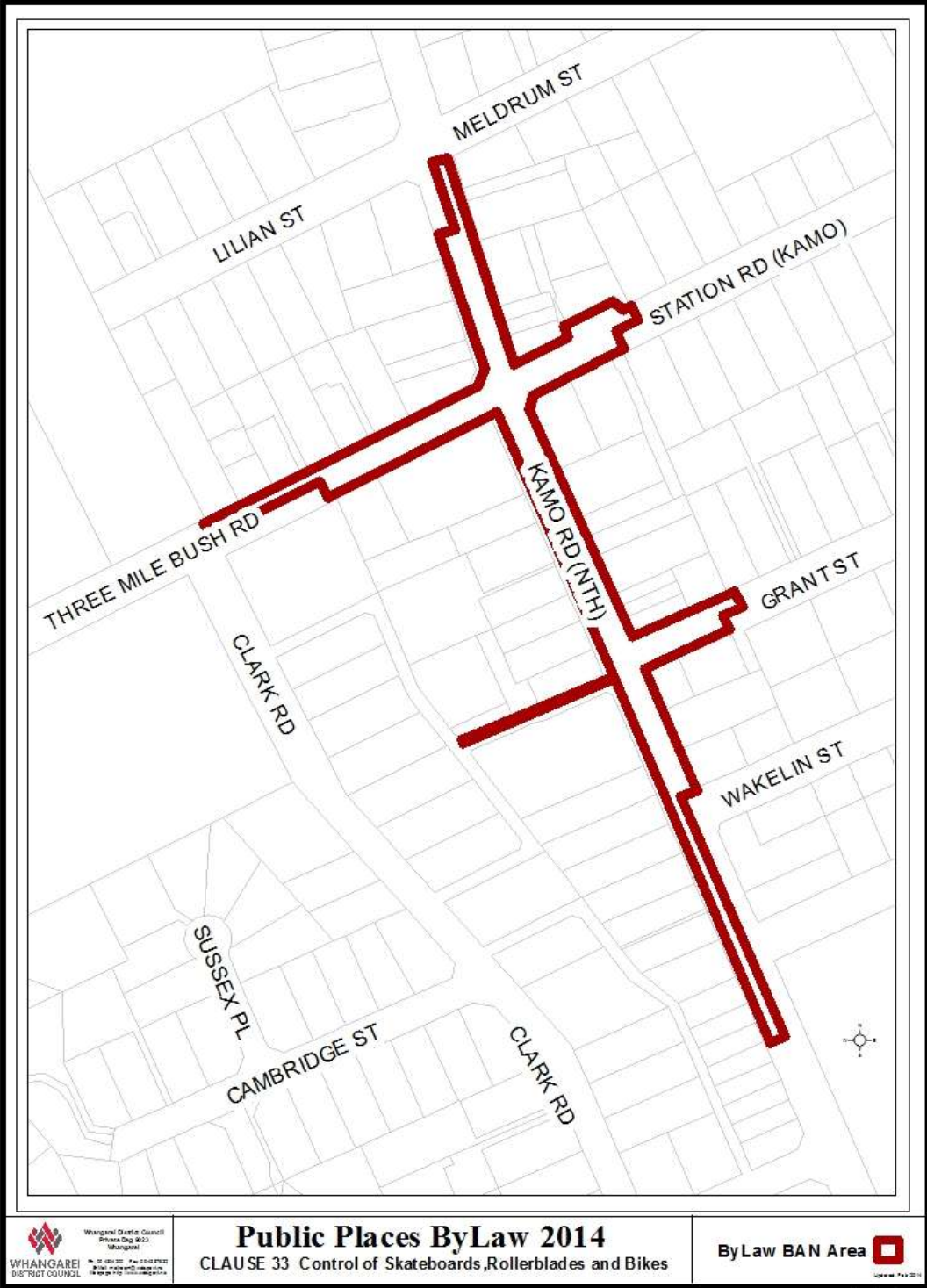
Appendix III – Control of Skateboards, Rollerblades and Bikes

Schedule i Central Business District rollerskate, skateboard, rollerblade and bike ban area



Note that the ban on riding bikes in this area applies only to footpaths and any mall.

Schedule ii Kamo rollerskate, skateboard, rollerblade and bike ban area



Note that the ban on riding bikes in this area applies only to footpaths and any mall.