

Public Places Bylaw 1993



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The South Waikato District Council acting in exercise of and in pursuance of the powers and authorities vested in it by the Local Government Act 1974 and all other powers and authorities enabling it in that behalf makes by way of Special Order the following Bylaw.

Title

The title of the Bylaw shall be the **South Waikato District Council Public Places Bylaw 1993**.

Commencement

This Bylaw shall come into force on the 2nd day of July 1993.

Interpretation

1. In this bylaw, unless the context otherwise requires:
 - Local Authority** means the South Waikato District Council or, where the context permits, its authorised officers.
 - Person** includes a corporation sole, and also a body of persons, whether corporate or unincorporate.
 - Public Place** includes every road, street, public highway, footpath, court, land, mall, lane, accessway, and thoroughfare of a public nature or open to or used by the public as of right; every park, reserve, or beach; and every place of public resort or place to which the public have access, so open or used, and every place of public resort for the time being.
 - Regular Crossings** means more than 10 crossings of a public road by dairy herds on average each week during the milking season.
2. Where in this bylaw any person is prohibited from carrying out any prescribed act or course of action, there shall be deemed to be included therein a prohibition to the effect that no person shall permit, cause or suffer, as the case may be, such act or course of action to be carried out.
3. All references in this bylaw to the granting of permission by the local authority shall be to the granting of such permission in writing.

1. *Obstructing Footways or Cycle Tracks*

- 1.1 No person shall carry or convey any load to the danger or obstruction of persons using any footway or cycle track, or ride any horse, or drive or lead any cattle, or drive any motor vehicle or motor cycle along any footway or cycle track; provided that this clause shall not apply to a person using a manual or motorised wheelchair.

2. *Packing or Unpacking Goods*

- 2.1 No person shall leave standing or lying upon any public place for more than five minutes any vehicle, packing case, crate, package, or any other encumbrances that obstructs the public place without having first obtained the permission of the local authority.

3. *Placing of Articles on Public Places*

3.1 No person shall (except as provided in this or any other Part of this bylaw) leave upon any public place any truck, wheelbarrow, vehicle, or other similar thing, or any packing case, crate, basket, cask, barrel, package, or any other encumbrance whatsoever so as to constitute an obstruction thereon.

4. *Flammables*

4.1 No person shall leave any flammable materials or matter on or in any public place without having first obtained the permission of the local authority.

5. *Disturbing Surface of Street*

5.1 No person shall open any drain or sewer in any public place or disturb or remove the surface of, or open, any street or footway without having first obtained the permission of the local authority.

6. *Precautions Against Injury*

6.1 Any person opening up any street or footway shall take all such precautions as may be necessary for guarding against injury to the passers along such street or footway or as may be directed by the local authority.

7. *Securing Foundations*

7.1 No person shall omit or neglect to secure and maintain the foundations of any building or any wall or fence, or cause or permit any encroachment by any building, wall, or fence abutting on any public place, whereby such public place is or may be damaged or obstructed.

8. *Exposing Articles for Sale*

8.1 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 the local authority, and then only in accordance with such conditions as the local authority imposes.

9. *Leaving Dead Animals or Depositing Offensive Matter*

9.1 No person shall deposit any dead animal or part thereof, or animal remains or offensive matter of any kind, upon any public place, or into any river, creek, stream, or other water, or on the bank thereof; without having first obtained the permission of the local authority.

9.2 No person shall fail to dispose of in a proper manner the body or part of the body of any animal belonging to him/her, or in his/her charge or keeping, that may have been killed or died whilst straying, or while being driven on any public place.

10. *Sounding of Musical Instruments, Use of Loud Speakers and Disturbance of Neighbourhood*

10.1 No person shall in any street or public place sing or play any musical instrument, preach, read aloud, lecture, sell or cry wares or exhibit any object or thing, without the consent of the local authority.

10.2 No person shall use any portion of the footpath or roadway of Swanston Street, Leith Place, Rosebery Street and Mall, Rosebery Lane, Mannering Street, Bridge Street, Bonaly Street, Campbell

Lane or Church Lane in the town of Tokoroa for street preaching or for the display or distribution of pamphlets, posters, writings, pictures or handbills, unless the prior written approval of the local authority is received.

