

Part 2 Public Places

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200 Scope

This Part of this bylaw regulates a diverse range of activities in public places by:

- (a) seeking to maintain standards of public health and safety;
- (b) protecting the public from nuisances;
- (c) minimising the potential for offensive behaviour;
- (d) regulating the conduct of persons selling goods on streets, roads, footpaths and other public places;
- (e) regulating the conduct of persons using vehicles to sell goods and services to the public; and
- (f) managing activities on land associated with or under the control of the Council, for the wellbeing and enjoyment of citizens, visitors and businesses within the district.

In particular, this Part of this bylaw addresses activities within public places which may have an adverse effect on other users of these facilities and/or cause damage to public facilities such as roads, grass verges, garden areas and reserves.

This part of the Bylaw supplements but does not duplicate statutory provisions that may also affect public places such as those provisions under the Local Government Act 2002, The Resource Management Act 1991, The Building Act 1991, Reserves Act 1977, Health Act 1956, Litter Act 1979 and other Acts.

201 Definitions and Interpretation

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

- Busker** Any person(s) who sings, plays any musical instrument, performs or entertains in a public place and solicits or accepts a donation or monetary reward.
- Camping** Living or carrying out any other residential activity, whether temporary or permanent, including use of any vehicle for sleeping, whether or not that vehicle has been specially set out for sleeping
- Goods** Means any product or service

Litter Includes any material or thing of a waste matter including but not limited to refuse, rubbish, animal remains, glass, metal, garbage, dirt, ballast, stones, or things of a like nature.

Material or Thing Any material or substance of whatever kind, including jumbo bins and other containers for waste material, but excluding vehicles.

Mind Altering Substance

A substance, whether synthetic or naturally occurring, that may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes what is commonly known as glue sniffing, but does not include:

- (a) Medically prescribed substances ingested by the person for whom they were prescribed;
- (b) Substances purchased from a pharmacy without a medical prescription
- (c) Nicotine;
- (d) Alcohol as defined in the Sale of Liquor Act 1989.

Public Place In addition to those places defined in Part 1, every reserve, park, domain, beach, foreshore, and recreational ground under the control of the Council

Road In addition to the definition contained in Part 1 of this bylaw, all land lying on the boundaries of a road, including footpaths and berms

Ride a Skateboard Means having either one or both feet, or any other part of the body of any person, on a skateboard when it is moving

Service Delivery Vehicle

Any vehicle being used for the purpose of delivering goods to the premises of any business, organisation, or house. It does not include vehicles used to sell goods to the general public in any public place.

Skateboard

A wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including but not limited to, roller skates, in-line skates, or similar recreational devices. The definition does not include any wheelchair, baby or invalid carriage, or bicycle

202 Public Safety And Nuisances

202.1 In order to promote public safety and prevent public nuisances, a person shall not on any public place without the prior permission of the Council or an authorised officer:

- (a) Place, leave or carry litter or any material or thing or substance which is likely to be hazardous or injurious to any person, or likely to create a nuisance;
- (b) Remove any material or thing from a public place if, as a result of such removal, the health or safety of any person using the public place may be endangered;
- (c) Deposit in or around a public litter receptacle any household or trade refuse;
- (d) Interfere with any refuse which is awaiting collection by a collector authorised by the Council;
- (e) Drive any vehicle except on a formed road
- (f) Drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles (including bicycles) in the public place;
- (g) Cause or allow any material or thing to be deposited onto a public place or road;
- (h) 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;
- (i) Distribute any printed or written material advertising any product, service or entertainment;
- (j) Fly from or land any aeroplane including model aeroplanes, a hot air balloon or hang glider, parachutes or similar, except in an emergency;
- (k) Consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
- (l) Play any game or use any object including, but not limited to, skateboards, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous, injurious or cause a nuisance or obstruction to persons in the public place, or damage the public place;
- (m) Erect or place any structure on, over or under the public place except in compliance with any other Part of this bylaw.

