

# Public Places BYLAW



**BYLAW**

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# Public Places Bylaw 2022



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## 1. Objective

*The objective of this bylaw is to control and manage a wide range of activities within public places.*

*Council is responsible for maintaining public places and this bylaw seeks to ensure that the public can continue to use, and enjoy public places in going about their everyday business. The Local Government Act 2002 gives the authority to enable Council to create bylaws to protect the public from nuisance, maintain public health and safety in public places and to minimise the potential for anti-social behaviour to occur in public places under the control of Council.*

*Public places under the control of the South Waikato District Council include roads (other than state highways) footpaths, and public squares, grass verges, berms, public gardens, reserves and parks, boat ramps, foreshores, accessways, recreation grounds and sports fields.*

*This bylaw covers a wide range of activities, which take place in public places. These include damage to public places, fires, reserves, selling items or using the footpath for trading, trading in a public place, vehicular crossings, management of stock on roads, footpath occupation, liquor control and advertising signs.*

*The responsibility for managing the wide ranging nature of the activities within this bylaw are spread across several departments within Council including: roading engineers, service engineers, planning, environmental health and parks.*

*Council also has powers under the Reserves Act 1977, Litter Act 1979, Resource Management Act 1991, Public Health Act 1956, Camping Grounds Regulations 1985, Human Rights Act 1993, Prostitution Reform Act 2003, Section 12, Food Hygiene Regulations 1974 and the Building Act 2004 and other legislation concerning activities in public places. The powers within these Acts and Regulations are not repeated in this bylaw.*

*Council has the right to ask Police to enforce the Prohibition of Gang Insignia in Government Premises Act 2013, that also applies to local authority premises.*

## 2. Title

The title of the bylaw shall be the South Waikato District Council Public Places Bylaw 2017.

## 3. Commencement

This bylaw shall come into force after Council resolves to adopt the bylaw and the date of commencement of the bylaw shall be identified in Council's resolution.

## 4. Interpretation

This bylaw applies to public places in the South Waikato District. The Bylaws Administration Bylaw 2017 must be read in conjunction with, and as part of, this Bylaw.

Notes in italics are not part of this bylaw, but are intended to explain the contents of the bylaw or give further information on matters within this bylaw.

## 5. Definitions

In this bylaw, unless inconsistent with the context:

**Aircraft** means a fixed wing aircraft, helicopter, glider, dirigible, hot air balloon, parachute, hang glider, gyroglider or parasail whether powered or not powered.

**Alcohol** has the meaning given to it in the Sale and Supply of Alcohol Act 2012 Section 5 (1).

**Alleyway** means a public passage or way which (i) is less than the usual width of a street or road; (ii) may be open to but is not designed primarily for vehicular traffic; (iii) intersects or opens onto a road or street; and is primarily used for the ingress or egress or convenience of two or more owners of abutting real properties.

**Animal** means stock, poultry and any other vertebrate animal of any age or sex that is kept in a state of captivity or is dependent upon human beings for its care and sustenance.

**Barbecue** means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.

**Berm** means the edge of a road between the kerb or surface water channel and the adjacent property boundary, exclusive of the footpath.

**Bicycle** means a vehicle with one, two or three wheels (ie, includes unicycle and tricycle) and that is designed primarily to be propelled by the muscular energy of the rider.

**Building** shall include any part or parts of a building or structure, enclosure or premises whatsoever.

**Business Sign** means any sign, which displays the name of the occupier of the site on which it is displayed or advertises only the business carried out on the site, and/or goods or services offered from the site.

**Busker** means any person who performs or entertains in a public place whether for money or otherwise, and 'busk' or 'busking' means the act of performing or entertaining in a public place.

**Commercial or Industrial Refuse** means any refuse resulting from the conduct of any trade, business, commercial activity, manufacturing, processing, hotel, motel or boarding house (but excluding apartment buildings) or other undertaking.

**Drone** means any remotely piloted aircraft as defined by Civil Aviation Authority Rules Part 101.

**Electric Fence** means a fence that has an electrical current flowing through it and is used for the purposes of containing stock within a specified area.

**Fire** means any open-air fire, including open fires contained within a charcoal barbecue. This does not include gas barbecues.

**Footpath** means as much of any road or public place that is laid out or constructed by the authority of Council for pedestrian use under the Local Government Act 2002 and where the context requires includes a street.

**Hawker** means any person who is a permanent resident in the District, who carries or takes on or about their person any goods, wares or merchandise for sale, without invitation to call or any previous request or order for such goods.

**Household Refuse** means any refuse arising or resulting from domestic housekeeping operations but does not include garden refuse, hot ashes or any other refuse prohibited in this Bylaw.

**Itinerant Trader** means any person who is not continuously resident in the District for at least six months in each year and does not own or have a lease over a premises in the District for a period greater than 6 months and sells any goods, wares or merchandise in the District.

**Litter** means any litter or refuse as defined in the Litter Act 1979.

**Litter or Refuse Receptacle** means any container on any public place provided and maintained by Council for the purpose of collecting litter.

**Market Day** means an event organised by recognised not-for-profit organisations and attended by two or more mobile traders.

**Material or Thing** means any material of whatever kind and includes jumbo bins and other containers for waste materials 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 and Supply of Alcohol Act 2012.

**Mobile Shop** means a vehicle, whether self-propelled or not, from which goods, wares or merchandise are offered, or exposed for sale on any road, or from which goods, wares or merchandise may be ordered on any road (whether or not in pursuance of any invitation to call with the goods, wares or merchandise) or from which services are offered for sale on any road; or at the vehicle or any vehicle used to transport and deliver goods, wares or merchandise pursuant to a prior order placed for the delivery of the goods, wares or merchandise.

**Mobile Trader** means any person who, in a public place:

- a) solicits for orders
- b) offers, distributes, or sells any goods or services by foot or from any vehicle or stall or any part thereof.

**Nuisance** shall have the meaning assigned to it by section 29 of the Health Act 1956 and its amendments.

**Nuisance Behaviour** includes:

- a) Begging in a public place in a manner that is likely to cause harassment, alarm or distress to any reasonable person, or causes an unreasonable interference with the peace, comfort or convenience of any person.
- b) Sleeping in a public place in such a way as to cause an obstruction.
- c) Urinating or defecating in a public place other than a toilet.
- d) Any conduct in a public place that is likely to cause unreasonable interference with the peace, comfort or convenience of a reasonable person in the circumstances in which it occurs, whether or not that person is in a public place, to the extent that it disturbs public order.

- e) Conduct or activity that is likely to be regarded as intimidatory in nature and thereby cause unreasonable interference with the peace, comfort or convenience of a reasonable person in the circumstances in which it occurs.

**NZS 5465:2001 Certification** refers to the requirements for water supply, sanitary plumbing and drainage installation and solid waste containment in motor caravans and caravans for the purpose of camping.

**Occupier** means the inhabitant of any property, and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner.

**Offensive Behaviour** means behaviour in a public place that is capable of arousing real anger, resentment, disgust or outrage in the mind of a reasonable person, objectively assessed, to the extent that it disturbs public order and is more than those subjected to it should have to tolerate.

**Parking** means the standing of a vehicle in any place for a period in excess of 5 minutes and **Park** shall have a corresponding meaning.

**Playground Equipment** includes, but is not restricted to, adventure playground, flying fox, sand pit, slides and swings.

**Playground Surface** includes, but is not restricted to, bark, safety-surfacing and safety underlay.

**Portable Sign** means a sign of a free- standing nature that can be readily moved and include a flag, banner pole or any similar device.

**Portico** includes every awning, porch, veranda, shed, shade, or covering across or over any public footway or part of a road, street, private street, or access-way for the purpose of shade or shelter, together with any supports thereof, but does not include any building against which it is erected or to which it is attached.

**Poultry** means any bird including domestic fowls, ducks, geese, turkeys, guineafowl, pheasants and pigeons.

**Prescribed Fee** means a fee calculated in accordance with a rate or method set out annually in Councils fees and charges.

**Prohibited Areas** means a place specified in Schedule 2 in this bylaw, and in respect of which the prohibitions and controls in this bylaw will apply to the time and day specified in this bylaw. It does not include any part of a public place for which an alcohol license or special license has been issued under the Sale and Supply of Alcohol 2012.

**Public Sign** means a sign placed or painted or erected on or above a public place by Council or with the prior written approval of Council.

**Public Place** means any place that, at any material time, is under the control of Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road whether or not it is under the control of Council. It also includes every reserve, park, domain, beach and recreational ground under the control of Council.

**Refuse** means any waste material, discarded matter or articles, which are intended for disposal and any litter as defined in the Litter Act 1979.

**Reserves Management Plan** means an approved Council Plan providing direction on the future use, maintenance, protection and development of reserve(s) held under the Reserves Act 1977.

**Ride a Skateboard or Other Recreational Device** means having either one foot or both feet or any other part of the body of any person on a skateboard or similar wheeled device when it is in motion, or the wearing of roller skates, roller blades or in-line skates on the feet of any person who is in motion.

**Roads and Roadsides** has the meaning given to it as in the Local Government Act 1974.

**Sandwich Board Sign** means all signs consisting of one or two boards of a free standing or easel type nature, normally located on a public footpath or road reserve immediately adjacent to the premises to which it relates for the purposes of advertising.

**Schedule** means any schedule included as part of this bylaw.

**Services** means selling or hiring any goods or services which are offered or provided in a public place in exchange for payment, reward or otherwise.

**Sign and Signage** mean a visual message or notice conveyed to the public and any support structures visible from a public place and displayed to advertise, identify a product, business, or service, inform or warn the public, and any frame, supporting device and associated ancillary equipment of any nature. It includes but is not limited to any mural, message or notice painted on, affixed to or otherwise incorporated with a building, structure, or site, banner, flag, poster, placard, billboard, sandwich board, wind sock, blimp or projection of light to create an advertising image. A bunting that has symbols or messages on it shall also be considered a sign for the purposes of this bylaw.

**Skateboard** means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, and includes roller skates, scooters (however powered), in-line skates or similar recreational devices but excludes bicycles, tricycles, wheelchairs and baby and invalid carriages.

**Skateboard Prohibited Area** means the areas described in Clause 8.1 of Schedule 1.

**Stall** includes a tent, tables, chairs, framework or structure of any description which is established in any public place where the purpose is to sell any goods or display any goods for sale or offer any services.

**Stock** includes any age or sex of any cattle, sheep, deer, donkey, hinny, mule, pig, goat, thar, alpaca, llama, bison or other herd animal not specifically mentioned, and any horse which is not ridden, led by its reins or harnessed to a vehicle.

**Stock Crossing at Grade** means the movement of stock along or across a public road.

**Street Furniture:** includes reserve and park furniture but not restricted to rubbish bins, barbecues, bike racks, drinking fountains, seats, tables, street signs and all other items as defined in the South Waikato District Plan.

**Street Performance** means a musical, dramatic or other performance (including busking) involving musical, theatrical or circus performance skills including playing musical instruments, dancing, singing, clowning or juggling, pavement art, poetry or doing other acts of a similar nature in public places – promoting, religious activities

**Temporary Sign** means any sign advertising:

- a) A parliamentary or local authority election, or candidates for any such election
- b) Construction or development works on a building site or demolition site
- c) An auction or the intention to sell or lease any land or premises; or any exhibition or entertainment event.

**Trade Refuse** means any commercial or industrial refuse.

**Urban Area** means an area which is used or intended to be used solely or principally for residential, business, town centre, neighbourhood retail, industrial, Arapuni Village or any other similar urban purposes as defined by the South Waikato District Plan.

**Urban Recreational Reserve** means any urban reserve area that includes any open space, park, garden, playground or any other ground set apart for public recreation or enjoyment which is under the management or control of the Council.

**Urban Town Boundaries** means any property identified in the area defined in Schedule 7 of this bylaw.

**Water Channel** means the kerb and channel on the outside of the carriageway of an urban road which enables storm water to be conveyed.

## 6. Bylaw clauses

### 6.1 Public safety and nuisances

6.1.1 Except with the authority of a permit, no person shall on any public place:



- (a) Place or leave litter or stockpile any material or thing or substance that is or is likely to be hazardous or injurious to any person or the environment, or is likely to create a nuisance
- (b) Deposit in or around a public litter receptacle any household or commercial or industrial 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 or park in a manner that is dangerous or inconsiderate to pedestrians or other vehicles
- (e) Cause or allow any material or thing to be deposited onto a public place (excluding household refuse in approved containers and recycling bins as collected on a regular basis)
- (f) Create and or 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 without erecting around the work hole or excavation barriers and temporary signage, and deemed necessary by an authorised officer; lighted signs where required when it is unattended
- (g) Solicit any subscription, collection or donation, preach or undertake any busking in a manner that creates or is likely to create a nuisance
- (h) Consume, inject or inhale or distribute or offer for sale any mind-altering substance
- (i) Distribute any printed or written material advertising any product, service or entertainment
- (j) Take off or land any glider or powered aircraft, hot air balloon, hang glider, parachute or similar except in the case of emergency, or attendance at an emergency
- (k) Play any game or use any object including recreational devices, skateboards, 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  
(Refer to Clause 6.16 for a total prohibition on skateboarding in defined areas)
- (l) Erect or place any structure on, over or under the public place except in compliance with any other bylaw
- (m) Stand on any veranda erected over a public place except for the purpose of inspection, maintenance or exit in the case of fire unless the veranda forms part of a first-floor deck for which an air space lease has been obtained from Council
- (n) Blast, crush, cut, smash or grind any rock, stone, earth, timber or other material, in, on or near any public place in the opinion of an authorised officer deemed to be causing a nuisance
- (o) Use or erect any structure or shelter, or any vehicle for the purpose of a temporary / permanent living accommodation
- (p) Leave in a condition or state of disrepair any wall, fence or land adjacent to a public place, where that person, being the owner or occupier of the land on which that wall or fence is located has received written advice from an authorised officer that in his opinion that condition or state of disrepair could result in harm or injury being caused to a person in that public place
- (q) 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
- (r) Set off any fireworks or explosive material on or near any public place so as to endanger, frighten or annoy any passers-by
- (s) Allow gravel to move from private property onto any public footpath or road that may thereby become hazardous or injurious to any person.