- 10.3 No person shall play or use any musical instrument, or loud speaker, megaphone, radio or television set, bell or other similar device:
- (a) In any street of public place where such playing or use makes or causes to be made, any noise which is likely to cause annoyance or nuisance to persons in the street or public place or residing in the vicinity thereof; or
 - (b) In or upon any land or buildings licensed or used for dances, fairs, amusement parks, amusement parlours, skating rinks or other similar entertainment where such playing or use makes or causes to be made, any noise which is likely to cause annoyance or nuisance to persons in any street or public place or resident in the vicinity of that land or those buildings.

11. *Placards on Buildings, Posts in a Public Place*

- 11.1 No person shall:
- (a) Place any placard, poster, or other document on, or write, paint, print, draw, or stencil on, or otherwise disfigure or deface, any buildings in a public place or any wall, fence, statue, post, convenience, rubbish receptacle, or anything whatsoever erected in or constructed or standing on or abutting any public place; without having first obtained the permission of the local authority; or
 - (b) Stamp, stain, write, print, or post any advertisement or notice upon any public place, except with the prior written permission of the local authority and then only in conformity with the terms of any permit that may be granted.

12. *Damage to Property of Local Authority*

- 12.1 No person shall:
- (a) Wilfully or maliciously damage or destroy, or do, permit, or suffer any act tending to damage or destroy any growing tree, shrub, or other plant of any kind whatsoever belonging to the local authority, or any building, erection, structure, or other property of any kind or description belonging to the local authority; or
 - (b) Wilfully or maliciously extinguish or damage or break any street lamp, or break or damage any lamp post, or break, damage or remove or interfere with any warning lights, signs or barricades placed by the local authority to warn the public of danger.

13. *Fireworks*

- 13.1 No person shall set off any fireworks or explosive material in or on any public place without the permission of the local authority, or so near to any such public place as to endanger, annoy or frighten passers-by in such public place.

14. *Generally Obstructing*

- 14.1 No person shall encumber or obstruct a public place in any manner not otherwise described in this bylaw.

15. Rubbish Receptacles

- 15.1 No person shall use any rubbish receptacle in a public place for the purpose of placing or depositing therein any offensive matter or any household, shop, office, or trade refuse of any description.

16. Awnings and Blinds

- 16.1 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, unless the permission of the local authority shall have first been obtained and then subject to such conditions as may be imposed. Any such permission may be revoked at any time by the local authority.

17. Doors, Gates, Opening onto a Public Place

- 17.1 No person shall hang, permit, or suffer to be hung any door or gate abutting on any public place so as to render it capable of being swung over or across such public place.

18. No Building to be Erected on Public Place

- 18.1 No person shall erect, construct, or place any building or other structure or erection whatsoever, or any part thereof, under, upon, over, or across any public place or any part thereof without the prior written permission of the local authority to do so.
- 18.2 No person shall use any dwelling or any vehicle, whether motorised or not, for the purposes of temporary living accommodation on any portion of any public place or reserve without the written permission of the local authority and subject to such conditions as the local authority may impose.

19. Projections on Public Places not Permitted

- 19.1 No person shall place any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gatepost, or other obstruction or projection of any kind whatsoever in such a position as to interfere with or obstruct in any way the free passage of traffic upon any public place.
- 19.2 If any such projection or obstruction as aforesaid placed or made against or in front of any building before the coming into operation of the Part of this bylaw, contrary to any Act or bylaw lawfully in force and otherwise than in accordance with the provisions of this Part of this bylaw shall project or encroach into, over, or upon any public place or part thereof, the local authority may given notice to the owner or occupier of such building to remove, or in such manner as the local authority shall by such notice require, alter such projection or obstruction, and such owner or occupier shall, within the time stated in such notice, remove, or in manner aforesaid respectively alter, such projection or obstruction.

20. Encroachment to be Removed Upon Notice

- 20.1 If any building or other structure or any part thereof shall have been erected, constructed or placed upon, under, over or across any public place, the local authority may by notice require the owner of such building or structure to remove the same or such part thereof as shall have been so erected, constructed or placed.
- 20.2 Any such notice may require such precautions to be taken with respect to the temporary securing of such building or other structure, and its removal, as the local authority shall think fit for the safety of the public and for the proper securing of so much (if any) of such building or structure as is to remain on site after such removal.

21. Lighting of Obstructions and Holes

- 21.1 If any person makes an excavation in any public place or leaves or causes to be left on any public place any thing whatsoever likely to cause any obstruction or danger to any person or vehicle upon such public place, such person shall cause to be fixed and maintained thereon, or near thereto, from sunset in any day to sunrise in the next day in such positions as may be necessary sufficient lighted lamps of a type approved by the local authority to indicate the existence of the obstruction or excavation.

