



General Bylaw 2008

Chapter 5

Public Places

Explanatory Note

This Part of this *Bylaw* controls activities within *Public Places* which may have an adverse effect on other users of these facilities, or the public at large.

Several sections of the Local Government Acts 1974 and 2002 in particular, and other relevant Acts, prescribe the powers of the *Council* in regard to streets and *Public Places* and are not necessarily repeated within this *Bylaw*. The relevant sections of the Local Government Acts 1974 and 2002, and other Acts should therefore be read in conjunction with this *Bylaw*.



Western Bay of Plenty District Council

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Chapter 5

Public Places

Pursuant to the powers vested in it under section 145 and section 146 of the Local Government Act 2002, the Western Bay of Plenty District Council makes this Bylaw.

1. Obstructions in Public Places

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| 1.1 | No <i>Person</i> may place or leave any material or thing in, on or over a <i>Public Place</i> , and allow it to remain there in circumstances where it obstructs the public right of passage, without the prior written permission of the <i>Council</i> . | Obstructions |
| 1.2 | No <i>Person</i> may place or erect any <i>Building</i> on or over any <i>Public Place</i> without the prior written permission of the <i>Council</i> . | <i>Buildings</i> |
| 1.3 | No <i>Person</i> may construct any projection of any kind, including windows, balconies or walls, in a position such that it obstructs free passage on any <i>Public Place</i> , without the prior written permission of the <i>Council</i> . | Projections |
| 1.4 | <i>Council</i> may require the alteration or removal of any material, <i>Building</i> or thing placed on a <i>Public Place</i> in contravention of this <i>Bylaw</i> , by giving notice to the <i>Owner</i> . The <i>Owner</i> must comply with any notice within the time stated on the notice. | Notice |
| 1.5 | The display of <i>Goods</i> for sale is not permitted on <i>Footpaths</i> except in the areas zoned commercial and industrial in the <i>District Plan</i> and then only subject to the following conditions –

(i) all <i>Goods</i> are to be displayed within an area having a height of 1.0 metre, a width of 1.0 metre and maximum length of 2.0 metres.

(ii) any such display must be placed adjacent to the <i>Premises</i> to which the display relates and must not encroach onto the pavement more than 0.5 metres.

(iii) notwithstanding the provisions of (i) and (ii) above, no display may be placed in a manner which will in the opinion of an <i>Authorised Officer</i> of <i>Council</i> be likely to cause an undue obstruction to pedestrians or constitute a danger to people or property or cause an obstruction to easy access to adjoining property. | Display of <i>Goods</i> |



2. Public Safety and Hazards

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| 2.1 | No <i>Person</i> may place or leave on any <i>Public Place</i> materials or substances which in the opinion of the <i>Council</i> are likely to be hazardous or injurious to any <i>Person</i> . | Hazardous Material |
| 2.2 | Where any wall, fence or land adjacent to a <i>Public Place</i> is in a condition or state of disrepair which in the opinion of an <i>Authorised Officer</i> of <i>Council</i> could cause damage or injury to <i>Persons</i> passing, the <i>Officer</i> may give notice requiring the <i>Owner</i> or <i>Occupier</i> to make the land safe within such time as specified in the notice. | Hazards Adjacent to <i>Public Places</i> |
| 2.3 | No <i>Person</i> may blast any rock, stone, earth timber or other material in, on or near any <i>Public Place</i> , without the prior written permission of the <i>Council</i> , and then only in compliance with any conditions the <i>Council</i> may impose. | Blasting Without Authority |
| 2.4 | Upon the request of a duly <i>Authorised Officer</i> of <i>Council</i> , an <i>Owner</i> or <i>Occupier</i> must cut back any tree deemed by the <i>Officer</i> to be overhanging a street light in a <i>Public Place</i> , within the time period specified by the <i>Officer</i> . | Trees Overhanging Streetlights |

3. Disturbance or Damage to Public Places

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| 3.1 | No <i>Person</i> may disturb or remove the surface of any <i>Public Place</i> without the prior written permission of the <i>Council</i> , and then only in accordance with such conditions as the <i>Council</i> may impose. | Disturbance of <i>Public Places</i> |
| 3.2 | The <i>Person</i> responsible for any works permitted under 3.1 must take all such precautions for guarding against injury to the public as may be necessary, including the provision of adequate lighting where the danger to any <i>Person</i> remains during the hours of darkness, to the satisfaction of a duly <i>Authorised Officer</i> of <i>Council</i> . | Safety Precautions |
| 3.3 | No <i>Person</i> may –

