

RANGITIKEI DISTRICT COUNCIL

PUBLIC PLACES BYLAW 2013



Rangitikei
UNSPOILT...

1. SCOPE

1.1 This bylaw is made pursuant to section 145 of the Local Government Act 2002, which gives authority to the Council to adopt bylaws for the following general purposes:

- (a) protecting the public from nuisance;
- (b) protecting, promoting, and maintaining public health and safety;
- (c) minimising the potential for offensive behaviour in public places.

1.2 The general purpose of this bylaw is to control a range of activities in public places to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of residents, visitors, and businesses within the district. In particular, this bylaw addresses damage to public facilities such as roads, footpaths, grass verges and garden areas, which may have an adverse effect on other users of these facilities.

2. DEFINITIONS

2.1 For the purposes of this bylaw, unless the context otherwise requires, the following definitions shall apply:

AUTHORISED OFFICER means any person appointed by the Council to act on its behalf and with its authority, and may include a police officer.

COUNCIL means the Rangitikei District Council.

FOOTPATH means that portion of the road reserve or private way laid out or constructed by or under the authority of the Council principally for the use of pedestrians and also includes any footbridge.

MATERIAL or **THING** means any material of whatever kind and includes jumbo bins and other containers for waste material, but excludes vehicles.

MIND ALTERING SUBSTANCE means a substance whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes what is commonly known as glue-sniffing, but does not include:

- (a) Medically prescribed substances ingested by the person for whom they were prescribed;
- (b) Substances purchased from a pharmacy without a medical prescription;
- (c) Nicotine;
- (d) Alcohol as defined in the Sale of Liquor Act 1989.

PUBLIC PLACE means any place that, at any material time, is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road (as defined by s315 of the Local Government Act 1974) or berm whether or not it is under the control of the Council. It also includes, without limitation, every reserve, park, domain, beach, foreshore and recreational grounds under the control of the Council.

SIGNAGE means any device, apparatus, or structure for displaying or advertising to the public any information or illustration relating to any place, person, goods, services, land, premises, or other property; and includes any information or illustration that is painted, printed, written, carved, inscribed, endorsed, projected onto, or otherwise fixed to or upon any building, wall, fence, hoarding, rock, structure, stationary vehicle, of any kind (whether moveable or not) that is visible from any public place.

STOCK means cattle, sheep, horse, deer, alpaca and llama of any age or sex.

VEHICLE means a device equipped with wheels, tracks or revolving runners upon which it moves or is moved and includes a hovercraft, skateboards, in-line skates, roller skates or similar recreational devices, but does not include:

- (a) A perambulator or pushchair;
- (b) A mobility scooter;
- (c) A bicycle (unless a bicycle stand is available within 50 metres);
- (d) Any other device specified by the Council.

3. SERVING OF ORDERS AND NOTICES

- 3.1 When this bylaw provides for an order to be made or a notice to be given, such order or notice shall be delivered to the person required to do or refrain from doing something, and may be delivered to them either personally or by sending the same by messenger, post, fax or email, to them at their last-known place of abode or business.
- 3.2 If such person is absent from New Zealand the order or notice may be sent to their agent instead of to such person, in any manner mentioned in the last preceding subclause.
- 3.3 If the order or notice relates to any land or building, and the owner is not known or is absent from New Zealand and has no known agent in New Zealand, the order or notice may be served on the occupier (or anyone else in occupation) of the land or building. If there is no occupier, the order or notice may be affixed to a conspicuous part of the land or building without naming the owner or occupier.

- 3.4 Where an order or notice is sent by registered post it shall be sent so as to arrive in the due course of post on or before the latest time on which such order or notice is required to be served.

4. POWERS

- 4.1 Every person who obstructs or hinders any such authorised officer or authorised agent in the exercise of their powers under this bylaw shall be liable to prosecution for an offence against this bylaw.

REMOVAL OF ENCROACHMENT

- 4.2 If any building or structure or any part thereof shall have been erected, constructed or placed upon, under, over or across any public place in contravention of this or any other bylaw, Council may by notice in writing require the owner of the building or structure to remove the building or structure or any part thereof as specified in the notice.
- 4.3 Any notice issued under 4.2 may require such precautions to be taken as Council thinks necessary for the safety of the public and for the proper securing of the building or structure as is to remain after removal.
- 4.4 If an owner refuses to, or is unable to comply with Council's notice issued in accordance with clause 4.2, Council may remove or alter the building or structure that has been constructed in breach of this bylaw and may recover the cost of removal or alteration from the owner or from the person who committed the breach.

DISPENSATION

- 4.5 Where in the opinion of the Council full compliance with any of the provision of this bylaw would needlessly or injuriously affect any person or the course or operation of the business of, or be attended with loss or inconvenience to any person without any corresponding benefit to the community, the Council may, on the special application of that person, dispense with the full compliance with the provisions of this bylaw, provided that any other terms or conditions (if any) that the Council may deem fit to impose shall be complied with by such person.