- 202.2 The Council may require the owner of any land which has no fence, wall or retaining wall adjacent to a public place to erect a fence, wall or retaining wall if the Council considers that this is necessary for safety or other reasons relating to the use or administration of the public place.
- 202.3 Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which in the opinion of an authorised officer could cause injury to persons passing or damage to a public place, the authorised officer may give written notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or otherwise take action to make the public place safe.
- 202.4 The Fencing Act 1978 applies to clauses 202.2 and 202.3, except in respect of roads.
- 202.5 Notwithstanding the requirements of any other clause of this Part of this bylaw, a person shall not in any public place:
- (a) Light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking, subject to any restriction imposed by Council on the lighting of fires;
 - (b) Camp in an area not set aside for that purpose.

203 Obstructing Public Places

A person shall not:

- (a) Obstruct the entrances to or exits from a public place;
- (b) Place or leave any material or thing, including signage, on a public place that could obstruct the public right of passage 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, without the permission of an authorised officer and then only in accordance with such conditions as may be imposed
- (d) Carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed.

204 Damage To Public Places

204.1 A person shall not in any public place except with the permission of the Council or an authorised officer :

- (a) Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
- (b) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with, any ornament, statue, building, structure, or facilities. Nothing in this paragraph shall prevent the Council from supplying or approving the installation of display boards in any public place for the purpose of allowing posters to be displayed announcing forthcoming functions or events;
- (c) Cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
- (d) Damage or interfere with any natural feature, animal or plant;
- (e) Use any vehicle or be in control of an animal in any manner so that it damages any part of a public place;
- (f) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
- (g) Where designated access is available, gain vehicle access to a beach other than by the designated access;
- (h) Remove any sand, soil or other naturally occurring material found in a public place; or
- (i) Open any drain or sewer on, or disturb or remove the surface of, any public place.

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

205 Placing of Articles on and Damage to Public Places

205.1 A person shall not place or leave or cause or permit to be placed or left any material or thing including, but not limited to, signage, amusement devices, chairs, tables and related items on any public place unless:

- (a) Such action has first been approved by the Council or an authorised officer, and then only in accordance with such conditions as the Council may impose; or
- (b) Such action is taken for the purpose of regular refuse or other collection authorised by the Council or is otherwise authorised by law; or
- (c) Such action is permitted pursuant to any other Part of this bylaw.

205.2 A person shall not do, cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place.

206 Projections on Public Places Not Permitted

206.1 Except where permitted by any other Part of this bylaw or by Council consent, no person shall put any of the following items 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:

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.

This restriction shall not apply to any verandah or awning erected pursuant to a requirement of a District Plan.

206.2 If any projection or obstruction referred to in clause 206.1 was placed against or in front of any building, before the coming into operation of this bylaw and/or its predecessor the Council may give notice to the owner or occupier of the building to remove or to alter such projection or obstruction. The owner or occupier shall, within the time stated in the notice, remove or alter the projection or obstruction.

207 Awnings and Blinds

No person shall:

- (a) erect or maintain, or cause to be erected or maintained, any awning over any public place; or
- (b) hang any awning, blind, or screen from any portico on any public place, except with the permission of an authorised officer. In granting such permission, an authorised officer may set such conditions as is deemed appropriate. Any such permission may be revoked at any time by an authorised officer.

208 Overhanging Vegetation Liable to Obstruct

No person shall permit or allow vegetation to encroach onto or over any public place so as to obstruct or interfere with free movement or cause injury to persons using that public place.

209 Trading in Public Places

209.1 No person, shall in any public place engage in trade or expose for sale any goods or services of any description without having first obtained a licence from the Council. For the purposes of this clause 209:

(a) Exposing for sale includes the practice of leaving motor vehicles on the roadside or in other public places with sale notices placed thereon;

(b) A public place includes a footpath and the area outside of any shop, shop window or doorway abutting a public place so as to encroach on that public place.

