



# **PAPAKURA DISTRICT COUNCIL PUBLIC PLACES BYLAW 2008**

**Amended May 2009**

## **1. SCOPE**

- 1.1** The Local Government Act 2002 gives authority to the Council to adopt bylaws to regulate activities which can be carried out in roads, public places and reserves. This 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 bylaw addresses damage to public facilities such as roads, grass verges, garden areas and reserves. It also addresses activities within public places, cultural and recreational facilities and reserves which may have an adverse effect on other users of these facilities.
- 1.2** The Local Government Act 2002 and other relevant Acts e.g. Reserves Act 1977, Health Act 1956, 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 this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of the Local Government Act 2002 and other Acts should be read in conjunction with it.

## **2. DEFINITIONS**

For the purposes of this bylaw the following definitions shall apply:

**ANIMAL** means any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes the carcass of constituent part thereof, but does not include human beings or dogs.

**COUNCIL** means the Papakura District Council and any officer authorised to exercise the authority of the Council.

**COUNCIL FACILITY** includes any swimming pool, aquatic centre, library, recreational, performing arts, cultural or community centre, museum, art gallery, hall, zoo or golf course under the ownership or control of Council.

**MANAGER** means the appointed manager of a council facility, or his or her appointed deputy.

**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.

PERSONS means a natural person and also a body of persons, whether incorporated or unincorporated.

PUBLIC PLACE the meaning assigned to that term in section 147(1) of the Local Government Act 2002 and its amendments.

RESERVE the meaning assigned to that term in section 2(1) of the Reserves Act 1977

ROAD the meaning assigned to that term in section 2(1) of the Land Transport Act 1998 and its amendments.

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, including roller skates, in-line skates, or similar recreational devices. The definition does not include any wheelchair, baby or invalid carriage or bicycles.

STOCK means cattle, sheep, horses, deer, donkeys, mules, goats, pigs, alpacas, llamas, or other animals (excluding dogs) including their young, kept in captivity, or farmed, and dependent on humans for their care and sustenance.

VEHICLE the meaning assigned that term in section 2(1) of the Land Transport Act 1998 and its amendments.

### **3. PUBLIC SAFETY AND NUISANCES**

3.1 A person must not, in any public place, except with the prior written permission of Council:

- (a) 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.
- (b) Solicit any subscription, collection or donation, preach, beg for money or goods, or undertake any busking.
- (c) Distribute any printed or written material advertising any product, service or entertainment.
- (d) Fly from or land any aeroplane including model aeroplanes, a hot air balloon or hang glider, parachutes or similar except in an emergency.
- (e) Consume, inject or inhale any mind-altering substances or offer or sell such substances to any person.

(f) Urinate or defecate in any public place other than a public lavatory.

3.2 A person must not, in any public place, carry out any of the following activities:

- (a) Any activity involving the practice of golfing.
- (b) Any activity carried out in a manner that does or is likely to:
  - Injure persons.
  - Unreasonably interfere with the comfort and enjoyment of the public generally or of persons who come within proximity of the activity.
- (c) Any activity expressly forbidden by Council on any reserve, or all reserves, for the purposes of protecting the safety or convenience of the public as identified in Schedule 2.

3.3 Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which in Council's opinion could cause damage or injury to persons passing, the Council may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land safe.

3.4 Notwithstanding the requirements of any other clause of this bylaw a person must 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.

#### **4. OBSTRUCTING PUBLIC PLACES**

4.1 A person must not, in any public place, except with the prior written permission of Council:

- (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.
- (c) Allow any gate or door on property abutting a public place, to swing over or across the public place or any part of a public place except for the purposes of entering or leaving the property.
- (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.

#### **5. DAMAGE TO PUBLIC PLACES**

5.1 A person must not, in any public place, except with the prior written permission of Council:

- (a) Damage, interfere with, destroy or remove in whole or in part 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.
- (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 an animal in any manner so that it damages any part of a public place.
- (f) Remove any sand, soil or other naturally occurring material found in a public place.
- (g) Open any drain or sewer on, or disturb or remove the surface of, any public place.

5.2 Any person carrying out authorised works on a public place must provide reinstatement of the works to a standard approved by Council.

5.3 Any person wishing to gain access to a beach must use a designated access where this is available.

## **6. PLACING OF ARTICLES ON, AND DAMAGE TO PUBLIC PLACES**

6.1 A person must not place or leave or cause or permit to be placed or left any material or thing, including signage, scaffolding and hoardings, amusement devices or items for sale or hire, on any public place unless:

- (a) Such action has first been approved by Council, and then only in accordance with such conditions imposed; or
- (b) Such action is otherwise lawfully permitted.

6.2 A person must 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.

## **7. CONTROL OF SKATEBOARDS**

7.1 No person must ride a skateboard in any area defined in the First Schedule attached to this bylaw.

7.2 A person may not ride a skateboard, or cause a skateboard to be ridden, carelessly or without reasonable consideration for other persons.

7.3 The Council may by resolution publicly notified, amend the First Schedule, to add, delete or amend the areas to which the provisions of this clause shall apply.

## **8. EXPOSING ARTICLES FOR SALE**

8.1 A person must not, in any public place, except with the prior written permission of Council expose for sale any material or thing so as to encroach on or over that public place

## **9. VEHICULAR CROSSINGS**

- 9.1 Any person wishing to construct, repair, remove or widen any vehicular crossing must first obtain a permit from the Council before undertaking any works.
- 9.2 A permit issued by the Council under clause 9.1 may be subject to such conditions concerning dimensions and materials as the Council may consider reasonably necessary to protect the road adjacent to the vehicular crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles.
- 9.3 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.
- 9.4 If in the opinion of the Council any crossing is in a bad or unsafe state of repair, 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 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.