5 OFFENCES & PENALTIES

- 5.1 Any breach of this bylaw is an offence and liable to summary conviction and a fine not exceeding \$20,000.

6. PUBLIC SAFETY AND NUISANCES

- 6.1 Except with the prior permission of the Council or an authorised officer a person shall not on any public place:

- (a) Place, leave or permit any object or thing, including without limitation any vehicle, packing case, crate, basket, cask, barrel, package or other encumbrance which creates or is likely to create a nuisance;
- (b) Permit or cause the drippings of eaves or other projections of any building to fall in a manner likely to cause a nuisance;
- (c) Throw or in any way deposit any offensive matter including without limitation dead animals or parts thereof and animal waste, allow to remain on any public place the carcass of any animal owned him or her, or in his or her charge or keeping;
- (d) Set off any fireworks or explosive material or allow the setting off of fireworks or explosive matter in a manner which creates or is likely to create a nuisance to users of any public place;
- (e) Place or leave litter or any materials or thing or substance which are likely to be hazardous or injurious to any person, or likely to create a nuisance;
- (f) Deposit in or around a public litter receptacle any household or trade refuse;
- (g) Interfere with any refuse which is awaiting collection by an authorised collector;
- (h) Drive any vehicle except on a formed road, or drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in a public place;
- (i) 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;
- (j) Solicit any subscription, collection or donation, preach or undertake any busking;
- (k) Distribute any printed or written material advertising any product, service or entertainment;
- (l) Fly from or land any aeroplane including model aeroplanes, a hot air balloon or hang glider, parachutes or similar, except in an emergency;
- (m) Consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
- (n) Conduct any activity, including the playing of any game recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
- (o) Erect or place any structure on, over or under the public place except in compliance with any other Part of this bylaw.
- (p) Fail to keep in good repair any rail, gate, fence, or cover over or about any area or entrance or lighting place to any cellar, or other place opening into or upon or near any public place, or keep open for more than a reasonable time, for taking in or out any articles, any entrance to any such area, cellar, or other place, or omit to protect such entrance when open for use.

6.2 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 persons passing, 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.

~~6.3 Notwithstanding the requirements of any other clause of this Part of the bylaw a person shall not in any public place:~~

~~(a) Light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking, subject to any restriction imposed by the Council on the lighting of fires;~~

7. OBSTRUCTING PUBLIC PLACES

7.1 A person shall not:

- (a) Obstruct the entrances to or exits from a public place;
- (b) Place or leave any material or thing, including signage, on a public place that could obstruct the public from right of passage, without the permission of an authorised officer and then only in accordance with such conditions as may be imposed;
- (c) Allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof;
- (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 to allow the vehicle to be removed.

8. DAMAGE TO PUBLIC PLACES

8.1 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 in any public place for the purpose of allowing posters to be displayed announcing forthcoming 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 any animal 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;
- (h) Open any drain or sewer on, or disturb or remove the surface of, any public place.

8.2 Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an authorised officer

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

9. PLACING OF ARTICLES ON, AND DAMAGE TO PUBLIC PLACES

9.1 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 to for sale or hire, on any public place unless:

- (a) Prior approval has been obtained from Council or an authorised officer, and then only in accordance with such conditions as may be imposed; or
- (b) It is for the purpose of regular refuse or other collections authorised by the Council or is otherwise authorised by law; or
- (c) It is permitted pursuant to any other Council bylaw

9.2 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.

9.3 Where activities carried out on any property adjoining any public place are of a kind likely to damage that public place, Council or an authorised officer may by notice in writing, require the owner to occupier of the property to undertake specified works in order to adequately reinforce and prevent damage to the public place. The owner or occupier shall comply with the requirement of the notice within the time frames specified in the notice. Council or an authorised officer will inspect the works following completion and Council may by resolution set a reasonable inspection fee payable by the owner or occupier to recover costs incurred by Council in inspecting the works and ensuring compliance.

9.4 If the work completed by the owner or the occupier of the property does not comply with the notice, Council may remove or alter the specified works so as to comply and recover the costs of such removal or alteration from the owner or occupier of the property.

10. EXPOSING ARTICLES FOR SALE

10.1 Except as provided for by any other Council 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 the Council may think fit to impose.

11. VEHICULAR CROSSINGS

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

11.2 A permit issued by the Council under 11.1 of this bylaw 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 vehicular crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles.

- 11.3 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.
- 11.4 No person shall drive any vehicle across any unformed section of road in any public place (between road carriageway and any property boundary) unless by means of a crossing properly constructed in accordance with all bylaws of the Council in force at the time of such construction.
- 11.5 If in the opinion of the Council any crossing is in a bad or unsafe state of repair, the 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 the Council. Every such owner or occupier who fails to comply with any such notice within the period specified shall commit an offence against this bylaw.