## **6.2 Obstructing public places**

- 6.2.1 Except with the authority of a permit issued by the Chief Executive or an authorised officer, no person shall on any public place:
- (a) Obstruct the entrances to or exits from a public place
  - (b) Place or leave any material or item or vehicle, including signage, on a public place that could obstruct the public right of passage to create an unsafe manner / safety hazard, 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 or store motor vehicles 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) Place any obstruction or permit or allow any obstruction to remain in any public place whereby death or injury to any person may result
  - (f) No person shall drive, ride, propel, park or wheel any motor vehicle across any footpath berm or water channel in any public place other than on a Vehicle Crossing without obstructing the footpath
  - (g) Carry out window washing of vehicles in street or parked.
- 6.2.2 Council may require the alteration or removal of any material, building or thing placed or erected on a public place in contravention of this bylaw, by giving notice to the owner, and the owner shall comply with such notice within the time stated in the notice.

## **6.3 Encroachment to be removed upon notice**

- 6.3.1 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 without the permission of Council, Council may by notice in writing require the owner of such building or structure to remove the same or such part thereof as is specified in the notice.
- 6.3.2 Any notice issued under this clause may require such precautions to be taken as Council thinks necessary for the safety of the public and for the proper securing of such building or structure or part thereof as is to remain after such removal.
- Note: Please refer to the Bylaws Administration Bylaw 2017, Clause 9 Serving of Orders and Notices, and Clause 18 Right of Appeal.

## **6.4 Securing foundations**

- 6.4.1 No person shall omit or neglect to secure permanent signs 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.

## **6.5 Naming of streets**

- 6.5.1 No person shall give or change any name or affix, set up, or paint any name on any street, private street, or public place without the prior permission in writing of an authorised officer.

## **6.6 Defacing names and numbers**

- 6.6.1 Every person shall be guilty of an offence against this part of the bylaw who wilfully or maliciously destroys, pulls down, obliterates, or defaces the name blades of any street or any traffic signs, temporary or permanent, and any signs belonging to Council or Contractors engaged by Council to undertake any work.

## **6.7 Landowner responsibilities**

- 6.7.1 Where any fence, wall, retaining wall, land or vegetation 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 by other means make the land safe to the satisfaction of Council.
- 6.7.2 No person shall erect a fence encroaching on a public place without first obtaining the consent of an authorised officer to the encroachment and to that end shall comply with any conditions imposed by that officer including compliance with and completion of the Encroachment Permit form in Schedule 5 to this bylaw.

## **6.8 Overhanging vegetation liable to obstruct**

- 6.8.1 No person shall permit or allow vegetation from a privately owned property to grow over any public place or overhang a streetlight, or obstruct or interfere with the free movement of persons using that public place or cause danger to any person or traffic in that public place.
- 6.8.2 No person shall permit or allow vegetation that in the opinion of an authorised officer is dead, diseased or dangerous vegetation that will cause or create a hazard to a public place.

## **6.9 Safety of obstructions and on work sites**

- 6.9.1 If any person with the approval of Council shall place or leave, or permit to be placed or left on any public place any building material, rubbish, signs or make or dig or cause to be made or dug any other thing whatsoever likely to cause any obstruction or danger to any person or vehicle upon or in any public place, such person shall cause to be fixed and maintained, from sunset to sunrise, in such position as may be necessary, sufficient lighting to adequately indicate the existence of the same.

## **6.10 Damage to public places**

- 6.10.1 Except with the permission of an authorised officer, no person shall 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, or any street sign or street furniture
  - (b) Pollute, damage, deface or disfigure, apply tagging, or affix posters or advertising devices to, or interfere with any ornament, statue, building, structure, facilities, or display boards or street signs or street furniture
  - (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, construction materials or other naturally occurring material found in a public place

- (h) Open any cesspits, drains or stormwater sewer on, or disturb or remove the surface of, any public place
- (i) Cause or permit the dripping or flowing of water from the roof, eaves or guttering system of any building or structure onto any public place.

6.10.2 No person shall open up any storm water or sewer drain in any public place or disturb or remove the surface of, or open up, any street or footpath or close any public walkway without having first obtained the permission of Council.

*Note: where an event is taking place Council may give the event organisers dispensation to park or drive on grass verges or in parks; however, it is up to the event organiser to ensure that clause 6.10.1 is complied with.*

6.10.3 Any person carrying out authorised works on a public place shall reinstate the public place to a standard approved by an authorised officer.

## 6.11 Fires

6.11.1 Notwithstanding the requirements of any other clause of this bylaw, no person shall in any public place:

- (a) Light any fire, or light a fire in an appliance designed for outdoor cooking during any period when a complete prohibition has been imposed on the lighting of fires in the open
- (b) Use any gas cooking appliance unless that place specifically provides for the use of a gas cooking appliance or that place is a designated camping reserve outlined in the Freedom Camping Bylaw 2017 or Councils Camping Policy; or permission is given at discretion of an Authorised Officer or Authorised Agent
- (c) Burn any wood waste or vegetation unless that place allows for the burning of waste wood or vegetation
- (d) Light any fire within a 500 metre margin of a forest area or within a one kilometre safety zone around a protected area.

## 6.12 Reserves

### 6.12.1 Public Safety

- (a) No person shall:
  - (i) Act in a manner which would be likely to interfere with the safety, use and enjoyment of the reserve by other persons lawfully using the reserve
  - (ii) Drive, ride or park a vehicle in a manner that compromises the safety of other reserve users.
- (b) In any public place;
  - (i) No person shall in that public place drive any vehicle at a speed in excess of the speed limit in place at that time and as posted on signs erected by Council
  - (ii) Where no speed limit has been set in that public place by Council, no person shall drive in that place at a speed exceeding 10 kilometres per hour
  - (iii) Where the Council has in respect of that place made and sign posted rules for the orderly conduct and parking of vehicles, it shall be an offence against this bylaw for any person to breach such rules.

### 6.12.2 Disturbance or damage to reserves

No person shall damage, interfere with, destroy or remove any property belonging to Council, placed or erected on any public place including playground equipment, playground surface, lighting, fences, furniture, tiles, ornaments, sculptures, statue or other public art, poles or any other structure.

### **6.12.3 Access to reserves**

- (a) No person or vehicle shall enter or leave any public place except through the openings, gateways, entrances, or exits provided for that purpose - except where otherwise authorised by Council
- (b) Every public place shall be open to the public at all times except when, from time to time, Council determines that any public place shall be closed or entry restricted to the public for a determined amount of time for the purposes outlined in c (i) and c (ii)
- (c) Council may close or restrict entry to all or any portion of a public place:
  - (i) For safety reasons, an emergency or during such times as are considered necessary to prevent damage or to allow maintenance of the reserve. Such restrictions or closure shall be advertised by appropriate signs placed at the entrances to the public place or adjacent to the place where the restriction or closure is in force as may be appropriate in the circumstance
  - (ii) For such periods as are considered appropriate for the exclusive use of particular groups or for particular types of activities.

### **6.12.4 Fees and charges**

- (a) Council may charge persons or groups for the right to have exclusive use of any public place or part of a public place
- (b) No person shall enter onto or remain on any public place without having first paid any entrance or other fee which may at the time be payable for the use of or access to the public place.

### **6.12.5 Restricted activities on public places**

6.12.5.1 Unless written permission for the following activities has been obtained from the Council, no person shall:

- (a) Play or practice golf on a public place; exceptions require written permission from an Authorised Officer
- (b) Park or store a vehicle, boat, or vessel, on a public place or in a public carpark on a regular, periodic, or continuous basis
- (c) Light any fire or use an appliance designed for outdoor cooking such as a charcoal fuelled barbeque
- (d) Ride, lead or allow any stock, poultry or other animal (except a dog being exercised in accordance with the South Waikato District Council Dog Policy and Bylaw) to wander or graze within the limits of any public place unless otherwise authorised, except upon parts which have been set aside for such purposes or with prior written permission from the Authorised Officer
- (e) Operate a drone except where drones are permitted to be operated in accordance with the then current South Waikato District Council Drone Policy
- (f) Any person conducting any of the activities referred to in 6.12.5.1(a) to (e) above must comply with any conditions that Council imposes on its granting of permission to such activities.

6.12.5.2 Under no circumstances shall any person while in a public place, permit or cause wastage of water or, in any manner, pollute any water in that public place.

*Note: It is up to the event organiser to ensure all aspects of the event comply with in terms of this Bylaw and the conditions stated on the application use form.*

### **6.12.6 Camping**

*Note: The Freedom Camping Bylaw 2017 should be referred to for all Camping related matters.*

## **6.13 Placing of or exposing articles for sale on public places**

**6.13.1** No person shall place or leave or cause or permit to be placed or leave any material or object, including vehicles, scaffolding and hoardings, signage, amusement devices or items for sale or hire including food, on any public place unless:

- (a) Such action has first been approved by an authorised officer, and then only in accordance with any other conditions that are imposed
- (b) Such action is taken for the purpose of regular refuse or other collections authorised by Council or is otherwise authorised by law
- (c) Such action is permitted pursuant to any other bylaw.

### **6.13.2 Chairs, tables, Signs and related items**

6.13.2.1 No person shall place chairs, tables and related items on or over a public place unless a written permit has first been issued by an Authorised Officer and then only in accordance with the terms and conditions of a Footpath Occupation Permit issued in accordance with Schedule 4 of this bylaw, upon the completion of an Application for Use of a Public Place.

6.13.2.2 The footpath occupation permit holder shall ensure rubbish is removed in a timely manner from upon the chairs and tables and the footpath area under the chairs and tables used by that business under its permit. The tables and chairs must be removed after operating hours.

### **6.13.3 Exposing articles for sale**

6.13.3.1 Except as provided for by any other bylaw, no person shall expose for sale any article whatsoever on any public place without obtaining a Footpath Occupation Permit upon payment of prescribed fees, if any, in accordance with Schedule 4 of this bylaw.

*Note: An Application for Use of a Public Place can be obtained by contacting Council. Upon completion of the application, it should be returned to Council and a Footpath Occupation Permit will be provided. This must occur prior to placing any items on the footpath. The application is for a period of up to 14 days.*

## **6.14 Use of footpath and trading in public places**

### **6.14.1 Licence required**

6.14.1.1 No person, including Hawkers or Itinerant Traders, Mobile Traders, and Mobile Shops shall in any public place engage in the sale of goods or services of any description whatsoever (except as provided for in clause 6.14.5), without first having obtained a licence from Council.

6.14.1.2 No person in any public place shall engage in the sale of goods or services of any description without first obtaining the written approval from the adjacent and neighbouring property owners/occupiers.

6.14.1.3 No person shall cause nuisance or create harm or expose the public to risk while undertaking their activity.

6.14.1.4 No Hawker, Itinerant Trader, Mobile Trader, or Mobile Shop may trade or tout for business in any place or area except those identified in the Licence issued under Clause 6.14.3 to such Hawker, Itinerant Trader, Mobile Trader, or Mobile Shop.

### **6.14.2 Application**

6.14.2.1 Every person including Hawkers or Itinerant Traders, Mobile Traders, and Mobile Shops who wishes to sell goods in a public place shall make written application to Council by completing an Application for Registration – Hawkers Itinerant Trader's Licence, to obtain a licence on the prescribed form. The information, to be supplied by the applicant, shall include the following:

- (a) name and address of the applicant
- (b) name and address of the person(s) selling the goods or services
- (c) the location/site
- (d) the telephone number of the applicant
- (e) the type of goods or services for sale
- (f) the time of time sought for selling
- (g) duration of use
- (h) the type and number of vehicles and the registration numbers, if applicable
- (i) evidence of good character.

### **6.14.3 Licence details**

6.14.3.1 In addition to the general conditions of licence provided for by clause 6.14.2.1, the authorised officer in granting any licence may impose conditions. The conditions imposed may include, but not be limited to, any of the following:

- (a) time and place
- (b) duration of the licence
- (c) location
- (d) types of goods or services for sale
- (e) area available for sale
- (f) persons entitled to sell
- (g) safety and hygiene requirements
- (h) use of signage
- (i) use of musical chimes or other audible devices for attracting customers
- (j) litter, cleanliness
- (k) name and address to be conspicuously displayed
- (l) site rental.