22. Restrictions on use of Barbed Wire

- 22.1 No person shall erect barbed wire in any public place or within one metre of the boundary of any public place.
Provided that this subclause shall not prohibit the placing of such wire at a height of not less than two metres above the level of the ground of any such public place.
- 22.2 These subclauses shall not apply within any area zoned "rural" under an operative District Planning Scheme or District Plan prepared by the local authority, except when the fence abuts or adjoins a footpath.

23. Crossings

- 23.1 No person shall drive, ride, propel, or wheel any motor vehicle, or lead any cattle (as hereinafter defined), across any footway or water channel in any public place otherwise than upon and by means of a crossing properly constructed under the provisions of this Part of this bylaw or heretofore constructed in accordance with all bylaws of the local authority in force at the time of such construction.
- 23.2 Except with the permission of the local authority no person shall after the coming into force of this Part of this bylaw construct any crossing across any footway or water channel or repair, reconstruct, renew, or do any work whatsoever in connection with any existing crossing.
- 23.3 Any person designing the construction, repair, reconstruction, or renewal of any crossing shall make application in writing to the local authority, and the local authority may:
- (a) Upon receipt of such sum of money as the local authority shall require as payment for the work applied for, carry out and execute such work as soon as practicable.
 - (b) At its discretion and subject to the payment of such deposit and such inspection fee as it requires, permit the applicant to carry out the work to such standards as it may lay down, provided that the deposit shall be refunded if the work is completed to the satisfaction of the local authority; or
 - (c) Refuse to carry out such work or to permit such work to be carried out if in its opinion the existence of any such crossing causes or may be likely to cause any danger or obstruction in any public place.
- 23.4 If in its opinion any crossing is in a bad or unsafe state of repair, the local authority may forthwith remove such crossing and may by notice in writing require the owner or occupier of any premises to which such crossing provides access to pay such sum of money as shall be necessary in the opinion of the local authority to repair, reconstruct, or renew such crossing, and every such owner or occupier who shall fail to comply with any such notice within the period therein specified shall be guilty of an offence against this Part of this bylaw.

24. Temporary Crossings

- 24.1 No person shall take or drive a motor vehicle or permit the same to be taken or driven across any footway 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 therewith except with the prior written permission of the local authority and subject to such terms and conditions as it may impose,

including if required by the local authority, the provision for a crossing for temporary purposes over the footway or water channel.

- 24.2 Except with the permission of the local authority, all crossings constructed under this clause shall be lighted between sunset of one day and sunrise of the next day, and the street channels shall be left clear from obstacles.

25. Reinforcing of Footways

- 25.1 Where any land or premises is at any time or from time to time so occupied or used that, in the usual course of the business carried on thereat or thereon or in connection therewith, any materials, goods, merchandise, articles, or things whatsoever are dropped or deposited upon or conveyed across any footway, water channel or crossing in such a manner as to likely to damage such footway, water channel or crossing the local authority may from time to time, by notice in writing, require the owner or occupier of such land or premises to provide adequate reinforcement to such footway, channel, or crossing.
- 25.2 Every such owner or occupier who fails to comply with any such notice within the period therein specified shall be guilty of an offence against this Part of this bylaw.
- 25.3 The local authority shall:
- (a) Upon receipt of such sum of money as it shall require as payment for the work carried out, execute such work as soon as practicable; or
 - (b) At its discretion and subject to the payment of such deposit and such inspection fee as it requires, permit the applicant to carry out the work to such standards as it may lay down, provided that the deposit shall be refunded if the work is completed to its satisfaction.

26. Naming of Streets

- 26.1 No person shall give any name to or affix, set up, or paint any name on any street, private street, or public place without the prior permission in writing of the local authority.

27. Numbering of Buildings

- 27.1 The owner of every building shall mark such buildings (subject to Clause 27.4 hereto) with such numbers, being in no case less than 50mm in height, as the local authority shall direct or approve, and shall renew the numbers of such buildings as often as they are obliterated or defaced, or as the local authority shall order or direct.
- 27.2 If the owner of any building neglects for one month after notice from the local authority to mark such buildings with such number as the local authority may direct or approve, or to renew the number thereof as aforesaid, the owner shall be guilty of an offence against this Part of this bylaw.
- 27.3 The local authority shall have power at any time to alter the number of any building where it may be in the local authority's opinion necessary or advisable to do so.
- 27.4 Every such number shall be placed upon any building in such a position as to render the same readily visible from any street fronted by such building; or, if no such position is available, shall be placed upon a post, fence, or gate near or adjacent to, and readily visible from, such street.

