



CARTERTON
DISTRICT COUNCIL



SOUTH WAIRARAPA
DISTRICT COUNCIL
Kia Reretahi Tātau

Wairarapa Consolidated Bylaw 2019

Part Two

Public Places (including Parks and Reserves)

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Two - Public Places (including Parks and Reserves)	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 2 – Public Places (including Parks and Reserves)

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Referenced Documents

Reference is made in this document to the following New Zealand legislation:

- Health Act 1956
- Litter Act 1979
- Local Government Act 2002
- Reserves Act 1977
- Sale and Supply of Alcohol Act 2012

Foreword

This Part of the bylaw is made under section 145 of the Local Government Act 2002 (LGA).

In addition, the Reserves Act 1977, Health Act 1956, Litter Act 1979 outline some of the powers and requirements of the Council in regard to streets, public places and reserves. Areas of control prescribed by this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of the LGA and other legislation should be read in conjunction with this Part.

This Part of the bylaw draws on New Zealand Standards 9201 series Public Places Bylaw.

Reference should be made to Wairarapa Consolidated Bylaw 2019: Part 1 - Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, then the provisions of this Part prevail.

1. Scope

- 1.1. This Part of the bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district.
- 1.2. In particular, this Part addresses damage to public facilities such as roads, grass verges, garden areas and reserves. It also addresses activities within public places and reserves which may have an adverse effect on other users of these facilities.

2. Definitions

Aircraft: Means:

- any man-made device capable of flight including, but not limited to, aeroplanes, helicopters, gliders, hang-gliders, unmanned aerial vehicles (e.g. drones), hot air balloons and radio-controlled model aircraft; but
- does not include kites and balloons which are controlled from the ground via strings.

Berm: The edge of a road reserve between the kerb or surface water channel and property boundary.

Camp: To camp using one or more of the following:

- a tent or other temporary structure;
- a caravan; and/or
- a car, campervan house truck or other motor vehicle.

Does not include the temporary and short-term parking of a motor vehicle; recreational activities commonly known as day-trip excursions or resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

Mind-Altering Substance: A substance, whether synthetic or naturally occurring, which may alter consciousness, mood or emotions, or which might intoxicate or impair or diminish mental capacity. It includes what is commonly known as solvent abuse, but does not include:

- medically prescribed substances ingested by the person for whom they were prescribed;
- substances purchased from a pharmacy without a medical prescription;
- nicotine; or
- alcohol as defined in the Sale and Supply of Alcohol Act 2012.

Mobility Device: Has the same meaning as in the Land Transport Act 1998, being a vehicle that:

- is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and
- is powered solely by a motor that has a maximum power output not exceeding 1 500W; or
- a vehicle that the New Zealand Transport Agency has declared to be a mobility device under section 168A(1) of the Land Transport Act.

Ride a Wheeled Recreational Device: Having either one or both feet, or any other part of the body of any person, on the wheeled recreational device when it is moving.

Trenching: Includes any excavation including any auguring or thrusting carried out within or under a road or public place for the purpose of maintaining, locating or installing services.

Verandah: A portico, porch, shed, shade, awning, blind, covering, or like structure, and their supports, projecting into or over any part of a public place.

Wheeled Recreational Device: Means:

- a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355mm) and that is propelled by human power or gravity; and
- includes a conveyance to which are attached one or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300W.

3. Public Safety and Nuisances

3.1. Except with the prior permission of Council or an authorised officer, and then only in accordance with such conditions as may be imposed, a person shall not on any public place:

- a) place or leave litter or any material, good, thing, or substance that is likely to be hazardous or injurious to any person, or likely to create a nuisance;
- b) deposit in or around a public litter receptacle any household or trade refuse;
- c) interfere with any refuse which is awaiting collection by an authorised collector;
- d) drive any vehicle (excluding wheeled recreational devices and mobility devices) except on a formed road;
- e) drive any vehicle in a manner that is dangerous or inconsiderate to pedestrians or other vehicles;
- f) cause or allow any material, good, or thing to be deposited;
- g) leave any work, hole or excavation in a manner that could be a danger to anyone entering or using that public place;