209.2 Any person wishing to obtain a licence to engage in trade or expose for sale goods or services in a public place must make written application to the Council. The information required by the Council may include, but is not restricted to :

(a) Name and address of the applicant;

(b) Name and address of the person(s) selling the goods;

(c) The location/site;

(d) The telephone number of the applicant;

(e) The type of goods or services for sale;

(f) The time sought for selling;

(g) The type of vehicle(s) and registration numbers to be used by the applicant in trade or to be parked in a public place while trading, if applicable; and

(h) Evidence of good character.

209.3 The authorised officer in granting any licence may impose conditions which may include, but are not restricted to:

(a) Location, date and times goods or services can be sold;

(b) Duration of the licence;

(c) Area available for selling;

(d) Types of goods or services that can be sold;

(e) Use of advertising and other promotional devices, including audible devices for attracting customers;

(f) Use of signage;

(g) Litter, cleanliness, safety and hygiene requirements; and

(h) Site rental.

209.4 Any licence issued under this part of this bylaw is subject to the following:

- (a) Payment of any fees that the Council may by resolution or through the annual plan process prescribe for licences and/or site rentals. Fees may differ for any class of licence as prescribed.
- (b) Every licence holder shall at all times when engaged in the sale of goods carry a licence and show the licence to any authorised officer on demand.
- (c) Every licence holder shall, notwithstanding the conditions of the licence, upon being requested to do so by an authorised officer, alter the location of his/her position for sales to any other position as indicated by the authorised officer.
- (d) No licence issued under this Part of this bylaw shall be transferable to any other person.

209.5 Every person who trades in breach of the conditions of his/her licence shall commit an offence against this part of this bylaw. If any trader in a public place breaches the conditions of his/her licence issued by the Council under this clause or does not have a licence, they shall stop trading if requested to do so by the Council

209.6 Trading that would otherwise be a breach of this clause 209 will not be a breach if the trading is carried out by:

- (a) Service delivery vehicles, including milk vendors;
- (b) Any market, stall or stand that has a current approval under any other bylaw, legislation, resource consent;
- (c) Any stall or stand that is not intended to be operated on a regular basis, and for which an authorised officer has given permission to carry out the trading. In granting such permission, the authorised officer must be satisfied that it would be too onerous to require the trader to satisfy the conditions for obtaining a licence.

210 Assembly

210.1 A person shall not, without prior notice to the Council, organise any assembly, event, demonstration, competition, parade, procession, meeting or gathering 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 on to the public place. Such notice is to be given to the Council as soon as is reasonably practicable after the decision to organise the assembly has been made.

210.2 After receiving the notification referred to in clause 210.1 above, the Council shall provide traffic management information to the organiser and/or the Police.

210.3 The organiser shall, as far as practicable, attempt to ensure that all people attending the assembly referred to in clause 210.1 are aware of the traffic management plan. All attendees at the assembly shall, as far as is practicable, obey the traffic management plan and not unreasonably obstruct access to the public place or to shops or premises fronting on to the public place.

211 Busking and Collecting Donations

211.1 Any person busking, soliciting any subscription, collection or donation, or preaching in a public place may do so, provided:

(a) S/he first obtain the consent of any shop owners in the immediate vicinity of the area that s/he intends to use;

(b) S/he does so without causing any nuisance or obstruction to any person using any public place; and

(c) If in the opinion of an authorised officer, any person causes a nuisance to any person using a public place or to any shop owner in the vicinity, then the person busking, soliciting any subscription, collection or donation or preaching may be required by an authorised officer to cease the activity or move to another location.

211.2 Clause 211.1(a) does not apply to any person collecting for charity as part of a nationwide street appeal.

211.3 Clauses 211.1 (b) and (c) apply also to street preachers

211.4 Any failure to comply with a reasonable request by an authorised officer to cease the activity or to move to another location will constitute an offence against this Bylaw.

212 Control of Skateboards

212.1 No person shall ride a skateboard in any area defined in the First Schedule attached to this Part of the bylaw.

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

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

213 Vehicular Crossings

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

213.2 A permit issued by the Council under clause 212.1 may be subject to such conditions concerning dimensions and materials as the Council may consider reasonably necessary to protect the road (including any footpath or berm) adjacent to the vehicular crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles.