## **10. AWNINGS AND BLINDS**

- 10.1 A person must not, in any public place, except with the prior written permission of Council 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

## **11. PROJECTIONS ON PUBLIC PLACES NOT PERMITTED**

- 11.1 A person must not, in any public place, except with the prior written permission of Council 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 persons 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.

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.

- 11.2 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.
- 11.3 A person must not, in any public place, except with the prior written permission of Council 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 or traffic using that public place.

## **12. RESTRICTIONS ON USE OF BARBED WIRE AND ELECTRIFIED FENCES**

- 12.1 A person must not, in any public place, except with the prior written permission of Council, 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.

A matter Council will consider when an application is made for permission for any electrified fencing along, or within 1 metre of any boundary line is the existence of any other barrier or device between the public place and the electrified fencing or barbed wire which would prevent accidental harm being caused to any person from the electric fencing or barbed wire.

Provided that this sub-clause shall not prohibit the placing of such barbed wire at a height of not less than 2 metre or electrified fencing not less than 3 metres from the level of the ground of any such public place.

- 12.2 Clause 12.1 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; provided that Council may from time to time by resolution specify conditions that will apply to temporary electric fences.

## **13. ROAD AND BUILDING IDENTIFICATION**

- 13.1 The Council has 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.
- 13.2 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 no less than 50 mm in height for residential buildings and not less than 150 mm in height for all other buildings. Numbers shall be as allocated or approved by Council and displayed in a position so as to be readily visible from the road to which it has frontage.
- 13.3 Numbers required by 13.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.
- 13.4 Council has the power at any time to alter the number of any building where in the Council's opinion it is reasonably necessary or advisable to do so.

## **14. ANIMALS AND STOCK ON PUBLIC PLACES**

- 14.1 Council may by resolution, publicly notified, restrict or prohibit stock or animals from entering a specified public place.
- 14.2 A person must not, except with the prior written permission of Council take stock or animals into a public place subject to a resolution under clause 14.1.

- 14.3 Any person having control of stock or animals in a public place must ensure that the stock or animals, as the case may be, are kept under proper control, with consideration for other persons using the public place.
- 14.4 A person having control of stock or animals in a public place shall ensure that excrement or other matter deposited upon the public place from such stock or animals, as the case may be, is removed, and disposed of in an appropriate manner.
- 14.5 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.
- 14.6 A person must not, in any public place, except with the prior written permission of Council:
- (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 beach.
  - (c) Graze stock in any public place.

*Advisory note: Provisions specifically relating to dogs are contained in the operative Dog Control Bylaw.*

## **15. VEHICLES ON PUBLIC PLACES**

- 15.1 A person must not, in or on any public place:
- (a) Drive or ride a vehicle except on places set aside by the Council for driving or riding vehicles.
  - (b) Drive or ride a vehicle in a dangerous manner.
  - (c) Park a vehicle except in a place set aside by the Council for parking. In this clause, 'park' in relation to a vehicle means to stand the vehicle for a period exceeding five minutes and 'vehicle' does not include a bicycle.
  - (d) Stop a vehicle or leave a bicycle so that it obstructs, or is likely to obstruct, an entrance, path or track.

## **16. ADDITIONAL REQUIREMENTS FOR RESERVES**

- 16.1 Subject to the provisions of this bylaw every reserve shall be open to the public at all times except during such hours as the Council may determine that any reserve shall be closed to the public.
- 16.2 Council may from time to time and for such periods as it thinks fit, set aside areas of a reserve, for the exclusive use of particular groups or for particular kinds of recreational activities.

- 16.3 The Council may fix charges for the entry to a reserve, or the exclusive use of a reserve, in accordance with the Reserves Act 1977. A person must pay any charges levied under this clause.
- 16.4 Council may close or restrict entry to all of, or any portion of, a reserve at such times as are considered reasonably necessary to prevent damage to, or allow maintenance of the reserve. Such closure will be advertised by signs at the entrances to the reserve. A person may not remain in or enter a reserve that is closed.

## **17. COUNCIL FACILITIES**

- 17.1 Council may from time to time, by resolution, publicly notified make rules for the following areas that shall apply to one or more council facilities:
- (a) For the control, management and use of the Council facility;
  - (b) For determining the hours during which the Council facility and any specified parts thereof shall be open and the holidays, days and times upon which it will be closed;
  - (c) For maintaining good order and conduct whilst persons are in or on a Council facility;
  - (d) For fees and charges payable for entry to, or use of a Council facility;
  - (e) For the closure of that facility or part thereof for setting aside of part or all of that facility for the exclusive use of individuals or groups.
- 17.2 The Manager of a Council facility shall post the rules that apply to any member of the public using that facility, in a visible place as near as is reasonably and practical to the entrance to that facility or will make such rules available for public perusal.
- 17.3 Any person responsible for a Council facility may require any person behaving in a disorderly manner in or on a Council facility, or any person who is not bona fide using the Council facility for the purpose for which it is intended, to leave the Council facility, and any refusal on the part of the person to do so will constitute an offence against this bylaw.
- 17.4 Where in the opinion of a Manager any person has contravened any of the provisions of this bylaw or any rules made by the Council relating to the use of the Council facility, or has otherwise acted in an unlawful manner in or on the Council facility, the Manager may exclude that person from the Council facility, until notice is given for the person to return.

## **18. OFFENCES**

- 18.1 A person who fails to comply with or contravenes this bylaw commits an offence and is liable on summary conviction to a maximum penalty of \$20,000 in accordance with section 242(2) of the Local Government Act 2002.

**FIRST SCHEDULE**

Areas where riding of skateboards is prohibited on footpaths and other public places are as follows:

(List of areas and their extents)

- Central Business Area

**SECOND SCHEDULE**

Activities expressly forbidden on Council reserves: