



**THE MASTERTON AND SOUTH
WAIRARAPA DISTRICT COUNCILS'
CONSOLIDATED BYLAW 2012**

PART TWO

PUBLIC PLACES

Masterton District Council

The Consolidated Bylaws 2012
comprising parts one to eighteen
were adopted at the Council Meeting
held on Wednesday 14th August 2013.

The Consolidated Bylaws 2012 came into force
throughout the Masterton and South Wairarapa
Districts on the 1st September 2013

Amendment to Consolidated Bylaw 2012
at Council meeting held on
Wednesday 25th September 2013

South Wairarapa District Council

The Consolidated Bylaws 2012
comprising parts one to six and
parts eight and nine and
parts eleven to sixteen
were adopted at the Council Meeting
held on Wednesday 31st July 2013.

The Consolidated Bylaws 2012 came into force
throughout the Masterton and South Wairarapa
Districts on the 1st September 2013

THE MASTERTON AND SOUTH WAIRARAPA DISTRICT COUNCILS' CONSOLIDATED BYLAW 2012

Part 2 – PUBLIC PLACES

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New Zealand Legislation

Building Act 1991
Dog Control Act 1996
Land transport Act 1998
Local Government Act 1974
Local Government Act 2002
Reserves Act 1977
Resource Management Act 1991
Sale of the Liquor Act 1989
Transport Act 1962

FOREWORD

This Bylaw draws on New Zealand Standards 9201 series Public Places Bylaw. The NZS 9201 series are Model General Bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 2002 to make Bylaws.

This Part now contains provisions for parks and reserves, and beaches: bathing and control. It also includes new provisions for wheeled recreational devices.

Reference should be made to Masterton District Council and South Wairarapa District Council Consolidated Bylaw 2012: Part 1: Introductory for any definitions not included in this Part.

1 SCOPE

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 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 145 of 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 1974 and other Acts should be read in conjunction with it.

2 PUBLIC SAFETY AND NUISANCES

2.1

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 material, good, thing, or substance that is 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 except on a formed road, 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, good, 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, lecture, perform, use a loud speaker , amplifier or similar device, 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) Consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
- k) Play any game or use any object including wheeled recreational devices, roller blades, roller skates, bicycles or motorised scooters, 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.

2.2

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 at the expense of the landowner.

2.3

Notwithstanding the requirements of any other clause of this Part of the Bylaw a person shall not in any public place, unless approved by an authorised officer:

- 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 camping, i.e., in breach of any prohibition or restriction set out in any Council camping bylaw or within area breaching any restriction or prohibition set out within any bylaw pursuant to section 11(1) of the Freedom Camping Act 2011. In this context camping shall include the use of any vehicle for sleeping whether or not it is specially set out for sleeping.

3 FIREWORKS

Without the prior approval of Council, no person shall set off fireworks or explosive material in or on a public place, or so near thereto in a way that does or is likely to create a nuisance.

4 OBSTRUCTING PUBLIC PLACES

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

- a) Obstruct the entrances to or exits from a public place;
- b) Place or leave any material, good, 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.

5 DAMAGE TO PUBLIC PLACES

5.1

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 an animal in any manner 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.

5.2

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

5.3

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

6 PLACING OF ARTICLES ON PUBLIC PLACES

- (a) A maximum of 2 signs (400mm wide) are permitted for each premises and goods not wider than 400mm may be displayed alongside the shop frontage provided that a minimum footpath width of 2 metres is kept clear for pedestrian access at all times.
- (b) No person shall place or leave or cause or permit to be placed or left any material or object, including signage or items for sale or hire, on any public place unless:
 - Such a person has obtained the written approval from the Council or
 - Such action is taken for the purpose of regular refuse or other collections authorised by the Council or is otherwise authorised by this bylaw;
 - Such action is allowed pursuant to any other part of this bylaw, resource consent, or the District Plan.
- (c) For premises that wish to advertise other than in front of their own premises.
Such premises:
 - (i) Require prior Council approval
 - (ii) Be limited to one sign of standard approved size
- (d) Any signs may be subject to any additional conditions that may be applicable and take into account the type of sign, location securing and time of display.
- (e) No sign shall be located where it obstructs the visibility of traffic.
- (f) No signs shall be displayed on stationary vehicles when they are parked on a state highway, street or public place unless prior approval has been given in writing by the Council. Such approval may also be subject to any conditions as the Council may impose.

- (g) No sign shall be affixed to the exterior of any heritage item listed in the District Plan Appendix 1.7 Heritage Items without resource consent.
- (h) All seating in public places must have prior Council approval.
- (i) A person shall not do or permit or allow to be done:
 - 1. Internment of cremation ashes on any reserve or other public place other than a designated cemetery upon presentation to the sextant of a burial warrant.
 - 2. Scattering of cremation ashes at any reserve and only at other public places with permission of an authorised officer

7 CONTROL OF WHEELED RECREATIONAL DEVICES

7.1

No person shall ride a wheeled recreational device in any area defined in the First Schedule attached to this Part of the Bylaw.

7.2

No person shall ride a wheeled recreational device on any footpath outside areas defined in the First Schedule, without due care to ensure no damage is caused to any property or without reasonable consideration for other persons using the footpath.

7.3

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

7.4

Every person who commits an offence against this clause is liable to have the wheeled recreational device used impounded by an authorised officer. The Council may from time to time by resolution publicly notified, specify the fee or fees payable to claim an impounded wheeled recreational device.

8 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 may be imposed by Council.

9 VEHICULAR CROSSINGS

9.1

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

9.2

A permit issued by the Council under 10.1 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 vehicular crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles, and may include the payment of a bond to Council.

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 Part of this Bylaw.

10 TRENCHING AND MINOR EARTHWORKS

10.1

Any person wishing to undertake any trenching or minor earthworks within or under any road or public place shall first apply for and obtain a road opening notice from the Council.

The application shall contain detailed information on all aspects of the works proposed to be undertaken.

10.2

A road opening notice issued by the Council under 10.2 may be subject to such conditions as the Council may consider reasonable and shall also ensure safe and convenient use of the road or public place by pedestrians and vehicles.

11 ASSEMBLY

No person shall except with permission from the Council and then only in accordance with such conditions as may be imposed:

- a) Participate in any assembly or associate with other persons in a public place in such a way as to 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.

12 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.

13 PROJECTIONS ON PUBLIC PLACES NOT PERMITTED

13.1

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 the District Plan.

13.2

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.

13.3

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.

14 RESTRICTIONS ON USE OF BARBED WIRE AND ELECTRIFIED FENCES

14.1

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 1 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 2 metre or electrified fencing

not less than 3 metres from the level of the ground of any such public place.

14.2

Sub-clause 15.1 shall not apply within any land zoned rural under the District Plan 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.

15 ROAD AND BUILDING IDENTIFICATION

15.1

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.

15.2

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 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 an authorised officer and displayed in a position so as to be readily visible from the road to which it has frontage.

15.3

Numbers required by 15.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

15.4

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.

16 ANIMALS IN PUBLIC PLACES

16.1

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.

NOTE - See also the Dog Control Bylaw.

16.2

Any person having control of an animal on any public place shall ensure that the animal is kept under proper control,

- a) So as not to create a danger or nuisance for other persons using the public place; and
- b) To ensure that no damage is caused to the public place, any part thereof or to any object or other animal thereon.

16.3

Any person being the owner of, or having control of any animal in a public place shall immediately remove any faeces deposited by that animal and dispose of in a sanitary manner.

16.4 No person shall:

- a) Permit any animal to be on a reserve, beach or other area designated as an area prohibited to animals without the prior consent of an authorised officer;
- b) Graze animals in any public place except in accordance with Council policy – see 16.8 below.

16.5

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 control on any public place, including a road. The occupier shall maintain sufficient animal proof fencing the road boundary of the property.

16.7

In the event of stock wandering or being at large without proper control on any public place or road, the owner of the stock is responsible for all fees and costs incurred by Council in securing the stock where responsibility can be proved.

16.8

During daylight hours, with the prior approval of an authorised officer, animals may be grazed on a road verge adjoining land owned or occupied by the owner of the animal, or on a road verge adjoining land owned by another person with the prior consent of that person, if:

- a) The animals is confined within a temporary fence considered by an authorised officer to be sufficient to prevent that animal from accessing or damaging such a place, or
- b) The animals are controlled by a sufficient number of adult drovers to prevent the animal from obstructing the carriageway and from wandering beyond the control points.

17 OVERHANGING VEGETATION LIABLE TO OBSTRUCT

17.1

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. The Council or authorised officer may by notice require the owner or occupier to cut back and remove the encroaching vegetation within 14 days from the date of the notice. Should the owner or occupier fail to comply with the notice, then the Council may arrange the removal of the vegetation and recover the cost of removal from the owner or occupier.

17.2

Unless otherwise approved by an authorised officer, overhanging vegetation shall be cut back to a minimum height of 2.1 meters.

18 ADDITIONAL REQUIREMENTS FOR RESERVES

18.1

Subject to the provisions of this Part of this Bylaw every reserve shall be open to the public at all times except during such hours as the Council or an authorised officer may determine that any reserve shall be closed to the public.

18.2

An authorised officer may from time to time and for such periods as deemed necessary, set aside areas of a reserve, for the exclusive use of particular groups or for particular kinds of recreational activities thereon. Council may charge for the right to have exclusive use of a reserve.

18.3

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.

18.4

An authorised officer may close or restrict entry to all of, 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. It shall be an offence against this Part of the Bylaw to be found on a reserve at any time when the reserve is closed to public entry.

18.5

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 re-entering on the reserve for such period as the authorised officer deems necessary. 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.

19 POWER TO SET FEES

The Council may from time to time by resolution publicly notified set fees for the issue of any permit, licence or property number which may be required under this Part of the Bylaw.

20 POWER TO AMEND BY RESOLUTION

The Council may from time to time by resolution publicly notified set fees for the issue of any permit, license or property number which may be required under this Part of the Bylaw.

FIRST SCHEDULE

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

- Length of Queen Street from Renall Street to Bruce Street
- Bruce Street
- Church Street from Queen Street to Dixon Street
- Bannister Street from Queen Street to Dixon Street
- King Street
- Lincoln Road from Queen Street to Chapel Street
- Perry Street from Queen Street to Chapel Street
- Jackson Street from Queen Street to Chapel Street
- Northeast side of Renall Street from Queen Street to Chapel Street
- The north-eastern side of Chapel Street from Renall Street to Lincoln Road.
- Kuripuni Village (the full length of Crayne Street and Queen Street from Crayne Street to Dixon Street)
- The Town Square, bounded by Chapel Street, Cole Street, Perry Street and the Masterton District Council Municipal Building.

FIRST SCHEDULE

PROHIBITED WHEELED RECREATIONAL DEVICES – CENTRAL BUSINESS DISTRICT



FIRST SCHEDULE

PROHIBITED SKATEBOARD AREAS - KURIPUNI SHOPPING DISTRICT