- h) solicit any subscription, collection or donation, preach, lecture, perform, use a loud speaker , amplifier or similar device, or undertake any busking;
- i) distribute any printed or written material advertising any product, service or entertainment;
- j) fly from or land any aircraft, parachute 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 wheeled recreational devices, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
- m) erect or place any structure on, over or under the public place except in compliance with any other Part of this bylaw;
- n) light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking, subject to any restriction imposed by Fire and Emergency New Zealand on the lighting of fires; or
- o) camp in an area where a prohibition or restriction is set out in any Council bylaw.

NOTE: See South Wairarapa District Council's bylaw for Camping in Coastal Areas 2009.

- 3.2. Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which, in the opinion of an authorised officer could cause damage or injury to persons passing, the authorised officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land safe at the expense of the landowner.

4. Fireworks

- 4.1. Without the prior approval of Council, and then only in accordance with such conditions as may be imposed, no person shall set off fireworks or explosive material:
 - a) in or on a public place; or
 - b) near a public place in a way that does, or is likely to, create a nuisance.

5. Obstructing Public Places

- 5.1. Except with the permission of the Council or an authorised officer, and then only in accordance with such conditions as may be imposed, a person shall not on any public place:
 - a) obstruct the entrances to, or exits from, a public place;
 - b) place or leave any material, good, or thing, including signage, on a public place that could obstruct the public right of passage;
 - c) allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof; or
 - 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.

6. Damage to Public Places

- 6.1. Except with the permission of the Council or an authorised officer, and then only in accordance with such conditions as may be imposed, a person shall not in any public place:
- a) damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
 - b) sow or scatter the seed of any plant of any kind;
 - c) pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facilities;
- NOTE: Nothing in this sub-clause shall prevent the Council from supplying or approving the installation of display boards in any public place for the purpose of allowing posters to be displayed announcing forthcoming functions or events,*
- d) 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;
 - e) damage or interfere with any natural feature, animal or plant;
 - f) use any vehicle or be in control of an animal in any manner so that it damages any part of a public place;
 - g) drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
 - h) remove any 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.
- 6.2. Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an authorised officer.
- 6.3. Any person wishing to gain access to a beach shall use a designated access where this is available.

7. Placing of Articles on Public Places

- 7.1. No signage shall be placed on any public place unless it meets the requirements for signage under the Wairarapa Combined District Plan.
- 7.2. All seating in public places must have prior Council approval.
- 7.3. A person shall not do, or permit or allow to be done:
- a) internment of cremation ashes on any reserve or other public place other than a designated cemetery upon presentation to the sexton of a burial warrant; or
 - b) scattering of cremation ashes at any reserve and only at other public places with permission of an authorised officer.

8. Control of Wheeled Recreational Devices

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

- 8.2. A person may ride a wheeled recreational device on any footpath outside the areas defined in the First Schedule, providing the rider exercises reasonable care to ensure no damage is caused to any property and that reasonable consideration is made for other persons using the footpath.
- 8.3. Every person who commits an offence against this clause is liable to have the wheeled recreational device used impounded by an authorised officer.

9. Exposing Articles for Sale

- 9.1. Except as provided for by any other Part of this bylaw, no person shall expose for sale any article whatsoever on any footpath, or outside of any shop, shop window, or doorway abutting on any public place, so as to encroach on or over that public place, without the prior permission of Council, and then only in accordance with such conditions as may be imposed by Council.

