



**KAWERAU DISTRICT COUNCIL**  
**General Bylaw 2009: Part 2 - Public Places**

## **Kawerau District Council**

### **General Bylaw 2009: Part 2 - Public Places**

#### **Explanatory Statement**

The General Bylaw 2009: Part 2 - Public Places is the second in a series that makes up the Kawerau District Council General Bylaw 2009. This part of the Bylaw replaces Chapter 2 of the General Bylaw 1997. The General Bylaw 2009 replaces the General Bylaw 1997.

General bylaws, by their nature, address a diverse range of matters. Kawerau District's 1997 general bylaw contained all those matters in a single document of 12 chapters and almost 100 pages. To improve functionality, Council has made each chapter into a discrete part that can be read and used on its own. Taken together, the parts make up the General Bylaw 2009.

This part of the Bylaw provides measures to control activities in public facilities that may cause damage to those facilities or adverse effects to other users.

The General Bylaw 2009 is made pursuant to Part 8 of the Local Government Act 2002.

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**Kawerau District Council**  
**General Bylaw 2009: Part 2 – Public Places**

**1 Title**

This part of the Kawerau District Council General Bylaw 2009 shall be known as the Kawerau District Council General Bylaw 2009: Part 2 – Public Places.

**2 Commencement**

This part of the Bylaw shall come into force on the 1<sup>st</sup> day of December 2009.

**3 Repeal**

As from the day this part of the Bylaw comes into force, Chapter 2 of the General Bylaw 1997 and any amendments in force in the Kawerau District shall be repealed.

**4 Application of Bylaw**

This part of the Bylaw shall apply to the Kawerau District.

**5 Scope**

The Local Government Acts 1974 and 2002 give authority to the Council to adopt bylaws to regulate activities which can be carried out on roads, public places and reserves. 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.

Section 684 of the Local Government Act 1974, section 146 of the Local Government Act 2002, and other relevant Acts such as the Reserves Act 1977, Health Act 1956, and Litter Act 1979 outline some of the powers and requirements of the Council in regard to streets, public places and reserves. Areas of control so prescribed by that legislation are not necessarily repeated within this bylaw and therefore the relevant sections of the legislation should be read in conjunction with it.

**6 Definitions**

The definitions in the Kawerau District Council General Bylaw 2009: Part 1 – Introductory shall apply to this part of the Bylaw.

For the purposes of this part the following definitions shall also apply:

**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 any substance whether synthetic or naturally occurring, which is used to alter consciousness, mood or emotions, or to intoxicate or induce pleasurable sensations. It 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 as well as those places defined in the General Bylaw (Introductory), every reserve, park, domain and recreational ground under the control of the Council.

**ROAD** means as well as that defined in the General Bylaw (Introductory) and all land lying between the boundaries of a road including footpaths and berms.

**RIDE A SKATEBOARD** means having either one or both feet, or any other part of the body of any person, on the skateboard when it is moving.

**SKATEBOARD** means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider. The definition includes roller skates, roller blades and similar recreational devices. The definition does not include any wheelchair, mobility scooter, baby or invalid carriage or bicycle.

## **7 Public safety and nuisances**

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

- (a) Place or leave litter or any materials or things or substances which are likely to be hazardous or injurious to any person, or likely to create a nuisance.
- (b) Deposit in or around 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 on an area not set aside for the purpose, 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, 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 aeroplanes, a hot air balloon or hang glider, parachutes or similar except in an emergency.
- (j) Use any mind-altering substance or offer or sell such substance to any person.
- (k) Play any game or use any object including a skateboard, bicycle or scooter, 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.
- (l) Erect or place any structure on, over, or under the public place except in compliance with any other part of this Bylaw.

7.2 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.

7.3 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 Council on the lighting of fires.
- (b) Camp in an area not set aside for the purpose. In this context, camping shall include the use of any vehicle for sleeping, whether or not it is specially set out for sleeping.

## **8 Freedom camping**

8.1 Council operates a freedom camping policy for self-contained campervans and motor-homes which sets aside certain areas for such freedom camping. The designated areas are specified in the First Schedule of this part of the Bylaw.

8.2 An authorised officer may close or restrict entry to all, or any part of a designated freedom camping area to allow space for an organised event, to prevent damage or allow maintenance of the area or for any other operational reason.

8.3 Freedom camping is not allowed in any geothermal area or in the vicinity of the Ron Hardie Recreation Centre.

## **9 Obstructing public places**

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 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.
- (e) Ride a skateboard, bicycle or scooter on any footpath, without reasonable consideration for other persons using the footpath.

## **10 Damage to public places**

10.1 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 sign, display board, 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) Remove any sand, soil or other naturally occurring material found in a public place.
- (f) Open any drain or sewer on, or disturb or remove the surface of, any public place.
- (g) Drive or park any motor vehicle, or ride or lead any animal in a public place except in an area set aside for the purpose.
- (h) Use any vehicle or be in control of any animal in any manner so that it damages any part of a public place.
- (i) Ride a skateboard, bicycle or scooter on any footpath, without due care to ensure no damage is caused to any property.

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

## **11 Placing of articles on, and damage to public places**

11.1 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 may be imposed; 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.