(i) deposit any building material or building rubbish on; or

(ii) make or maintain a hole or excavation in; or

(iii) prepare building materials on

any part of any <i>Public Place</i> , without the prior written permission of the <i>Council</i> . | Building Sites |



4. Waste and Offensive Matter

- 4.1 No *Person* may make use of any street tidy or other public *Waste Receptacle* for the purpose of placing or depositing any *Offensive Matter* or any household, shop, office, or any trade *Waste* of any description. Street Tidies
- 4.2 No *Person* may, other than in the *Approved* manner – *Animal* Remains
- (i) Slaughter, throw or leave 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.
 - (ii) Fail to dispose of the body or part of the body of any *Animal* in their possession that may have been killed or died while straying, or while being driven on any *Public Place*. *Offensive Matter*
 - (iii) Transport any *Waste* or *Offensive Matter* over any street or *Public Place* unless the receptacle or *vehicle* used is covered or secured to prevent the escape of any of the contents.
 - (iv) Sweep any *Waste*, dust, or litter onto any *Public Place* from any house or business *Premises*.
- 4.3 No *Person* may cause, or permit the burning of any matter on any *Public Place*. Burning

5. Fences

With the exception of those areas zoned rural in the *District Plan*, no *Person* may repair or renew or erect any barbed wire or electric wire or fence along, or within 1 metre of, any boundary line between any adjoining land or *Building*, unless the barbed wire is placed at a height not less than 2 metres from the ground level of any such *Public Place*. No mains operated electric fence may be erected in any residential area without the approval of *Council* which will only be given in special circumstances.

Barbed Wire/
Electric Fences

6. Advertising Devices

- 6.1 This *Bylaw* controls signs on or above *Public Places* and unless permitted by the *District Plan*, Resource Consent or *Building* Consent, also applies to any *Advertising Devices* on private property which may by virtue of proximity to any *Public Place*, create a hazard to *Persons* if insecurely fixed or constructed.
- 6.2 One "Sandwich Board" type sign per *Premises* is permitted in areas zoned Commercial and Industrial under the *District Plan* subject to the following conditions – Sandwich Boards Permitted
- (i) the sign dimensions be no greater than 0.5 metres in width and no greater than 1.2 metres in length and no less than 0.9 metres in height.



- (ii) notwithstanding (i) above, no sign is permitted which in the opinion of an *Authorised Officer of Council* is likely to cause undue obstruction to pedestrians, or constitute a danger to people or property, or is likely to be offensive or cause a detracton from amenities.
- (iii) any additional *Advertising Devices* must be placed flat against the *Building* and secured in a manner that will prevent them from falling onto the *Footpath*.
- 6.3 *Window Signs* and *Name Plates* are permitted subject to compliance with all other aspects of the *Bylaw* and the *District Plan*. *Window Signs, Name Plates*
- 6.4 Every application for a permit must provide such information as is required to assess the application to the satisfaction of an *Authorised Officer of Council*. Information Required
- 6.5 The following matters must be considered in the siting of any *Advertising Device* – Siting
- (i) possible physical obstruction of traffic and pedestrians. The minimum siting criteria for devices is generally 2.5 metres above the foot-path, 0.5 metres back from the kerb line, 5.5 metres above the carriageway, with sign cases and show cases projecting over the pavement no more than 0.1 metres.
- (ii) possible visual obstruction to traffic and pedestrians.
- (iii) possible visual confusion to *vehicle* drivers (generally no reflective material or illuminated or other red or green colours near traffic lights).
- (iv) Possible effect on public areas of inadequate maintenance of the *Advertising Device*.
- (v) *District Plan* requirements.
- 6.6 Every *Advertising Device* must at all times be maintained in good repair and condition to the satisfaction of an *Authorised Officer of the Council*. Maintenance
- 6.7 If any *Advertising Device* is, at any time, not in good order and condition or unsightly or dangerous, the *Council* may, by notice in writing require the *Owner* or *Occupier* to repair or secure or otherwise put in order or remove such device within a period stated in the notice.
- 6.8 When an *Advertising Device* becomes redundant or, by reason of change of occupancy or otherwise it is no longer relevant to the business carried on in the *Premises* on which it appears, the *Owner* must effectively and properly paint out or remove such device. Redundant Signs
- 6.9 If any *Advertising Device* fails to conform to all the provisions of this Part of this *Bylaw*, it is the duty of the *Occupier* or *Owner* for the time being of the *Premises* or stationary *vehicle* on which such *Device* is displayed or erected, after being served with a notice in writing by the *Council*, to remove or take down the *Device* or that portion that does not conform to the provisions of this Part of this *Bylaw* within the period of time specified in the notice. Removal of Signs