10. Vehicular Crossings

- 10.1. Any person wishing to construct, repair, remove or widen any vehicular crossing shall first obtain approval from the Council, or resource consent if required.
- 10.2. An approval or resource consent provided by the Council under clause 10.1 shall be subject to such conditions concerning dimensions and materials as the Council may consider reasonably necessary to protect the road (including any footpath or berm) adjacent to the vehicular crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles, and may include the payment of a bond to Council.
- 10.3. 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 allowed under any Part of this bylaw.
- 10.4. If, in the opinion of the Council, any crossing is in a bad or unsafe state of repair, Council may by notice in writing, require the owner of the land which the crossing provides access to, to repair, reconstruct, or renew such crossing to the satisfaction of Council.

11. Trenching and Minor Earthworks

- 11.1. Any person wishing to undertake any trenching or minor earthworks within or under any road or public place, shall first apply for and obtain a road opening notice from the Council. The application shall contain detailed information on all aspects of the works proposed to be undertaken.
- 11.2. A road opening notice issued by the Council under clause 11.1 may be subject to such conditions as the Council may consider reasonable and shall also ensure safe and convenient use of the road or public place by pedestrians and vehicles.

12. Assembly

- 12.1. No person shall, except with permission from the Council, and then only in accordance with such conditions as may be imposed:
- a) participate in any assembly or associate with other persons in a public place in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place; or
 - b) organise or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place.

13. Awnings and Blinds

- 13.1. No person, except with the permission of an authorised officer, 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.
- 13.2. In granting permission under clause 13.1, an authorised officer may set such conditions as deemed appropriate. Any such permission may be revoked at any time by an authorised officer.

14. Projections on Public Places not Permitted

- 14.1. Except where permitted by any other Part of this bylaw or by Council consent, no person shall put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, or other obstruction or projection of any kind whatsoever in, on, over or under a public place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place.
- 14.2. Clause 14.1 shall not apply to any verandah or awning erected pursuant to a requirement of the District Plan.
- 14.3. If any such projection or obstruction as described in clause 14.1 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.
- 14.4. No person shall stand on any verandah erected over a public place except for the purpose of inspection, maintenance or exiting in the case of fire.

15. Restrictions on Use of Barbed Wire and Electrified Fences

- 15.1. Except with the permission of an authorised officer, no person shall erect, or permit to be erected, any electrified fencing or barbed wire along, or within one metre of, any boundary line between any land or building on the one side, and any public place on the other side.

- 15.2. Clause 15.1 shall not prohibit the placing of such barbed 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.
- 15.3. Clause 15.1 shall not apply within any land zoned rural under the Wairarapa Combined District Plan except when the fence abuts or adjoins a footpath, provided that Council may from time to time by resolution, specify conditions that will apply to temporary electric fences.

16. Road and Building Identification

- 16.1. The Council shall have the exclusive right to cause to be painted or affixed on a conspicuous part of a building, the name of the road, private road or public place to which it has frontage.
- 16.2. Notwithstanding that a building or property is identified by other means, the owner or occupier of every building or group of buildings forming part of a complex or of the property shall mark such building or complex with numbers no less than 50mm in height for residential buildings and not less than 150mm in height for all other buildings. Numbers shall be as allocated or approved by an authorised officer and displayed in a position so as to be readily visible from the road to which it has frontage.
- 16.3. Numbers required by clause 16.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.
- 16.4. Council shall have power at any time to alter the number of any building where in the Council's opinion it may be necessary or advisable to do so.

17. Animals in Public Places

- 17.1. No person shall take or allow any animal under their care or control onto any public place if the Council has, by bylaw, resolution or public notice, prohibited entry of that type of animal to that public place.

NOTE: See also the Dog Control Bylaw.

- 17.2. No person shall:
- a) permit any animal to be on a reserve, unless:
 - i. a Council bylaw allows the animal on the reserve;
 - ii. prior permission has been granted by an authorised officer; or
 - iii. the reserve has been booked for an event allowing the presence of animals.
 - b) graze animals in any public place except in accordance with clause 17.7 below.
- 17.3. Any person having control of an animal on any public place shall ensure that the animal is kept under proper control:
- a) so as not to create a danger or nuisance for other persons using the public place; and
 - b) to ensure that no damage is caused to the public place, any part thereof or to any object or other animal thereon.
- 17.4. Any person being the owner of, or having control of, any animal in a public place shall immediately remove any faeces deposited by that animal and dispose of in a sanitary manner.