### **6.14.4 Licence Conditions**

6.14.4.1 Every licence-holder shall at all times when engaged in the sale of goods or services, carry a licence and show that licence to any authorised officer on demand.

6.14.4.2 Every licence-holder shall, notwithstanding the conditions of that licence, upon being requested to do so by an authorised officer, alter his/her position for sales to any other position indicated by the authorised officer.

6.14.4.3 Every person commits an offence under this part of the bylaw who trades otherwise than in conformity with the conditions of their licence.

6.14.4.4 No licence issued under this part of the bylaw shall be transferable to any other person.

### **6.14.5 Exemptions**

6.14.5.1 Clauses 6.14.1.1 to 6.14.4.4 shall not apply to:

- (a) Service delivery vehicles including milk vendors
- (b) Any market, stall or stand which has a current approval under any other bylaw, resource consent or specific resolution of Council.

### **6.15 Permits**

6.15.1 A permit for any sporting, cultural, entertainment or similar activity or event in any public place may be issued by an Authorised Officer upon payment of the prescribed fee (if any) and subject to such terms, conditions and restrictions as the Authorised Officer may specify, including, but not limited to, the following matters:

- (a) The time, place and duration in which the activity may take place
- (b) The types of goods or services that may be sold
- (c) The person(s) entitled to sell the goods or services or undertake the specified activities
- (d) Any safety and hygiene requirements that may be required
- (e) Any requirements in respect of signage for the activity
- (f) Any restrictions or requirements concerning the use of music or other noise sources
- (g) Any requirements in respect of litter control or cleanliness during and after the activity
- (h) Any requirements in respect of rental for the site
- (i) Other such conditions as an Authorised Officer may impose.

6.15.2 It is an offence under this bylaw if the holder of a permit issued under clause 6.15.1 breaches or allows or suffers a breach of any condition of that permit to occur.

*Note: An Application for Use of a Public Place can be obtained by contacting Council. Upon completion of the application, it should be returned to Council and a Footpath Occupation Permit will be provided. This must occur prior to placing any items on the footpath. The application is for a period of up to 14 days.*

*This must occur prior to placing any items on the footpath.*

### **6.16 Control of skateboards and recreational devices**

6.16.1 No person shall ride a skateboard or other recreational device in any Skateboard Prohibited Area.

6.16.2 No person shall ride a skateboard or other recreational device on any footpath or other public place outside any Skateboard Prohibited Area without exercising due care to ensure no damage is caused to any property or without reasonable consideration for other persons using the footpath or public place.

6.16.3 Council may from time to time, by resolution publicly notified, amend Schedule 1 to this bylaw to add, delete or amend the areas to which the provisions of this bylaw shall apply.

6.16.4 No person shall ride a bicycle or skateboard in any public place in a manner which may cause damage or create a nuisance, obstruction or a health and safety issue.

6.16.5 A breach of any provision in this clause may result in the offending skateboard or bicycle being seized and impounded in accordance with section 164 or 165 of the Local Government Act 2002. For the avoidance of doubt, and in accordance with any applicable requirements and having regard to the preceding clause, bicycles are permitted to be ridden on any designated cycle way.



- 6.16.6 Property seized or impounded under clause 6.16.5 shall be returned to the owner in accordance with section 167 of the Local Government Act 2002 upon the owner;
- (a) Supplying their full name and address or
  - (b) Satisfying Council or any officer authorised in that regard that he or she is the owner or otherwise entitled to the custody and control of the skateboard and
  - (c) Making payment to Council of the prescribed fee
  - (d) The skateboard or recreational device having been impounded for a minimum of five working days following the day of impounding.
- 6.16.7 Should the owner of seized and impounded property choose not to collect the property within the period of 6 months from when the property was so seized then Council shall in accordance with section 168 of the Local Government Act 2002 dispose of the seized and impounded property.
- 6.16.8 Council shall keep a register and enter therein the details of all property impounded and of every person recovering property from Council under this Bylaw.

## **6.17 Vehicle crossings**

- 6.17.1 Any person wishing to construct, repair, remove or widen any vehicle crossing shall first obtain a permit from Council and pay the prescribed fee
- 6.17.2 Any new vehicle crossing shall be constructed to the appropriate Council standard as described or improved in Council's Rural and Urban Vehicle Crossing Standards and Guidelines as set out in Schedule 6 of this bylaw.
- 6.17.3 Approval issued by Council under this clause may be subject to such conditions (with compliance to be at the cost of the applicant) concerning dimensions and materials as 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.
- 6.17.4 No person shall drive, ride, propel, park or wheel any motor vehicle across any footpath berm or water channel in any public place otherwise than upon a crossing properly constructed under the provisions of this bylaw.
- 6.17.5 If, in the opinion of 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 such notice within the period specified commits an offence against this bylaw.
- 6.17.6 Except with the permission of Council no person shall, after (of this part of this bylaw) comes into force construct any crossing across any footpath or water channel or repair, reconstruct, renew, or do any work whatsoever in connection with any existing crossing.
- 6.17.7 Where any premises is at any time or from time to time so occupied or used that, in the usual course of the business carried on thereon or in connection therewith, any materials goods, merchandise, articles, or things whatsoever are dropped, or deposited upon or conveyed across any footpath, water channel, or vehicle crossing, Council may require by notice in writing to the owner or occupier of such premises that the said owner or occupier provide adequate reinforcement to such footway, channel, or crossing as prescribed in that notice.
- 6.17.8 Every such owner or occupier who fails to comply with any such notice issued under clause 6.17.7 shall be deemed to have committed an offence, where upon Council may require the owner or occupier, as the case maybe, to pay to the Council:
- (a) a sum of money as payment for work to be carried out, or to execute the undertaking of such work as soon as practicable

- (b) a deposit as payment for inspection fees to ensure that work is carried out to the required Council standard. Council may refund the deposit once the work is completed to the satisfaction of Council.

## **6.18 Temporary crossings**

- 6.18.1 No person shall take or drive a motor vehicle or permit the same to be taken or driven across any footpath or water channel in the course of construction or other work on any adjoining property or to deliver or collect building or other materials used in connection therewith except with the prior written permission of Council and subject to such terms and conditions as it may impose, including if required by Council, the provision for a crossing for temporary purposes over the footpath or water channel.
- 6.18.2 Except with the permission of Council, all crossings constructed under this clause shall be lighted between sunset of one day and sunrise of the next day, and the carriageway shall be left clear from obstacles.
- 6.18.3 Any person undertaking work as described in Clause 6.18.1 shall, following completion of the work, at the cost of the applicant restore the berm, water channels, and/or the carriageway to the satisfaction of Council.

## **6.19 Assembly**

- 6.19.1 No person shall, without the prior consent of the Chief Executive or 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 vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place
  - (b) Organise or conduct any parade, procession or competition in a public place.

## **6.20 Awnings and blinds**

- 6.20.1 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 except with the permission of an authorised officer who may set such conditions as is deemed appropriate. Any such permission may be revoked at any time by an authorised officer.

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

- 6.21.1 Except where permitted by any other bylaw, or by Council consent, or where required by the District Plan, no person shall put any veranda, 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.
- 6.21.2 If any such projection or obstruction described in sub-clause 6.21.1 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.

## **6.22 Restrictions on use of barbed and razor wire and electrified fences**

- 6.22.1 Except with the permission of or an authorised officer, no person shall erect or permit to be erected any electrified fencing, barbed wire or razor 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 barbed or razor 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.

- 6.22.2 Sub-clause 6.22.1 shall not apply within any environment which is predominantly rural under the District Plan (except where the fence abuts or adjoins a footpath).
- 6.22.3 Council may from time to time by resolution publicly notify, specify conditions that will apply to temporary electric fences, such conditions being deemed to be an amendment of minor effect in accordance with section 156 subsection 2 (a) of the Local Government Act 2002, and the owners of all electric fences shall thereafter comply with such specified conditions.

## **6.23 Road and building identification marks**

- 6.23.1 Notwithstanding that a 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 high for all other buildings. Numbers for each building or complex shall be 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.
- 6.23.2 Numbers required by Clause 6.23.1 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

## **6.24 Animals in public places**

- 6.24.1 No person shall take any dog or allow any dog in his/her custody to be on any public place except in accordance with the current South Waikato District Council Dog Control Bylaw.
- 6.24.2 No horse shall be ridden or led in any area defined in Schedule 7 of this bylaw or on any urban or rural recreational, scenic, historical or local purpose reserve or public place in the District without the prior permission of an Authorised Officer.
- 6.24.3 Except, as provided in clause 6.24.2 above, horses may be ridden or led, anywhere in the district, provided the horse is under the full control of the person having custody of that horse.
- 6.24.4 Any horse being grazed on private property within the urban area, as defined in the Keeping of Animals, Poultry and Bees Bylaw, clause 7.1.5, must be transported by horse float, truck or other means, to/from the place of grazing.
- 6.24.5 Where any horse defecates on any public place, road or urban recreational reserve within the urban town boundaries as defined in Schedule 7 of this bylaw, the person having custody of that horse shall remove and dispose of such defecations in a way that does not cause a nuisance or offence.
- 6.24.6 Notwithstanding the above clause 6.24.2. horses may be ridden on an urban recreational or local purpose reserve during an event authorised by Council.

Notwithstanding the above clause 6.24.2, horses may be ridden on an urban recreational or local purpose reserve during an event authorised by Council.

## **6.25 Stock movement**

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

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

### **6.25.2 Tethering**

- 6.25.2.1 Unless the prior permission of Council is obtained, no person shall tether or place any stock for the purposes of de-pasturing or grazing on any public place.
- 6.25.2.2 If any stock are found on any public place, without any person having charge thereof, the owner shall be deemed to have committed an offence under this part of the bylaw.
- 6.25.2.3 No person shall allow stock to loiter in any public place, whether the stock are under the control of any person; and every person having the control of any stock while 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.
- 6.25.2.4 No person shall use any part of a public road for grazing of stock unless the prior written approval of Council is obtained. Council may impose any conditions that are deemed necessary to control any foreseen effects resulting from such usage.

### **6.25.3 Driving stock**

- 6.25.3.1 No person shall drive any stock on any public place, except with the prior permission in writing of Council, and then only in accordance with the conditions that Council has imposed in granting permission.
- 6.25.3.2 Notwithstanding clause 6.25.3.1, no public road in the district shall be used on a regular basis as a stock race for the movement of stock 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 and warning signs available for approaching motor vehicles
  - (c) Excrement from stock is removed from the carriageway at the conclusion of each stock movement
  - (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 lights.
- 6.25.3.3 Council 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.

### **6.25.4 Stock crossing at grade**

- 6.25.4.1 All stock crossings at grade shall be undertaken in accordance with the Stock Crossing at Grade Policy and should have particular regard to the following:
- (a) Approved signs shall be installed at the applicant's expense on each approach to the crossing. Such signs shall comply with current standards for colour, size and shape, and shall be hinged to allow opening when the crossing is in use and are kept closed at all other times
  - (b) Flashing amber lights must be installed and used when stock are crossing the road outside the hours of daylight, (ie half hour before sunrise and half hour after sunset), and shall be used in conjunction with advance warning signage
  - (c) Any runoff from the race or road surface must discharge to soakage away from the road so as to prevent contaminated runoff entering any watercourse, including roadside water tables
  - (d) Internal races up to the property boundary shall be formed to be sufficient to stand all the animals in the herd within the property before driving them across the road in one supervised movement
  - (e) No unsupervised crossings will be permitted, and stock shall be driven and not allowed to meander between the two gates without control

- (f) No posts, rails, gates, wires, tapes or any combination or structure formed by these materials, shall be permitted within the road reserve to define the crossing, or to facilitate uncontrolled stock movements
- (g) Crossing of stock is to be completed with a minimum of delay and inconvenience to motorists using the road
- (h) All practicable steps shall be taken to minimise stock excrement from fouling the road surface, by either prevention, i.e. the use of mats or other form of protection, or by washing, or sweeping the road surface immediately after use
- (i) The stockowner shall be covered by a current third-party insurance cover.