12. TEMPORARY VEHICULAR CROSSINGS

- 12.1 No person shall take or drive a vehicle or permit the same to be taken or driven across any footpath or water channel in the course of construction or other work on the adjoining property or to deliver or collect building or other materials used in connection with such construction or other work except with the prior written permission of the Council or an authorised officer and subject to such terms and conditions as may be imposed.
- 12.2 A bond as security against the repair of any damage caused in the use of a temporary crossing may be required as a condition of consent.

13. ASSEMBLY

- 13.1 A person shall not, without the prior consent of Council or an authorised officer:
- (a) Participate in any assembly or associate with other persons in a public place in such a way as to significantly 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 which creates or is likely to create a nuisance.
- 13.2 The provisions of 13.1 shall not apply to any event or other activity approved by the Council.

AWNINGS AND BLINDS

- 14.1 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. In granting such permission an authorised officer may set such conditions as is deemed appropriate. Any such permission may be revoked at any time by an authorised officer.

15. PROJECTIONS ON PUBLIC PLACES NOT PERMITTED

15.1 Except where permitted by any other Council bylaw or by Council consent no person shall 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.

15.2 If any such projection or obstruction as aforesaid has been placed against or in front of any building before the coming into operation of this bylaw and which is contrary to any bylaw in force, Council may give notice to the owner or occupier of such a building to remove, or to alter such projection or obstruction, and such owner or occupier shall, within the time stated in such notice, remove, or alter such projection or obstruction.

15.3 No person shall stand on any veranda erected over a public place except for the purposes of inspection, maintenance or egress in the case of fire.

16. RESTRICTIONS ON THE USE OF BARBED WIRE AND ELECTRIFIED FENCES

16.1 Except with the permission of an authorised officer:

- (a) No person shall erect or permit to be erected any electrified fencing or barbed wire along, or within 1 metre of any boundary line between any land or building on the one side, and any public place on the other side.
- (b) Provided that this sub-clause shall not prohibit the placing of such barbed wire at a height of not less than 2 metres or electrified fencing not less than 3 metres from the level of the ground of any such public place.

16.2 Sub-clause 16.1 shall not apply within any area which is in a rural zone under the District Plan prepared by the 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.

17. ROADS AND BUILDING IDENTIFICATION

17.1 The Council shall have the exclusive right to set or alter the number of any building where in the Council's opinion it may be necessary or advisable to do so.

17.2 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.

17.3 Notwithstanding that 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, or letterbox associated with that building or complex with numbers no less than 50mm in height for residential buildings and letterboxes, and not less than 150mm in height for all other buildings.

17.4 Numbers required by 17.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

18. ANIMALS AND STOCK ON PUBLIC PLACES

18.1 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.

18.2 Any person having control of stock on any public place shall ensure that the stock is kept under proper control, with consideration for other persons using the public place, and shall ensure that the stock are driven in such a manner and by such points of access to an exit from the road as to ensure that damage is not caused to the public place.

18.3 No person shall:

- (a) Permit stock to be driven across or along any public place unless an alternative route is not reasonably available;
- (b) Permit any stock to be on a reserve, beach, footpath or cycle track or other area designated as an area prohibited to stock without the prior consent of an authorised officer;
- (c) Graze stock in any public place except in accordance with Council policy

18.4 Any person having control of stock being driven on any public place shall ensure that excrement, urine or other matter deposited upon the public place from such stock is removed and disposed of in an appropriate manner.

18.5 Any person being the owner of, or having control of any horse in a public place shall immediately remove any faeces deposited by that horse from any public place.

18.6 Subject to the requirements of sub-clauses 18.1 to 18.5 every person being the owner or having the care, custody, or control of any animal shall keep and prevent the same from wandering or being at large without proper guidance on any public place.

19. OVERHANGING VEGETATION LIABLE TO OBSTRUCT

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

20. REFUSE

DEPOSIT OF CERTAIN MATERIALS PROHIBITED

20.1 No person shall leave for refuse collection:

- (a) Any explosive, hot ashes, highly flammable material, infectious material or any matter, thing or refuse of any kind whatsoever, other than household refuse;

- (b) Any liquid, acid, printer's ink, paint, or any viscous fluid;
- (c) Any ashes, broken bottles, glass, glass articles, broken crockery, china or such sharp articles or materials unless such ashes, sharp articles or materials are wrapped so as to prevent injury to persons engaged on collection or disposal work.

DISPOSAL OF REFUSE

- 20.2 No person shall take to any place of disposal material of any kind which has been prohibited by the Council or authorised officer.

AGAINST REMOVAL OF MATERIAL FROM DISPOSAL SITE

- 20.3 On any land or premises set aside by the Council for the disposal of refuse, it shall be unlawful for any unauthorised person to enter, loiter, or to disturb any deposit of refuse, or to remove there from any article or material of any kind.

21. COMMENCEMENT

- 21.1 This bylaw was adopted by Council on 31 January 2013, and commences on the 7th of February 2013.