28. Defacing Names and Numbers

- 28.1 Every person shall be guilty of an offence against this Part of this bylaw who wilfully or maliciously destroys, pulls down, obliterated, or defaces the name of any street.

29. Cattle and Sheep Defined

- 29.1 For the purpose of this Part of this bylaw:

Cattle means and includes any horse, mare, gelding, colt, filly, or foal; any bull, cow, ox, steer, heifer, or calf; any ass or mule; any goat, and any boar, sow, or other pig.

Sheep means and includes any ram, ewe, wether, or lamb.

30. Animals Wandering

30.1 Every person being the owner or having the care, custody, or control of any cattle or sheep shall keep and prevent the same from wandering or being at large without proper guidance on any public place.

31. Tethering

31.1 Unless the prior permission of the local authority has been obtained, no person shall tether or otherwise put or place any cattle or sheep, for the purpose of depasturing or grazing the same, on any public place.

31.2 If any cattle or sheep shall be found on any public place, or on any land not separated by a sufficient fence from any public place, without any person having charge thereof, the owner thereof shall be guilty of an offence against this Part of this bylaw.

31.3 No person shall allow cattle or sheep to loiter in any public place whether such cattle or sheep be under the control of any person or not; and every person having the control of any cattle or sheep whilst the same are being driven on any public place shall continuously drive them at reasonable speed towards a definite destination without deviation from the most direct route, or the route directed by the local authority.

31.4 No person shall use a public road frontage for the grazing of cattle unless the prior written approval of the local authority is given. This approval shall be subject to such conditions as the local authority may impose.

32. Driving Cattle or Sheep

32.1 Except as may be provided herein, no person shall drive any cattle or sheep on any public place, except with the prior permission in writing of the Council, and then only in accordance in all respects with all conditions which may be imposed in granting such permission.

32.2 Notwithstanding any other provision in this clause, **no** public road in the District shall be used on a regular basis as a stock race for the movement of dairy herds unless;

- (a) Movements along the road are made off the sealed carriageway, and controlled behind an approved encroachment fence.
- (b) Movements along or across a road are made safely with adequate sight distances available for approaching motor vehicles.
- (c) Excrement from stock is removed from the carriageway after each herd crossing of the road.
- (d) Crossings during the hours of darkness are executed at sites with adequate safe sight distances and protected with approved reflectorised permanent "stock" warning signs, and flashing amber lights.

32.3 The local authority may from time to time by resolution declare certain roads to be stock routes and prohibit or restrict the use of any other roads for the driving of cattle or sheep. Any such declaration, prohibition or restriction may from time to time in like manner be altered or revoked pursuant to the **South Waikato District Council Roads and Road Traffic Bylaw 1991**.

33. Offences

33.1 It shall be an offence against this bylaw for any person:

- (a) To do anything which is prohibited by this bylaw; or

- (b) To fail to comply with any notice or direction referred to in this bylaw.

34. Penalties for Breach of Bylaw

- 34.1 Every person who commits a breach of this bylaw is liable to a fine not exceeding \$500 and, where the breach is a continuing one, then a further fine not exceeding \$50 for every day or part of a day during which the breach has continued.
- 34.2 The local authority may, after a conviction for the continuing breach of this bylaw, apply to any court of competent jurisdiction for an injunction to restrain the further continuance of the breach by the person so convicted.
- 34.3 The continued existence of any work or thing in a state contrary to this bylaw shall be deemed a continuing offence within the meaning of this clause.

35. Repeals

The following bylaws are hereby repealed:

- 35.1 South Waikato District Council Public Places Bylaw 1991.

The foregoing bylaw was duly made by the South Waikato District Council by Special Order passed on the 27th day of May 1993 and confirmed on the 24th day of June 1993. The said bylaw was ordered to come into force on the 2nd day of July 1993.

THE COMMON SEAL of **THE SOUTH**)
WAIKATO DISTRICT COUNCIL was hereto)
affixed in the presence of:)

(Signed) G J Blake

Mayor

(Signed) D A Kelly

Acting Chief Executive Officer

Annotations

Amend No	Date	Description
1	1993	Section 32.2 amended to clarify rules with respect to dairy herds on District roads, and to allow enforcement, if required, following complaints and definition of regular crossings inserted.