213.3 No person shall drive, ride, propel, or wheel any motor vehicle across any footpath or water channel in any public place otherwise than upon a crossing properly constructed under the provisions of this bylaw.

213.4 If, in the opinion of the Council, any crossing is in a bad or unsafe state of repair, the Council may, by notice in writing require the owner of the land to which the crossing provides access, to repair, reconstruct, or renew such crossing to the satisfaction of Council. Every such owner or occupier who fails to comply with any such notice within the period specified shall commit an offence against this Part of this bylaw.

214 Road and Property Identification

214.1 The Council shall have the right to cause to be painted or affixed on a conspicuous part of a building, the name of the road, private road or public place to which it has a frontage.

214.2 The Council shall have power at any time to alter the number of any building where in the Council's opinion it may be necessary or advisable to do so.

215 Animals and Stock on Public Places

215.1 No person shall take or allow any animal under their care or control onto any public place if the Council has by resolution or public notice prohibited entry of that type of animal to that public place. See also the Dog Control Bylaw.

215.2 Any person having care, custody or control of stock or animal shall:

- (a) when in any public place, ensure that the stock or animal is kept under proper control, with consideration for other persons using the public place;
- (b) immediately remove any faeces deposited by the stock or animal on a public place; and
- (c) subject to the requirements of clause 215.4 keep and prevent the stock or animal from wandering or being at large without proper guidance on any public place.

215.3 No person shall:

- (a) Permit stock to be driven across or along any public place unless an alternative route is not reasonably available. Sufficient warning must be provided and maintained by such person, as detailed in the Central Otago District Council Stock Droving Policy, to ensure that other persons using the road shall have adequate notice of the presence of the stock on the road;
- (b) Permit stock to be driven across or along any public place in a manner that causes damage to any public place;
- (c) Drive any stock in an urban area unless an authorised officer has given permission for the droving. The droving must be undertaken in accordance with any conditions imposed by the Council.
- (d) Permit any stock to be on a reserve, beach or other area designated as an area prohibited to stock without the prior consent of an authorised officer;
- (e) Graze stock in any public place except in accordance with Council policy.

215.4. The Council may from time to time by publicly notified resolution, declare certain roads to be stock routes and prohibit or restrict the use of any other roads, public places or urban areas for the driving of stock. Any such declaration, prohibition or restriction may from time to time be altered or revoked by publicly notified resolution. This requirement shall not apply to any person who rides or leads a horse under proper control on a road.

216 Reserves

- 216.1 Subject to the provisions of this Part of this bylaw, every reserve shall be open to the public at all times, except during such hours as the Council or an authorised officer may determine that any reserve shall be closed to the public.
- 216.2 An authorised officer may from time to time and for such periods as he or she thinks fit (but not for more than six days consecutively), set aside areas of a reserve for the exclusive use of particular groups or for particular kinds of recreational activities. The Council may charge for the right to have exclusive use of a reserve.
- 216.3 The Council may fix charges for entry to a reserve in accordance with the Reserves Act 1977. Where a charge is payable, it shall be an offence against this Part of this bylaw to enter a reserve without having paid the proper charge for entry.
- 216.4 An authorised officer may close or restrict entry to all of, or any portion of, a reserve at such times as are considered necessary to prevent damage to, or allow maintenance of, the reserve. Such closure shall be advertised by signs at the entrances to the reserve. It shall be an offence against this Part of this bylaw to be found on a reserve at any time when the reserve is closed to public entry.
- 216.5 Every person committing a breach of the provisions of this clause of this bylaw shall, upon request by an authorised officer, immediately leave the reserve, and shall be prohibited from appearing on the reserve for such period as the authorised officer deems fit. Any person so ordered to leave shall still be liable to be prosecuted for the breach of the bylaw, and any person failing to leave with reasonable speed following a request to leave shall commit a further offence.