*Note: It is advised that the reader refers to Council's Stock Crossing Policy for additional guidance on movement of stock in the District.*

## **6.26 Busking, use of loudspeakers and disturbance and other noise**

- 6.26.1 No person shall in any public place sing or play any musical instrument, preach, read aloud, lecture, sell or cry wares or exhibit any object or thing, without a permit issued by Council.
- 6.26.2 No person shall use any portion of the footpath or roadway of Swanston Street, Leith Place, Rosebery Street, 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 Council is received.
- 6.26.3 No person shall play or use any musical instrument with amplification, or loudspeaker, megaphone, radio or television set, bell or other similar device:
  - (a) In any public place not restricted to but including footpaths, roads or parks, 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
  - (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
- 6.26.4 Any person busking or conducting a street performance, or other such activity must not cause any nuisance or obstruction to any person using any public place.
- 6.26.5 If, in the opinion of an authorised officer, any person busking is causing or has caused a nuisance to any person using a public place or to any shop proprietor in the vicinity, the authorised officer may require the person busking to cease the activity or move to another location of the authorised officer's choosing, and any failure to comply with the request of such authorised officer will constitute an offence against this bylaw and the permit may be cancelled.
- 6.26.6 *An Application for Use of a Public Place can be obtained by contacting Council and should contain the following information:*
  - (a) *Full Name of Applicant*
  - (b) *Name of Organisation*
  - (c) *Address*
  - (d) *Telephone Number*
  - (e) *Product being sold/Displayed*

(f) *Date, Time and Location of Event*

(g) *Premises/Shop Owner's Approval*

*Upon completion of the application, it should be returned to Council and a Footpath Occupation Permit will be provided.*

## **6.27 Pavement art**

- 6.27.1 No person shall draw art or advertising material on any footpath or other public place unless with prior written permission from Council.
- 6.27.2 Any person undertaking pavement art under this clause shall:
- (a) Use chalk only
  - (b) Obtain written consent from adjacent property occupants including retailers.
- 6.27.3 All art or advertising material so drawn shall be removed by the artist by the end of the day it was drawn or within such extended time as Council may allow.

## **6.28 Rubbish receptacles**

- 6.28.1 No person shall place or deposit in any rubbish receptacle in a public place including reserves, any offensive matter or any household, shop, office, or trade refuse of any description.
- 6.28.2 Notwithstanding the above clause where public places are to be used for events, it is the responsibility of the event organiser to ensure sufficient rubbish receptacles are provided for the event and the contents are disposed of appropriately at the conclusion thereof as per the Solid Waste Management and Minimisation Bylaw 2017.

## **6.29 Alcohol control**

*The primary purpose of this section of the bylaw is to enhance the feeling of safety in public places and the confidence of the public in being able to visit public places at any time, by enabling Council to apply alcohol bans by resolution as and when necessary. Specific places and/or specific periods are listed in Schedule 2 of this bylaw.*

- 6.29.1 Within the prohibited area (Clause 9.2 of Schedule 2) no person shall:
- (a) consume alcohol in a public place
  - (b) bring alcohol into a public place
  - (c) possess alcohol in a public place
  - (d) have or use a vehicle in a public place in conjunction with the consumption or possession of alcohol or use a vehicle for the purpose of bringing alcohol into a public place for consumption in that place.
- 6.29.2 No person being in a state of intoxication or under the influence of alcohol, solvents or other drugs shall be or remain on any part of a public place.
- 6.29.3 The activities set out in clauses 6.29.4.1 to 6.29.4.4 are not prohibited by Clause 6.29.1.

### **6.29.4 Activities not prohibited by Clause 6.29.1**

- 6.29.4.1 The transport of alcohol from premises that adjoin a public place during any period, when, under the Sale and Supply of Alcohol 2012, it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the public place.
- 6.29.4.2 The transport of alcohol from outside a public place for delivery to premises in a public place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012.
- 6.29.4.3 The transport of alcohol from outside a public place to premises that adjoin a public place:
- (a) By, or for delivery to, a resident of those premises or by his or her bona fide visitors
  - (b) From those premises to a place outside the public place by a resident of those premises, provided the liquor is promptly removed from the public place.
- 6.29.4.4 The consumption of alcohol within any defined area of footpath occupation approved under permit or special license issued under the terms of the Sale and Supply of Alcohol 2012 by Council for tables and seating outside licensed premises or for an event in an urban Council reserve.

## **6.30 Advertising signs and commercial property maintenance**

### **6.30.1 General**

- 6.30.1.1 This bylaw does not apply to traffic, direction, information and naming signs erected by or with the approval of Council, signs indicating hazardous substances used at hazardous facilities, or signs erected pursuant to any statute or regulation, this bylaw does not affect any conditions placed on signs by resource consent.
- 6.30.1.2 No person shall, display or erect any sign visible from a public place which does not comply with the provisions set out in the South Waikato Council Operative District Plan under the Resource Management Act 1991, except where a resource consent has been granted for that sign.
- 6.30.1.3 Subject to Clause 6.30.1, no person shall display or erect any sign visible from a public place which does not comply with the provisions set out in the South Waikato Council Operative District Plan under the Resource Management Act 1991, except where a resource consent has been granted for that sign.

## **6.31 General requirements for the siting of signs**

- 6.31.1 No person shall:
- (a) Display or erect any sign visible from a public place which does not comply with this part of this bylaw or with any provisions set out in the District Plan (transitional, proposed or operative as the case may be) under the Resource Management Act 1991, except where:
    - (i) a resource consent has been granted for that sign
    - (ii) an exemption to the requirements of this part of the bylaw has been granted by Council
    - (iii) the sign is exempted by 6.30.1.1 of this part of the bylaw
  - (b) Place any poster on any building or structure without the permission of the owner or occupier of that building
  - (c) Erect any sign requiring a building consent before that building consent is issued
  - (d) Place or allow to remain in place any sign which explicitly or implicitly:
    - (i) is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993

- (ii) is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993
- (iii) is offensive, threatening or insulting
- (iv) incites or counsels any persons to commit any offence.

## 6.32 Signs on or over roads, footpaths public places and public carparks

- 6.32.1 All signs located on verandas over roads or public places in commercial or industrial environments are to be fixed to the fascia or under the veranda and shall be:
- (a) if located under the veranda, at right angles to the fascia line, limited to one per site, no closer than 2.4m to the footpath beneath the sign and spaced at least 1.5m apart
  - (b) set back at least 600mm from an imaginary vertical line from the road kerb
  - (c) if located on the veranda fascia, be not more than 600mm deep and not protrude more than 50mm from the fascia
  - (d) advertise only businesses, services and products located on the site of the sign.
- 6.32.2 Placement of all sandwich board and/or portable signs shall comply with this part of the bylaw or any provisions of the District Plan (transitional, proposed or operative as the case may be) under the Resource Management Act 1991.
- 6.32.3 A maximum of one sandwich board sign and one portable sign per business shall be permitted in a public place. No sandwich board sign shall exceed 1m<sup>2</sup> in area (per board face) or 1.2 metres in height. No portable sign shall exceed 1.5m<sup>2</sup> in area or 2.5 metres in height.
- 6.32.4 No sandwich board or portable sign shall be placed on a public place that could obstruct the public right of passage to create an unsafe environment or a safety hazard or obstruct any vehicle legitimately parking in a public place, including impeding the opening of vehicle doors.
- 6.32.5 No sandwich board or portable sign shall be placed on a trailer or vehicle in a public place.
- 6.32.6 All sandwich board and portable signs shall be securely weighted to the ground (but not affixed) so as not to present a safety hazard in windy conditions.
- 6.32.7 Placement of all sandwich board and portable signs shall be immediately outside the business to which the sign relates and shall only advertise services or products available from the business to which they relate.
- 6.32.8 All sandwich board and portable signs shall only be displayed during the period a business is open to the public and shall be removed from a public place at all other times.

## 6.33 Prohibited signs

- 6.33.1 No sign shall be placed or allowed to remain in a public place where in the opinion of Council or an authorised officer (or New Zealand Transport Agency in the case of State Highways) that sign would:
- (a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign, traffic signal or pedestrian crossing.
  - (b) Distract unduly or be likely to distract unduly the attention of road users
  - (c) Resemble or be likely to be confused with any traffic signal
  - (d) Give rise to excessive levels of glare, use flashing or revolving lights or use reflective materials that may interfere with a road user's vision
  - (e) Invite drivers to turn so close to a turning point that there is no time to signal to turn safely
  - (f) Constitute or likely to constitute in any way a danger to road users/pedestrians.



## **6.34 General requirements for construction and maintenance of signs**

- 6.34.1 The owner of any sign, or of any land or building to which a sign is affixed or erected, shall ensure that the sign and its supporting structures shall be constructed, fixed, placed and maintained in a manner so they do not pose a danger to property or the public and in a visually pleasing condition.

## **6.35 Repair or removal of signs**

- 6.35.1 Council may, by notice in writing, require the owner, occupier or lessee of any land on which any unsightly, non-complying, unsafe or unauthorised sign is located, to repair or remove such sign within such a period stated in such notice.
- 6.35.2 Where the owner, occupier, lessee or user of a sign receives a notice given under the above clause 6.35.1, that person shall comply with the requirements of the notice within the time specified in the notice.
- 6.35.3 Where any person has been requested to pull down, alter or remove any non-complying, unsafe, or unauthorised sign, that sign shall not be altered or replaced unless the altered or replacement sign complies with this bylaw and the District Plan.
- 6.35.4 Where any person fails to comply with any requirement to pull down, alter or remove any sign, Council may have the sign pulled down, altered or removed. The cost incurred in pulling down, altering, removing and/or storing the sign shall be recoverable as a debt against the owner of the sign, or the owner of the land on or over which the sign was placed.
- 6.35.5 Any sign removed by Council shall be released to the owner upon payment of the costs incurred in its pulling down, altering, removal and/or storage.
- 6.35.6 Any sign that remains unclaimed or which has not been released by Council for a period exceeding one month may be sold or otherwise disposed of by Council.
- 6.35.7 Where such sign is sold, the proceeds of sale shall be applied first towards the payment of the costs referred to in clause 6.35.4 above and any balance shall be paid to the owner on application.
- 6.35.8 If costs are not covered by the sale of the sign, the owner or landowner will be liable for the balance recoverable as a debt against the owner of the sign, or the owner of the land on or over which the sign was placed.

## **6.36 Temporary signs**

- 6.36.1 Election Hoardings
- (a) No election signs shall be placed on any reserve, road reserve or public place except those specifically approved by Council for such purposes as defined in Schedule 3
  - (b) All Election Hoardings shall comply with the provisions set out in the District Plan.
  - (c) Approval will be required from NZTA for State Highways.
- 6.36.2 Except with the permission of an authorised officer, temporary signs shall not be attached in any way to poles, fences, street furniture or other public utilities on a public place.
- 6.36.3 Event signage
- (a) All temporary event signage shall be erected in terms of clause 6.30.1
  - (b) It shall be the responsibility of the event organiser to ensure that temporary event signage is removed as soon as practically possible following the completion of the event

- (c) Should the above clause not be complied with Council may take action against the Event Organiser using the provisions available in Clause 6.35.

## **6.37 Exemptions**

- 6.37.1 Where a sign lawfully existed prior to the coming into force of this part of the bylaw, but it does not comply with the performance standards of this part of the bylaw it may remain in place and be repaired, altered or maintained, provided that such work does not increase its physical size or the extent of its non compliance with this part of the bylaw.

## **6.38 Verandas**

- 6.38.1 The owner of any veranda over a public place or along a State Highway shall:
  - (a) Ensure that the verandas are maintained in reasonable condition, including having sound guttering and downpipes, which ensures that all storm water is taken to the kerb and discharged into the water channel and there are no loose, visible or exposed wires
  - (b) Repair any damage to, and remove or paint over graffiti on, their veranda promptly after it occurs.
- 6.38.2 Council may, by notice in writing require the owner, occupier or lessee of any veranda over a public place which is in a state of disrepair and, deemed unsafe, to repair such veranda within a period stated in such notice.
- 6.38.3 A reasonable period of time after the date that a notice is served under sub clause 6.38.2 above shall be specified to repair and maintain the veranda as directed by Council.
- 6.38.4 Any second or subsequent notice of requirement to repair a veranda shall be complied with before the expiry of the time period stated in that notice.
- 6.38.5 Where any person fails to comply with any requirement to repair, repaint or otherwise maintain any veranda, Council may have the veranda repaired, repainted/treated or otherwise maintained and the cost thereof shall be recoverable as a debt against either the owner and/or, occupier and/or lessee of the veranda.

## **6.39 Commercial building frontages**

- 6.39.1 Council may, by notice in writing, require the owner, occupier or lessee of any commercial building frontage which is (in the opinion of an authorised officer) in such a state of disrepair as to be unsafe, to repair such frontage within a period stated in such notice.
- 6.39.2 Where the owner, occupier or lessee of a commercial building frontage receives a notice given under this clause, that person shall comply with the requirements of the notice within the time specified in the notice.
- 6.39.3 Where any person fails to comply with any requirement to repair or maintain any commercial building frontage, Council may have the frontage repaired or otherwise maintained and the cost thereof shall be recoverable as a debt against the owner, occupier and/or lessees of the commercial building frontage.

## **6.40 Placards on buildings, posters in a public place**

- 6.40.1 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, sculpture, street tree 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

- (b) Stamp, stain, write, print, or post any advertisement or notice upon any public place, except with the prior permission of the local authority and then only in conformity with the terms of any permit that may be granted.

## **7. Right of appeal**

- 7.1 Any person who claims to be unfairly or adversely affected by a decision, order or direction, given by an authorised officer or authorised agent in administering any bylaw may appeal to Council for relief.
- 7.2 The Appeal must be in writing setting out the reasons for the Appeal and must be received by Council within fourteen (14) days after the date on which the decision, order or direction being appealed against was given.
- 7.3 The Council may appoint any standing committee of Council to consider the Appeal and to consider written submissions or submissions delivered in person from the appellant if the committee so decides within 25 working days of the closing date of the receipt of the appeal.
- 7.4 The committee, after considering such evidence and submissions as it thinks necessary, may revoke, confirm, or modify the decision, order, or direction that gave rise to the Appeal.