- 17.5. Every person being the owner or having the care, custody or control of any animal, shall keep and prevent the same from wandering or being at large without proper control on any public place. The occupier shall maintain sufficient animal proof fencing the road boundary of the property.
- 17.6. The Council may seize and confine any loose animal found in a public place, in breach of this Part or any other Council bylaw, resolution or notice. The owner of the animal is responsible for fees and costs incurred by Council in securing the animal.
- 17.7. During daylight hours, with the prior approval of an authorised officer, animals may be grazed on a rural road verge adjoining land owned or occupied by the owner of the animal, or on a road verge adjoining land owned by another person with the prior consent of that person, if:
- a) the animals are confined within a temporary fence considered by an authorised officer to be sufficient to prevent that animal from accessing or damaging such a place; or
 - b) the animals are controlled by a sufficient number of adult drovers to prevent the animal from obstructing the carriageway and from wandering beyond the control points.

18. Overhanging Vegetation Liable to Obstruct

- 18.1. No person shall permit or allow vegetation to encroach on to or over any public place so as to obstruct or interfere with the free and safe movement of persons using that public place. The Council or authorised officer may, by notice, require the owner or occupier to cut back and remove the encroaching vegetation within 14 days from the date of the notice.
- 18.2. Should the owner or occupier fail to comply with the notice, then the Council may arrange the removal of the vegetation and recover the cost of removal from the owner or occupier.
- 18.3. Unless otherwise approved by an authorised officer, overhanging vegetation shall be cut back to a minimum height of 2.7 metres.

19. Additional Requirements for Reserves

- 19.1. 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.
- 19.2. An authorised officer may from time to time and for such periods as deemed necessary, set aside areas of a reserve, for the exclusive use of particular groups or for particular kinds of recreational activities thereon. Council may charge for the right to have exclusive use of a reserve.
- 19.3. The Council may fix charges for the entry to a reserve (refer section 106 of the Reserves Act 1977), and it shall be an offence against this Part of the bylaw to enter a reserve without having paid the proper charge for entry, if a charge is payable.
- 19.4. An authorised officer may close or restrict entry to all of, or any portion of, a reserve at such times as are considered necessary to prevent damage to, or allow maintenance of the reserve. Such closure shall be advertised by signs at the entrances to the reserve. It shall be an offence against this Part of the bylaw to be found on a reserve at any time when the reserve is closed to public entry.

- 19.5. Every person committing a breach of the provisions of this Part of the bylaw shall, upon request by an authorised officer, immediately leave the reserve, and shall be prohibited from re-entering on the reserve for such period as the authorised officer deems necessary. Any person so ordered to leave shall still be liable to be prosecuted for the breach of the bylaw, and any person failing to leave with reasonable speed, to comply with a request to leave, shall commit a further offence.

20. Power to Set Fees

- 20.1. The Council may, by resolution publicly notified, set fees for the issue of any permit, licence or property number, or to claim any impounded animal or item, which may be required under this Part of the bylaw.

21. Offences and Penalties

- 21.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty set out in section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019: Part 1 – Introductory (Section 15) for details of what broadly constitutes a breach of this Part.

22. Power to Amend by Resolution

- 22.1. The Council may, by resolution publicly notified:
- a) add schedules;
 - b) make additions or deletions from the schedules; or
 - c) substitute new schedules.
- 22.2. Where Council intends to make a resolution under clause 22.1, consultation will be undertaken as required, in accordance with the requirements of section 156 of the LGA.

Masterton District

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

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

Prohibited Wheeled Recreation Devices – Central Business District



FIRST SCHEDULE

PROHIBITED SKATEBOARD AREAS - KURIPUNI SHOPPING DISTRICT