- 6.10 If the *Person* on whom a notice has been served fails to comply with the terms of that notice within the time specified they are liable to prosecution for an *Offence* against this Part of this *Bylaw*. Failure to comply with Notice
- 6.12 Following a second *Offence* the *Advertising Device* may be removed and held until the expiration of any *Appeal* period and failing any *Appeal* disposed of by such means as determined by the *Council*. Disposal after Second *Offence*.
- 6.13 The applicant, or the *Owner* of an *Advertising Device* which is the subject of any action made under this *Bylaw*, after having been informed in writing of such action and the reasons for it, may, within fourteen (14) days of notification of such decision, apply in writing to the *Council* for a review of the decision. *Right of Appeal*

7. Vehicle Crossings

- 7.1 Any *Person* wishing to construct, remove repair or widen any *vehicle* crossing must first obtain a written *Permit* from the *Council*. Vehicle Crossings
- 7.2 Where the work is carried out by the applicant a bond may be required prior to work commencing. All work must be completed to the satisfaction of an *Authorised Officer* of *Council*. Bond
- 7.3 Where a crossing is in a bad or unsafe state of repair the *Council* may order such crossing to be removed immediately and by notice to the *Owner* or *Occupier* of the land or *Premises* require the crossing to be renewed within a period stated in the notice. Unsafe Crossing
- 7.4 A temporary crossing may be required by an *Authorised Officer* of *Council* where access to a construction site is necessary. The *Officer* may impose any conditions considered necessary for the protection of public safety and convenience. Temporary Crossings
- 7.5 Where, in the opinion of the *Council* reinforcing of a footway or crossing is necessary, the *Owner* or *Occupier* of the applicable *Premises* or land may be required, by notice, to provide adequate reinforcing to such footway or crossing, within the time specified in the notice. Reinforcing of Crossings

8. Trading in Public Places

Where the nature of any business carried on within the *District* results in substantial quantities of disposable paper, or plastic wrapping, containers, wooden or plastic sticks or material of a like nature being deposited in *Public Places* the *Council* may require the *Proprietor* of the business to provide *Approved* containers for the reception of that litter. The *Proprietor* of the business must pay for any additional costs incurred by the *Council* in the cleaning of the footways, gutters and *Public Places* in the vicinity of the *Premises* of the *Proprietor* by reason of the litter generated by that business.

Containers for Litter



9. Control of Cycles and Skateboards

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| 9.1 | The riding of <i>Skateboards</i> , is permitted in <i>Public Places</i> except for those areas which <i>Council</i> has, by resolution, declared exclusion areas. | <i>Skateboards</i> prohibited |
| 9.2 | Every <i>Person</i> riding a <i>Skateboard</i> in the permitted areas must do so exercising due care and having reasonable consideration for the other users of the <i>Public Place</i> . | Due care |
| 9.3 | The riding of <i>Cycles</i> on any <i>Footpath</i> , lawn, garden or other cultivation forming part of a <i>Road</i> is not permitted (except on <i>Footpaths</i> for postal, newspaper or other similar deliveries). | No <i>Cycles</i> on <i>Footpaths</i> . |
| 9.4 | A <i>Person</i> may stop, stand or park a <i>Cycle</i> , attended or unattended, on any <i>Footpath</i> , only with due care and reasonable consideration for the other <i>Footpath</i> users. | Parking of <i>Cycles</i> |

10. Roading and Building Identification

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| 10.1 | No <i>Person</i> may give any name to or affix, set up or paint any name on any street, private street, or <i>Public Place</i> without the prior written permission of <i>Council</i> . | Street signs |
| 10.2 | The <i>Owner</i> or <i>Occupier</i> of every <i>Building</i> must mark the <i>Building</i> (subject to clause 10.4) with such numbers as an <i>Authorised Officer</i> of <i>Council</i> shall direct or <i>Approve</i> , and must renew the numbers if they are obliterated or defaced. | Numbering of <i>Buildings</i> |
| 10.3 | The <i>Council</i> may, at any time, alter the number of any <i>Building</i> where in the <i>Council's</i> opinion it is necessary or advisable to do so. | Alteration of numbers |
| 10.4 | Every number being not less than 50mm in height must be placed upon the <i>Building</i> in such a position as to be readily visible from any street fronted by the <i>Building</i> , or if no such position is available must be placed upon a post, fence, or gate near, or adjacent to the <i>Building</i> , and be visible from the street. | Number to be Visible |