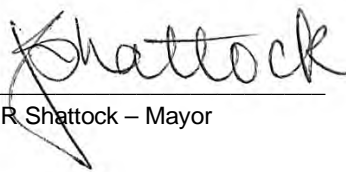
## 8. Adoption of bylaw

The foregoing bylaw was duly made by the South Waikato District Council following its adoption under the Special Consultative Procedure prescribed by Sections 83 & 86 of the Local Government Act 2002.

I, Susan Law, Chief Executive of South Waikato District Council, CERTIFY that this bylaw was made by Resolution No 22/151 on the 30<sup>th</sup> day of June 2022, to come into effect on the 30<sup>th</sup> day of June 2022.

Dated this 14<sup>th</sup> day of July 2022.

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



Handwritten signature of JR Shattock in black ink, written over a horizontal line.

JR Shattock – Mayor



Handwritten signature of Susan Law in black ink, written over a horizontal line.

S Law – Chief Executive

## Annotations

<b>Res No</b>	<b>Date</b>	<b>Subject/Description</b>
11/146	2 June 2011	Adopted by Council
17/317	13 December 2017	Adopted by Council
19/134	30 May 2019	Minor Amendments
22/151	30 June 2022	Amendments adopted by Council

## 9. Schedules

Every schedule to this bylaw shall be deemed to form part of this bylaw. Council may from time to time by resolution publicly notified, add, delete or amend any Schedules of this bylaw, or any of the provisions of the schedules.

### 9.1 Schedule 1 – Prohibited areas for skateboarding

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

#### Tokoroa

The Central Business District comprising the footpaths and the roads of:

- The area bordered by Chambers Street, Railway lines, Dreghorn Place, Swanston Street and Ashworth Street.

#### Putaruru

The main business area comprising of the roads and footpaths of:

- a) Princes Street from Arapuni Street to Main Street
- b) Main Street – the full length
- c) Tirau Street from Main Street to McKenzie Street
- d) Neal Street between Tirau Street and Cambridge Street
- e) Duke Street, the full length
- f) Garden of Memories - Main Street
- g) The Putaruru Water Park Area at the junction of Kensington Street and Tirau Street
- h) Overdale Street, 115m from the Princes Street and Main Street intersection

#### Tirau

The main business area comprising the roads and footpaths of:

- a) Main road from Hillcrest Street to 100m northwest of Church Street
- b) Hillcrest Street - Main Road to Oxford Street

Fee for recovering an impounded item is set by Councils fees and charges.

## 9.2 Schedule 2 – Prohibited areas for alcohol

Other than on licensed premises, there is an alcohol ban as described in 9.2.1 and 9.2.2 to include all areas as listed within the prohibited areas defined in Map 1 (Tokoroa CBD), Map 2 (Putaruru CBD), Map 3, Map 4 and Map 5 (Reserves), and Map 6 (Cemeteries).

### 9.2.1– The ‘Prohibited Areas’

All those public places bounded by and including:

- Chambers Street
- State Highway One (SH1), from Chambers Street to the southern end of Ashworth Street
- Sloss Road from State Highway One (SH1), to Ashworth Lane
- Ashworth Lane
- Ashworth Street
- Sloper Street
- Giles Street
- Roslin Street, from Swanston Street to Torphin Crescent
- Torphin Crescent, from Roslin Street to O’Sullivan Drive
- O’Sullivan Drive, from Torphin Crescent to Swanston Street
- Swanston Lane
- Dreghorn Place
- Liberton Place
- Bridge Lane
- Bridge Street, east of the railway line
- Campbell Lane West
- Campbell Street, from Bridge Street to Chambers Street
- Logan Street
- Swanston Street
- Bonaly Street
- Mannering Street
- Rosebery Street
- Commerce Street
- Leith Place

As defined on Map 1 labelled Alcohol Prohibited Area – Tokoroa attached to this schedule.

### **9.2.2– The ‘Prohibited Areas’**

All those public places bounded by and including:

- Tirau Street, from Main Street to MacKenzie Street
- Neil Street, from Tirau Street to Cambridge Street
- Commerce Street
- Market Street, from Commerce Street to Taupo Street
- From the 50/70kph speed restriction directly across the railway land to the south side of the Putaruru Hotel property in Princes Street
- Princes Street, from Main Street to the Putaruru Hotel property southern boundary
- Arapuni Street, from Princes Street to Glenshea Street
- Glenshea Street, from Arapuni Street to Bent Street
- Bent Street, from Glenshea Street to Overdale Street
- Overdale Street, from Main Street to Bent Street
- Main Street, from the northern side of Bent/Overdale Street intersection directly across the railway line to Buckland Street
- Buckland Street, from Main Street to the northern boundary of The Plaza property
- Kensington Street, from Main Street to MacKenzie Street
- MacKenzie Street

As defined on Map 2 labelled Alcohol Prohibited Area - Putaruru attached to this schedule.

### **9.2.3– The ‘Prohibited Areas’**

All those public places bounded by and including:

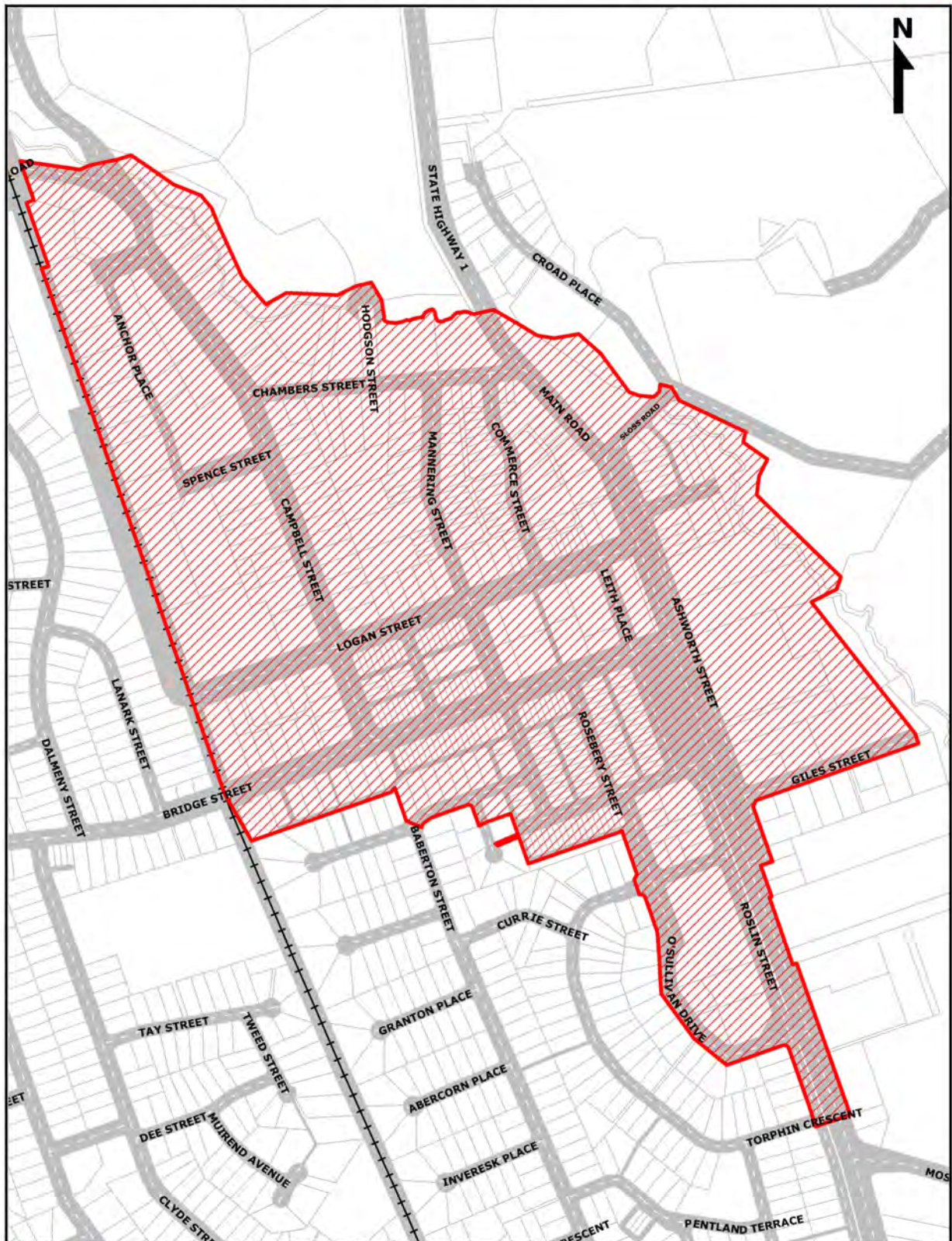
- Tokoroa War Memorial Sportsground/David Foote Park
- Strathmore Park
- Glenshea Memorial Park
- Totara Park
- Te Waihou Walkway due to cultural significance
- Te Waihou Walkway Carpark – Leslie Road

As defined on Map 3, Map 4 and Map 5 labelled Alcohol Prohibited Area – Reserves attached to this schedule.

Please refer to Map 6 for Alcohol Restricted Areas – Cemeteries

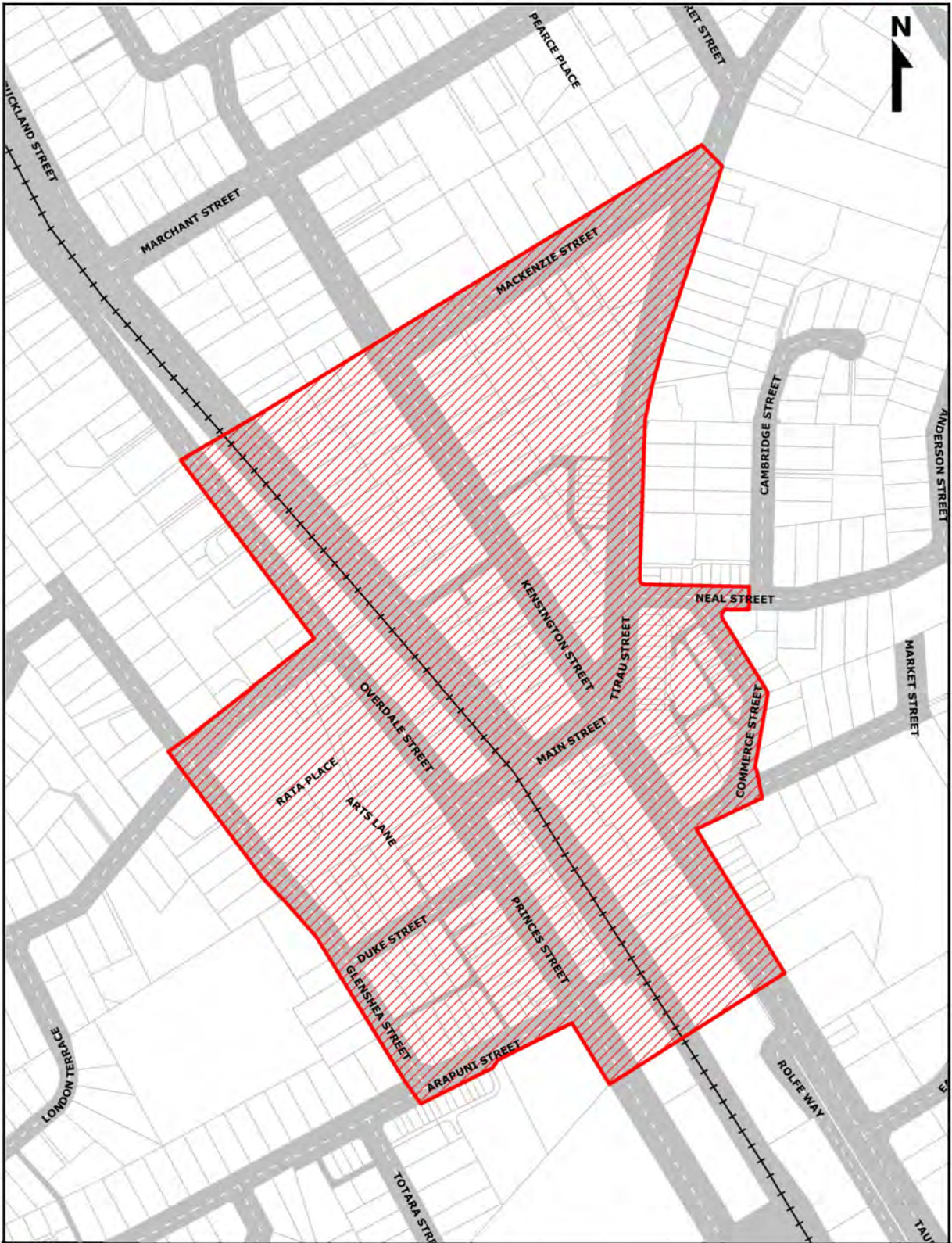


# ALCOHOL PROHIBITED AREA - TOKOROA



**Prohibited areas where no person shall consume, bring, or possess alcohol at all times.**

ALCOHOL PROHIBITED AREA - PUTARURU



**Prohibited areas where no person shall consume, bring, or possess alcohol at all times.**

ALCOHOL PROHIBITED AREA - RESERVES



**Prohibited areas where no person shall consume, bring, or possess alcohol at all times.**

ALCOHOL PROHIBITED AREA - RESERVES

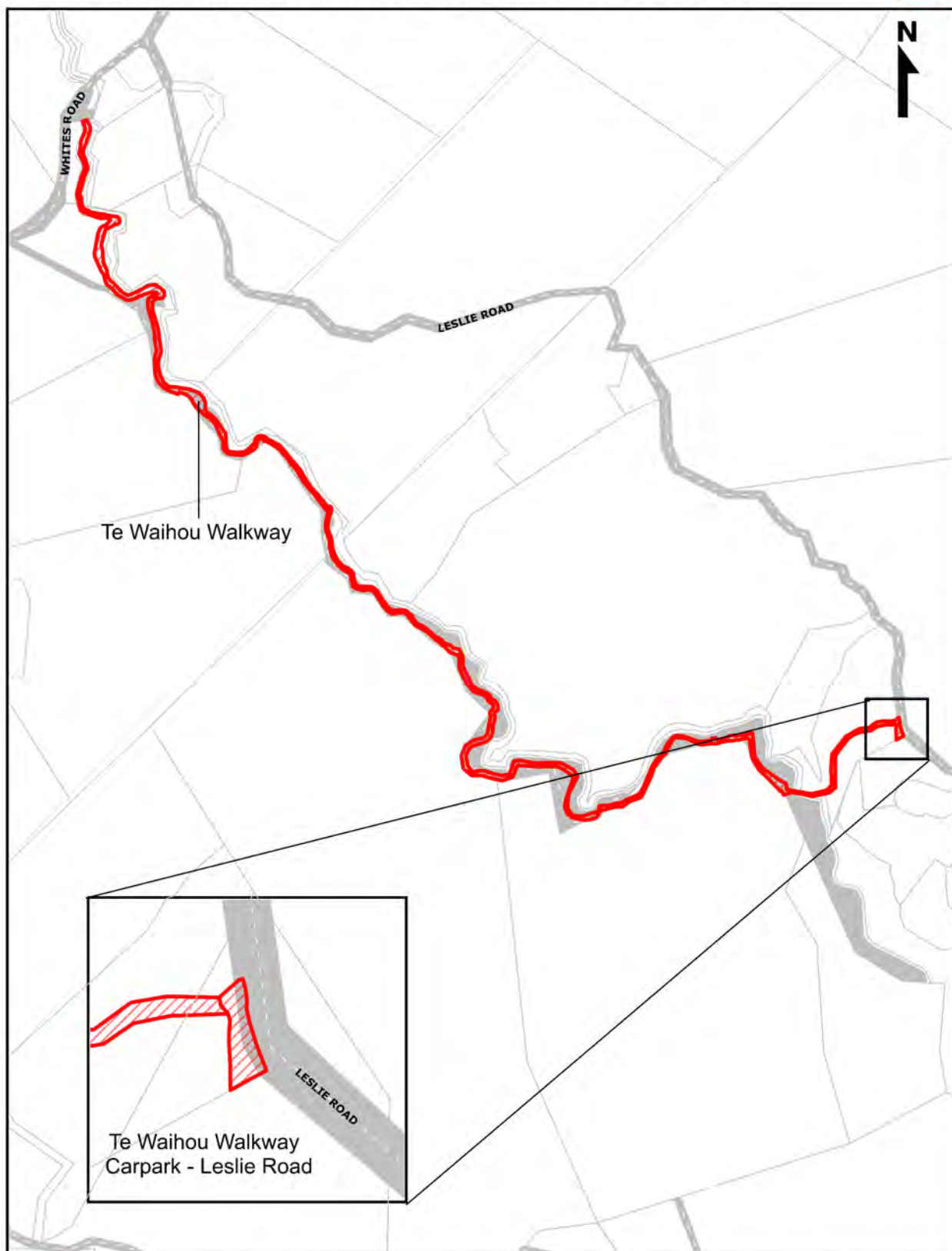



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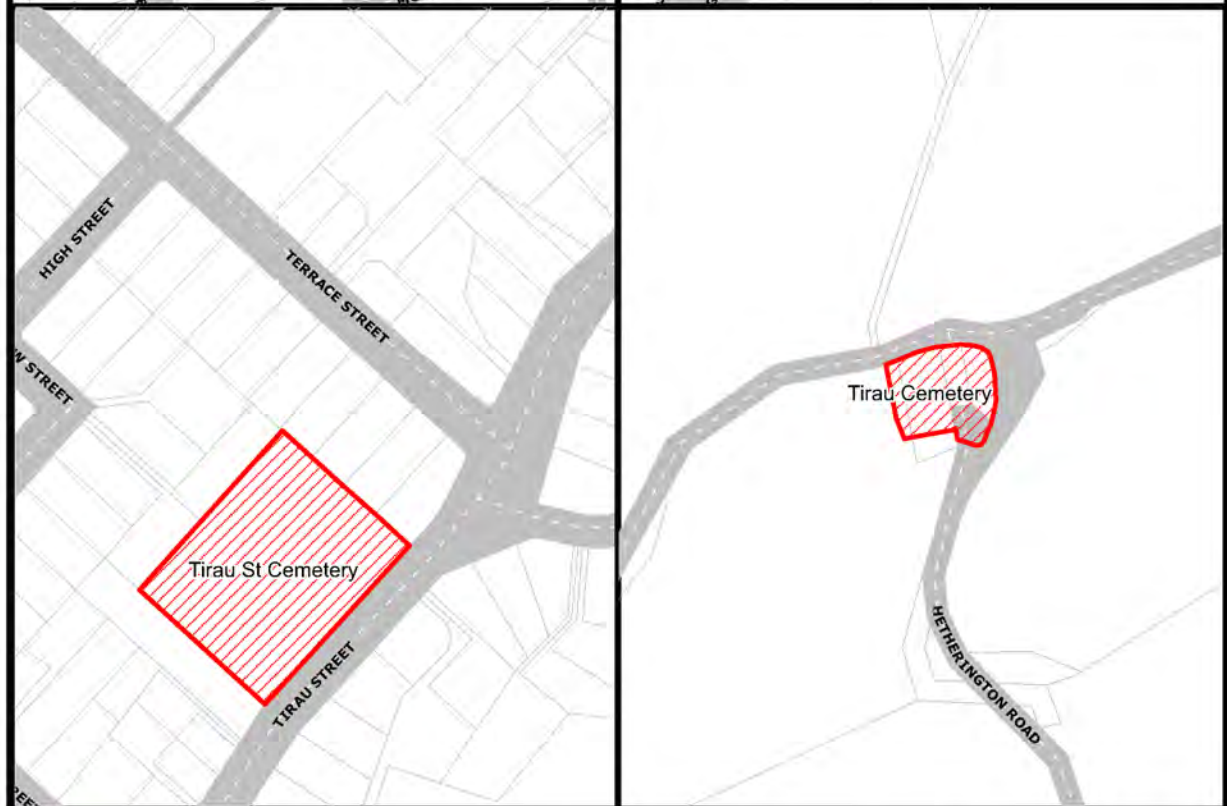
**Prohibited areas where no person shall consume, bring, or possess alcohol at all times.**

# ALCOHOL PROHIBITED AREA - RESERVES



 **Prohibited areas where no person shall consume, bring, or possess alcohol at all times.**

ALCOHOL RESTRICTED AREAS - CEMETERIES



**Areas where no person shall consume, bring or possess alcohol between the hours of 7:00pm and 8:00am**

### 9.3 Schedule 3 – Reserves and public places approved for the placement of signs and election hoardings

The following locations are generally acceptable for the siting of Election Hoardings

Tokoroa	Putaruru	Tirau
Baird Road Reserve	Western side of SH 1 (Taupo St) opposite Sholson St	Cr Okoroire Street/Prospect Avenue
Grampian Reserve	Vacant Council property, south side of Mitre 10, Princes St, opposite Arapuni St	Prospect Ave – Railway side berm
St Andrews Drive Reserve	Vacant Council properties, Arapuni St	Sewage Treatment Plant frontage – SH 27
Lake Moananui Drive opposite Kahu Street	The berm on the northern side of the Russell Tce/ SH1 intersection, opposite 'Welcome to Putaruru' sign	Church St playground
Cobham Crescent Reserve		Council reserve, SH 1 north of SH 27 intersection
Inman Avenue Reserve		
Matarawa Park		
Lake Moananui (Maraetai Road end)		
Glenkill Park		
Kauri Reserve		
Papanui Reserve		

## 9.4 Schedule 4 – Footpath occupation permits

The following conditions apply to a footpath occupation permit and it is the responsibility of the occupier of the property to ensure that the conditions are complied with.

### 9.4.1 Clearway for pedestrians

A straight clearway shall be maintained over the full width of the footpath occupation at all times and in accordance with the following table:

Width of Footpath	Width of Clearway
Less than 3.5 metres	1.5 metres
Over 3.5 metres	2.0 metres

Clearways between adjacent properties with pavement occupation shall be continuous.

There shall be no fixed street furniture, eg, refuse bins, poles, signs, etc, within the width of the clearway.

Access from vehicles parked beside the kerb to the footpath must not be obstructed.

### 9.4.2 Length of footpath to be occupied

The length of footpath occupied shall be confined to within the frontage between the side

### 9.4.3 Type of use

The use of the footpath shall relate directly to the business conducted on the property.

### 9.4.4 Physical objects to be located on the occupied footpath

Any physical objects to be used or displayed on the footpath shall be located within the area of occupation, shall not create a risk of injury to pedestrians (eg, sharp, pointed or likely to trip someone) and shall be maintained in good condition and a high standard of cleanliness at all times. The requirements for Occupational Safety and Health shall be observed at all times.

Tables, chairs, umbrellas, etc, shall be well secured to prevent hazards in inclement conditions. Barriers may be required to separate the occupied area from the clearway and/or access.

All such physical objects shall be removed from the footpath at the close of business each day, unless specifically authorised and detailed in the Special Conditions applying to this application.

The surface of the footpath shall not be broken, marked, or disfigured by the occupation. Any damage to the footpath or underground services shall be made good at the occupier's expense to the Council satisfaction whose decision shall be final.

### 9.4.5 Schedule of physical objects

That applicant shall provide a schedule of any physical objects that will be located on the footpath.

### 9.4.6 High standard of cleanliness

The occupier shall maintain the area of occupation and the clearway in a high standard of cleanliness and free of litter, stains and spillage at all times at the occupier's expenses and shall prevent the spread of litter from the occupied area to the adjacent street, properties and footpath.

### 9.4.7 Access to premises

A clear access not less than 1.5 metres wide shall be maintained into any premises on the property at all times and shall comply with any statutory requirements for "means of egress" for the premises, as if the occupied area of footpath was part of the premises.

Where vehicular access is required, this shall be not less than 3.0 metres wide, with safe clearances to the occupied areas.

### 9.4.8 Licensed premises

Where the property has premises licensed under the Health Act 1956 and/or the Sale and Supply of Alcohol Act 2012 and Regulations, the area of the footpath occupied shall be deemed to be part of the licensed premises and conditions apply to the premises shall apply equally to the area of footpath occupied.



The occupier of the licensed premises may be required to “redefine their premises” showing the occupied footpath area as part of the licensed premises and meet other requirements to demonstrate compliance with their license, including adequate food safety capacity for any additional patrons to be provided for.

#### **9.4.9 Aesthetic value**

Each application for pavement occupation will be considered on the basis of its aesthetic value to the area, its impact on Council’s infrastructural services and the likelihood of undesirable environmental effects.

#### **9.4.10 Application fee**

The Council may set a fee for an application for footpath occupation.

#### **9.4.11 Signboards**

The authority to erect sandwich boards and other signs is not provided for under an application for a footpath occupation permit. This is addressed under the requirements of Council’s Operative District Plan.

#### **9.4.12 Occupation at the pleasure of Council**

The occupation of the footpath is at the pleasure of Council and it may withdraw this authority at any time by one week’s notice in writing to the occupier. In the event of non-compliance with a notice, Council may have the occupied area cleared at the occupier’s expense.

#### **9.4.13 Period of occupation and lapse of approval**

The authority to occupy the footpath shall continue until it is cancelled by Council by notice in writing or until the occupier of the property changes, in which case it lapses and the new occupier will need to make a fresh application if they require footpath occupation.

#### **9.4.14 Powers of entry**

Council officers, its contractors, and any authorised network utility operator (eg, power, telephone, or gas) may enter upon the occupied area of footpath for the purpose of monitoring compliance with these conditions or carrying out authorised work at any time and may require the occupier to remove objects on the footpath to provide adequate access and safe working conditions. If the occupier is unavailable, the officers or workmen may remove the objects to a secure locality and will not be held responsible to the occupier for any damage or loss thereby occasioned.

#### **9.4.15 Insurance and default**

Council has an insurance policy to cover claims for damages due to the footpath occupation but the policy does not cover the negligence or default of the foregoing conditions on the part of the occupier. The occupier shall indemnify Council for any legal liability arising from the activity permitted and shall provide an insurance certificate with this application that verifies that an adequate insurance policy is in place.

#### **9.4.16 Production of permit**

The applicant must produce the footpath occupation permit when requested by an authorised officer of Council.

## 9.5 Schedule 5 - Encroachment fence policy

### Part 1 – Road encroachment fencing

For the purpose of forming part of the road margin (the “Encroachment area”), a road encroachment permit shall be subject to the following conditions:

#### 9.5.1 Interpretation

Words and expressions used in an application/permit for road encroachment fencing have the same meanings as used in this bylaw.

#### 9.5.2 Period of permit and lapse of approval

Provided that the encroachment is completed within 12 months after the date of the letter of approval, the permit will remain in force unless terminated under Clause 7.5.3 below; or until the adjoining property changes hands, in which case this permit terminates at that date. The new adjoining land occupier will need to make a fresh application on his/her/their own behalf. Where the encroachment is not completed within 12 months from the date of the letter of approval, the approval will automatically lapse.

#### 9.5.3 Termination of permit

The Council may terminate this permit at any time upon giving to the encroachment occupier one month's written notice of intention to terminate. Not more than one month from being given such notice the encroachment occupier shall remove (1) all stock from the encroachment area and (2) any fencing or other material from the road margin.

#### 9.5.4 Property boundaries

If the permit is terminated, the encroachment occupier is responsible for the redefinition of the correct boundary of the encroachment occupier's property and is required for any reason to shift the fence back onto his/her/their property boundary, and shall for this purpose erect and maintain permanently easily identified marks (eg concrete posts) on the true boundary. The Council may order a survey to be made to fix the true boundary, at the encroachment occupier's expense.

#### 9.5.5 Property entrances

If property entrances occur along the encroachment fence, then the gates at these entrances shall remain on the true boundary and have the fence lines recessed with a 45 degree splay from the road to the gateways, except at tanker entrances where gates shall be recessed into the property in accordance with the Council's standard for tanker entrances. Entrances must be in accordance with Council's Code of Practice for Subdivision and Development (Figures 17 and 18).

#### 9.5.6 Council approval

The encroachment area must be to the approval of the Council, but the fact of such approval will place no onus on the Council or relieve the encroachment occupier of any of the responsibilities stated or implied in this permit.

#### 9.5.7 Fence alignment

New encroachment fences shall be **3 metres minimum** back from the edge of the sealed carriageway or from the road shoulder on an unsealed road.

Where existing fences are within this area, the posts shall be painted white so they are clearly visible at night when illuminated by the headlights of approaching motor vehicles travelling in either direction along the road.

#### 9.5.8 Fence materials and maintenance

*Barbed wire shall not be used* in the construction of an encroachment fence. The standard of construction of the fence shall be as follows:

*Wires* – At least seven plain wires or the equivalent.

*Posts* – All posts used shall be of treated exotic soft woods, such as Pine, spaced at least three posts every 20 metres. Larch, metal, concrete, or Hardwood posts are not permitted.

The dimensions of posts shall be:

- i Round posts - not exceeding 125mm in diameter.
- ii Half round posts – not exceeding 200mm measured on the cut diameter.
- iii Quarter round posts – not exceeding a radius of 115mm.

*Angle posts* – Shall be of timber with a maximum diameter of 150mm.

*Strainer posts* – All strainer posts shall be located on the line of the adjoining property boundary.

*Battens* – Shall be of timber and there shall be at least five battens between each post.

*Gates* – No gateway will be permitted in the encroachment fence and all entries from the adjoining property to the encroachment area shall be across the property boundary.

*Maintenance* – The fence shall be properly maintained to ensure that it is kept in good order at all times.

#### **9.5.9 Maintenance of the encroachment area**

The encroachment area, as well as the strip between the encroachment fence line and the road carriageway, shall be kept free of noxious weeds, and all other growth shall be kept short so that the whole area is maintained in a neat and tidy condition.

#### **9.5.10 Grazing**

The encroachment area shall not be allowed to become in any way unsightly or objectionable. Pigs shall not be kept in the encroachment area.

#### **9.5.11 Removal of spoil**

No metal, sand, soil or other similar materials are to be removed from the encroachment area.

#### **9.5.12 Structures and works**

No fences or other structures or works shall be constructed or performed within or on the encroachment area, which will or might constitute a danger to any user of the road.

#### **9.5.13 Trees, hedges and crops**

No trees, shrubs, live hedges, or crops shall be planted or maintained on the encroachment area.

#### **9.5.14 Water channels and culverts**

All water channels and culverts and culvert entrances within the encroachment area shall be maintained in good condition by the encroachment occupier at all times.

#### **9.5.15 Powers of entry**

Officers of the Council, any government department, or local authority may enter the encroachment area and carry out any action or function that is within its or their authority, to undertake as if no encroachment existed and will not be held responsible to the encroachment occupier, for any damage or loss thereby occasioned, nor will the encroachment occupier have any claim for damage extending on to his/her/their land, if this results from inadvertence occasioned by the true boundary line not being clearly defined.

#### **9.5.16 Underground cables**

The encroachment occupier is responsible for any damage to Telecom, Gas Corporation, or Electrical Authority underground cables and services as well as Council's water mains or sewerage system resulting from their encroachment. If in doubt about the existence and position of such services, the occupier should consult these authorities.

#### **9.5.17 Removal order**

In the event that the Council requires the encroachment fence to be removed from the road reserve and the encroachment occupier having been given notice in writing to that effect, does not comply within the time stated in the notice, the Council may do the work at the cost of the encroachment occupier.

#### **9.5.18 Indemnity against suits or claims**

The Council shall not be liable for any accident injury, or damage suffered by or caused to any person or property arising out of or by reason of the use of the encroachment area by the encroachment occupier and the encroachment occupier shall indemnify and keep the Council indemnified from and against all actions, claims, suits, costs, and demands arising out of the use of the said land by the encroachment occupier.

#### **9.5.19 Production of permit**

The encroachment occupier must produce a copy of encroachment permit when requested by an authorised officer of the Council.

#### **9.5.20 Existing encroachment fence**

For additional conditions of approval for an existing encroachment fence, see below.

- 9.5.20.1 Prior to renewing any section of the encroachment fence, the encroachment occupier shall contact the Council, as resiting of the fence line may be advantageous.
- 9.5.20.2 If some of the materials in the fence are non-complying and, while the Council will not require replacement at the time, any future repairs to, or work done on, the fence shall use complying materials and the fence will not be rebuilt without first applying to the Council for approval. The Council officer will list any Non-complying materials.
- 9.5.20.3 If the present alignment of the encroachment fence is non-complying and while at the time the Council will not require realignment, the fence cannot be rebuilt without first applying to Council for approval.
- 9.5.20.4 Council will advise the encroachment occupier what non-complying materials need to be removed and/or replaced.

## **Part 2 – “Temporary” electric fencing for animal grazing**

The enclosure is for the express purpose of clearing excess growth from the enclosure by grazing animals adjacent to the applicant's property.

#### **9.5.21 Interpretation**

Words and expressions used in a temporary electric fence permit have the same meanings as used in this bylaw.

#### **9.5.22 Obligations**

Nothing in the permit shall relieve the encroachment occupier of his statutory obligations to maintain at all times a good and sufficient stock-proof fence on the correct boundary of the property and to prevent stock from wandering at large on the roadside outside the temporary electric fence.

#### **9.5.23 Removal Order**

The temporary electric fence will remain on the road at the pleasure of Council, which may order the removal of such fence at any time. If this order is not complied with, the Council may remove the fence at the cost of the encroachment occupier.

#### **9.5.24 Siting of Fence**

While on the road the temporary electric fence shall be kept stock-proof and shall be placed at such a distance from the carriageway as directed by the Group Manager Assets, and as will allow:

- (a) The normal maintenance of the road;
- (b) The unimpeded movement of traffic along the carriageway; and
- (c) The left hand (near) doors of a parked motor vehicle to be opened to the fullest extent. (Note: “parked” means stopped parallel to the roadway and as close as possible to the left hand side).
- (d) Unless arranged otherwise the minimum distance from the edge of the sealed carriageway or road “shoulder” to the fence will be 1m.

#### **9.5.25 Fencing Materials**

Nothing stiffer than 13mm diameter round mild steel shall be used in the construction of the fence. (Note: Anchor standards of about this weight are available for the ends of such fences). Waratahs and the like, and barbed wire, are prohibited.

#### **9.5.26 Marking of Standards**

Standards shall be coloured white or shall have reflector tape affixed thereto so as to render them clearly visible at night when illuminated by the headlights of motor vehicles travelling in either direction along the road.

#### **9.5.27 Fence Removal**

As soon as the encroachment areas of road have been grazed off, the temporary electric fence shall be completely removed. Without further application it may be replaced in the encroachment area when the area needs to be grazed again. These conditions shall remain in force during each period that an electric fence is erected in the encroachment area.

#### **9.5.28 Maintenance of Area**

The vegetation in the encroachment area and in the strip between the temporary electric fence and the carriageway shall be kept short and no litter and other rubbish shall be allowed to accumulate.

#### **9.5.29 Grazing**

During daylight hours cattle and sheep, but not horses or pigs, may be grazed in the area enclosed by the temporary electric fence. No such animals shall be allowed to remain in the encroachment area during the hours of darkness.

#### **9.5.30 Feeding Out**

No feeding of silage, hay or other types of cattle fodder shall be permitted in the road margin.

#### **9.5.31 Drains, Culverts, Etc**

The encroachment area shall not be overgrazed nor trampled into a muddy condition, and all water channels and culverts enclosed by the temporary electric fence shall be kept by the encroachment occupier in good working order at all times.

#### **9.5.32 Underground Cables**

The encroachment occupier is responsible for any damage done to Telecom, Gas Corporation, Electrical Authority underground cables and services, and Council's water mains or sewerage system as a result of the encroachment occupier's use the encroachment area. If in doubt about the existence and position of such services, the encroachment occupier should consult these authorities.

#### **9.5.33 Fence Electrification**

The fence may be livened during daylight hours only.

#### **9.5.34 Insurance and Default**

The Council has the necessary Insurance Policy to cover claims for damages which may be made on account of the presence of the temporary electric fence on the road margin, but this does not cover negligence nor default of the foregoing conditions on the part of the encroachment occupier.

#### **9.5.35 Electrical Conditions**

Compliance with all electrical requirements shall be the responsibility of the encroachment occupier (Items 2.15 and 2.16 are extracts from Regulation 121 of the Electrical Wiring Regulations 1976 and Amendments adopted for this Policy).

#### **9.5.36 Electrical Wiring Regulations**

"Any electric fence or portion thereof installed along a public road or highway or as a boundary line fence, shall be identified by signs, in the form specified in sub-clause (2.14) of this Policy, clamped to the fence wire or fastened to electric fence standards at suitable intervals".

#### **9.5.37 Signs**

“The signs required by sub-clause (2.15) of this Policy shall be in the form of flat durable material measuring not less than 30mm x 100mm having a bright red background on both sides and with the inscription “Electric Fence” in white on both sides, the lettering to be in block letter not less than 25mm high. Signs are to be attached to the fence where directed by the Inspector”.

#### **9.5.38 Safety**

The encroachment occupier shall ensure that mains-operated electric fence controllers bear the NZ Standard Specification mark or sign, in the interest of public safety. Where battery-operated electric fence controllers are used it is likewise important that the battery be disconnected from the controller for charging.

Care must be taken to ensure that fences and controllers are not liable to come in contact with any power or telephone apparatus, overhead lines, radio aerials or earth wires.

#### **9.5.39 Period of Permit**

This document shall remain in force until cancelled in writing by the Council or until the encroachment occupier ceases to occupy the adjoining property. Cancellation of this permit does not affect the liability of the encroachment occupier for any breach or non-observance on his part of any provision in this permit.

#### **9.5.40 Production of Permit**

The Temporary Fencing Permit shall be produced by the applicant when requested by an authorised Officer of the Council.

## **9.6 Schedule 6 – Vehicle-crossing policy**

Policy yet to be formally adopted

## **9.7 Schedule 7 – Horses in public places**

9.7.1 Horse access is prohibited in Tokoroa and Putaruru within the areas defined in Map 7 (Tokoroa Urban), Map 8 (Putaruru Urban), Map 9 (Tirau Urban) and Map 10 (Arapuni Village) without the prior permission of an Authorised Officer.

All public places bounded by and including:

### ***TOKOROA – TOWN CENTRE***

- Logan Street, east of the railway line
- Bridge Street, east of the railway line
- Mannering Street, south of Logan Street
- Bonaly Street
- Swanston Street
- Dreghorn Place, East of Baberton Street
- Roseberry Street
- Leith Place
- Main road between Logan Street and Swanston Street
- Campbell Street, south of Logan Street
- Swanston Lane

- O'Sullivan Drive, north of the South Waikato District Council Office property boundary and the boundary of 7 Torphin Crescent
- Torphin Crescent, east of the boundary of 7 Torphin Crescent to Roslin Crescent.
- Roslin Crescent, north of the South Waikato District Council Office property boundary

### *TOKOROA – ALL URBAN AREA*

### *PUTARURU*

- Main St
- Overdale Street, South of the boundary of 6 Overdale Street
- Kensington Street, South of the boundary of 24 Kensington Street
- Duke Street, East of the boundary of 5-9 Duke Street and the boundary of 2 Duke Street
- Princes Street, North of the boundary of 70 and 75 Princes Street
- Buckland Street, from Main Street to the northern boundary of the Plaza property
- Neal Street, west of the boundary of 14-20 Neal Street and 6-8 Commerce Street

### *PUTARURU – ALL URBAN AREA*

### *TIRAU – ALL URBAN AREA*

### *ARAPUNI VILLAGE*

*Refer to Keeping of Animals, Poultry and Bees Bylaw Clause 7.1.5 for the keeping of horses on sites less than 900m<sup>2</sup>.*



Source: NZ Public Places (Urban Areas) Survey, 2009 (www.nzps.govt.nz)

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**LEGEND**



Area Where Removal of Horse Defecations is Required



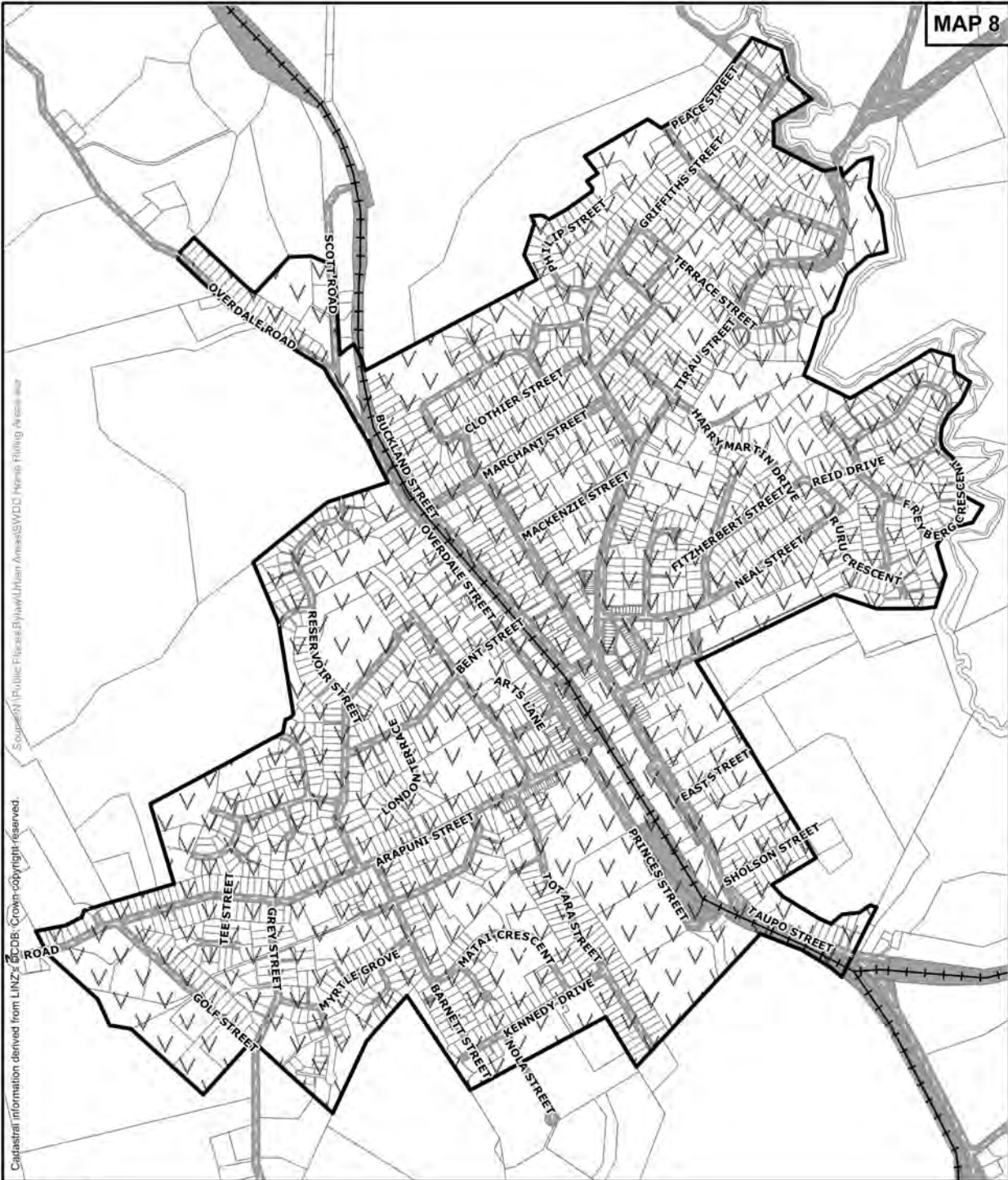
Area Where Horse Access is Prohibited Without the Prior Permission of an Authorised Officer



**HORSES IN PUBLIC PLACES IN TOKOROA**







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 Source: LINZ (Public Places) Pyawh/Whiam/Amass/SWDD Home/Filling Areas

**LEGEND**

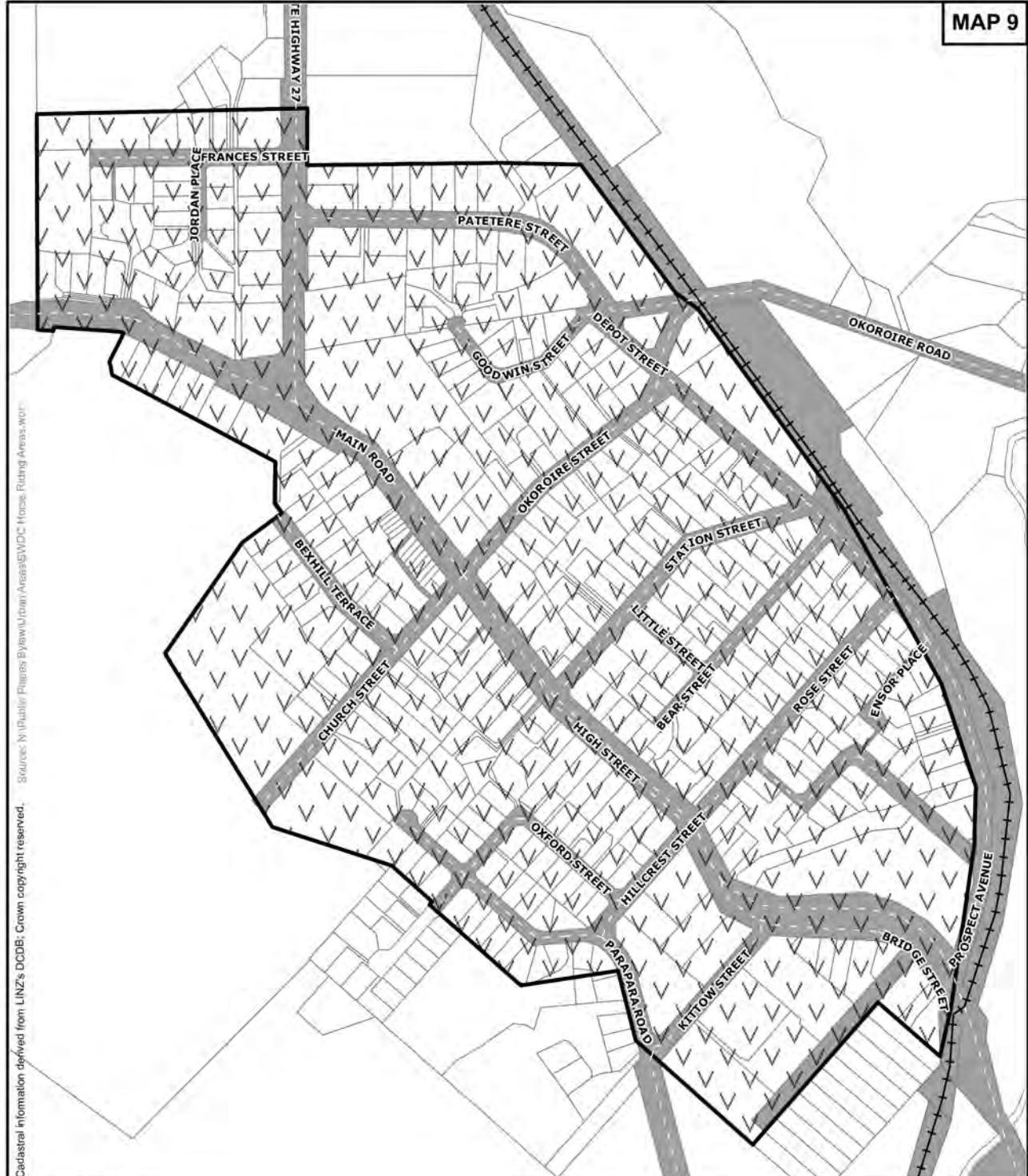


Area Where Horse Access is Prohibited Without the Prior Permission of an Authorised Officer



**HORSES IN PUBLIC PLACES IN PUTARURU**





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**LEGEND**

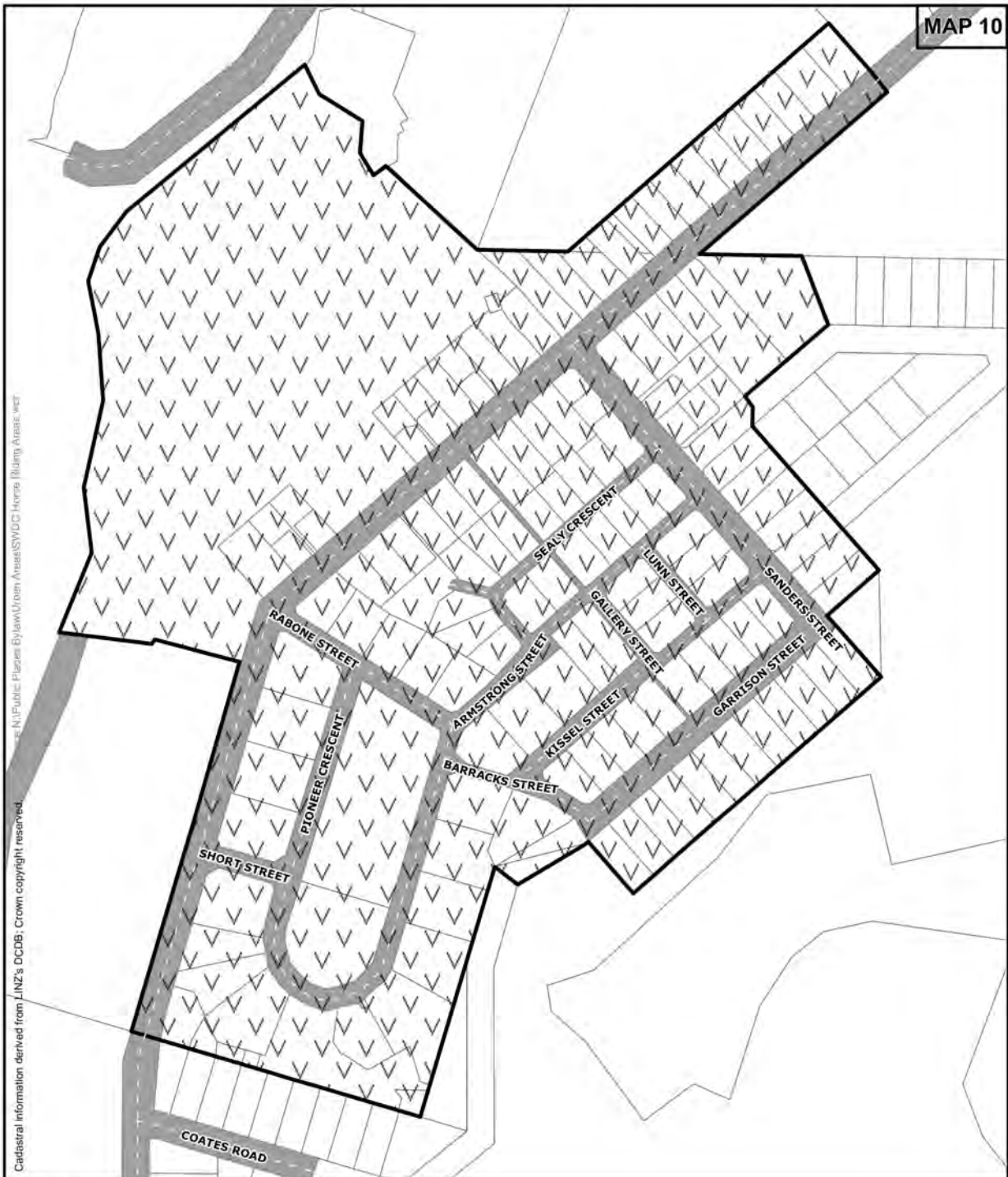


Area Where Horse Access is Prohibited Without the Prior Permission of an Authorised Officer



**HORSES IN PUBLIC PLACES IN TIRAU**





MAP 10

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**LEGEND**



Area Where Horse Access is Prohibited Without the Prior Permission of an Authorised Officer



**HORSES IN PUBLIC PLACES IN ARAPUNI**