11.2 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.

11.3 A person shall not permit or cause wastage of water or cause any water tap to flow for a longer period than is reasonably required for the legitimate use of that water in that public place.

## **12 Pedestrian malls**

12.1 No person shall ride any skateboard, bicycle or scooter in a designated pedestrian mall as specified in the Second Schedule of this part of the Bylaw.

12.2 No person shall drive or park any motor vehicle in a designated pedestrian mall except where the vehicle is an emergency vehicle, a service vehicle unable to otherwise gain reasonable access to a premise, or where permission has been granted by the Council for a special event.

## **13 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.

## **14 Vehicle crossings**

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

14.2 A permit issued by the Council under 14.1 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.

14.3 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.

14.4 If, in the opinion of an authorised officer, any crossing is in a bad or unsafe state of repair, the authorised officer 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. Every such owner or occupier who fails to comply with any such notice within the period specified shall commit an offence against this part of this Bylaw.

14.5 Where the Council is satisfied that any vehicle crossing is redundant, or is in excess of the reasonable requirements of the users of the private property, Council may by notice

in writing notify the owner of its intention to remove the vehicle crossing at the Council's expense. Council may remove the crossing after a period of 14 days from service of the notice has expired.

## **15 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 vehicle 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.

## **16 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. 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.

## **17 Projections on public places not permitted**

- 17.1 Except where permitted by any other part of this 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 a District Plan.

- 17.2 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 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.

- 17.3 No person shall stand on any verandah erected over a public place except for the purpose of inspection, maintenance or egress in the case of fire.

## **18 Restrictions on use of barbed wire and electrified fences**

- 18.1 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 the one side and any public place on the other side.

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

- 18.2 Sub-clause 18.1 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, providing that Council may from time to time by resolution specify conditions that will apply to temporary electric fences.

## **19 Road and building identification**

- 19.1 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.
- 19.2 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 with numbers.
- 19.3 Numbers required by 19.2 shall be no less than 50mm in height for residential buildings. All other buildings shall be required to have a number of not less than 150mm in height on display at the service entrance, and, where the service entrance is at the rear of the building, a second number of not less than 50mm in height at the front of the building.
- 19.4 Numbers required by 19.2 shall be as allocated or approved by an authorised officer and displayed in a position so as to be readily visible from the road and/or service lane from which the building is accessed.
- 19.5 Numbers required by 19.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.
- 19.6 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.

## **20 Animals and stock on public places**

- 20.1 No person shall take or allow any animal under his/her care or control onto any public place, unless the Council has by resolution, public notice or appropriate delegated authority, allowed entry of that type of animal to that public place.
- 20.2 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.
- 20.3 No person shall drive any stock on any road during the period between half an hour after sunset and half an hour before sunrise unless sufficient warning is provided and maintained by such person by the use of lights or other effective devices or means to ensure that other persons using such road shall have adequate notice of the presence of such animals on the road.
- 20.4 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 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.
- 20.5 Any person having control of stock in any public place shall ensure that the stock is 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.
- 20.6 Council may, from time to time, by special order publicly notify declare certain roads to be stock routes and prohibit or restrict the use of any other roads, public places or urban areas for the driving of stock. Any such declaration, prohibition or restriction may from time to time in like manner be altered or revoked. This requirement shall not apply to any person who rides or leads a horse under proper control on a road.
- 20.7 Any person having control of stock being driven on any public place shall ensure that any matter deposited upon the public place from such stock is removed and disposed of in an appropriate manner.
- 20.8 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.

## **21 Overhanging vegetation liable to obstruct**

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

## **22 Additional requirements for reserves**

- 22.1 No person shall enter or leave a reserve except through the entrances and exits provided for the purpose.
- 22.2 Subject to the provisions of this part of this Bylaw, entry to every reserve shall be open at all times, except during such hours as the Council or an authorised officer may determine that that reserve shall be closed.
- 22.3 An authorised officer may close or restrict entry to all or any portion of a reserve at such times as are 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.
- 22.4 An authorised officer may from time to time and for such periods as he or she thinks fit, 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.
- 22.5 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 proper charge for entry, if a charge is payable.
- 22.6 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 returning to 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.

**Revocations**

The Vehicle Crossings Bylaw 2003 and Chapter 2 of the General Bylaw 1997 are hereby revoked.

The Kawerau District Council General Bylaw 2009: Part 2 - Public Places was duly made by a resolution passed at a meeting of the Kawerau District Council held on 24 November 2009 following a special consultative procedure.

The Common Seal of the  
**Kawerau District Council**  
was affixed hereto in the presence of:

.....  
Mayor

.....  
Chief Executive Officer

.....  
Date

## **FIRST SCHEDULE – DESIGNATED FREEDOM CAMPING AREAS**

The following areas have been set aside as freedom camping areas for self-contained campervans and motor homes:

- The stream-side car parking area of Prideaux Park
- The reserve land along River Road bounded by State Highway 34, Waterhouse Street and the Tarawera River

## **SECOND SCHEDULE – PEDESTRIAN MALLS**

The following areas have been declared as pedestrian malls:

- Ranfurly Court
- Jellicoe Court