



NAPIER CITY

Public Places Bylaw 2014

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NAPIER CITY PUBLIC PLACES BYLAW 2014

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1. Scope

- 1.1 Section 145 of the Local Government Act 2002 (the Act) and other relevant Acts such as the Reserves Act 1977, the Health Act 1956 and the Litter Act 1979, outline some of the powers and requirements of the Council in regard to streets, Public Places and Reserves. Areas of control so prescribed by this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of these Acts should be read.
- 1.2 This bylaw aims to ensure that acceptable standards of convenience, safety, visual amenity, and civic values are maintained for the wellbeing and enjoyment of citizens, residents, visitors and businesses within the district. In particular the bylaw addresses damage to Public Places 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.
- 1.3 This bylaw comes into force on 1 February 2015.
- 1.4 This bylaw revokes the Napier City Public Places Bylaw 2008.
- 1.5 So far as they are applicable, and are not contrary to the provisions of this bylaw, the provisions of the Napier City Introductory Bylaw 2014 are incorporated into and form part of this bylaw.
- 1.6 All Licences or permits issued under the Napier City Public Places Bylaw 2008, after the coming into force of this bylaw are deemed to have been issued under this bylaw and are subject to the provisions of this bylaw.
- 1.7 All matters and proceedings commenced under the Napier City Public Places Bylaw 2008 pending or in progress on the coming into operation of this bylaw may be continued, completed or enforced under this bylaw.

2. Definitions

- 2.1 For the purposes of this bylaw the following definitions apply:

MATERIAL means any material of whatever kind including mobile garbage bins and other containers for waste material, but excludes Vehicles.

PORTICO is a large porch at the main entrance or side entrance to a building with a roof. It includes every awning, porch, verandah, shed, shade, screen, canopy, blind or covering upon, across, or over any public footway or part of a Road, street, private street, or accessway, for the purpose of shade or shelter, together with any supports, other than the building.

PUBLIC TOILET means and includes any public urinal, public lavatory or other public convenience provided by, or under the control of, the Council in or on any street, Reserve or other Public Place, or in or on any property belonging to the Council for public use.

RIDE A SKATEBOARD means having either one or both feet, or any other part of the body of a Person, on a Skateboard when it is moving.

SKATEBOARD means a Wheeled Recreational Device controlled or propelled by gravity or by the muscular energy of the rider, including roller skates, in-line

skates, or similar recreational devices. The definition does not include any wheelchair, non motorised scooter, baby or invalid carriage, or bicycle.

WASTE means any solid or Material that is discarded, discharged or selected for disposal and includes all Waste types defined in the Solid Waste Bylaw, litter and any object which has been abandoned.

WHEELED RECREATIONAL DEVICE has the meaning assigned to that term in the Land Transport (Road User) Rule 2004.

3. Nuisances

3.1 Except with the prior permission of Council or an Authorised Officer a Person must not on any Public Place:

- (a) Place, leave, dump, or fly tip Waste of any type;
- (b) Place or leave litter or any Materials or substances which are likely to be hazardous or injurious to any Person, or likely to create a nuisance;
- (c) Deposit in or around a public litter receptacle any industrial waste, household waste, recyclable waste, commercial household waste, green waste, hazardous waste and prohibited waste as defined in the Napier City Council Solid Waste Bylaw 2012;
- (d) Interfere with any Waste which is awaiting collection by an authorised collector;
- (e) Place or leave any material, including signage, amusement devices or items, for sale or hire;
- (f) Pack or unpack any goods;
- (g) Leave any work, hole or excavation in a manner that could be a danger to anyone entering or using a Public Place;
- (h) Set up or use any stall, stand, Vehicle or otherwise for the purposes of trading;
- (i) Keep Vehicles, goods, or articles of any kind, for the purpose of, or in connection with, trade or business, or performing work thereon, or of buying, selling, exchanging or storing such Vehicles, goods, articles or things;

A licence is required for permitted trading in Public Places, controlled by the Trading in Public Places Bylaw.

- (j) Keep any inoperable Vehicle unless such Vehicle can be and subsequently is made complete and in working order within a period of 24 hours, subject to being removed and impounded at the Owners expense if not removed within a period of 24 hours;
- (k) Distribute any printed or written Material advertising any product, service or entertainment;
- (l) Solicit any subscription, collection or donation, or undertake any busking;
- (m) Take off or land any aircraft including helicopters, model aeroplanes, a hot air balloon or hang glider, parachutes or similar devices, except in an emergency;
- (n) Act in any way, play any game, or use any object, including any Wheeled Recreational Device, recklessly or in a manner which may annoy, inconvenience, intimidate, be dangerous or injurious, or cause a nuisance to Persons, in or near the Public Place;
- (o) Post or mark anything except on those places set aside for that purpose;
- (p) Set off any fireworks or explosive material;

- (q) Light any fire not in accordance with the Fire Control Bylaw;

4. Obstructing Public Places

4.1 In any Public Place a Person must not:

- (a) Occupy any part of the street without obtaining a permit from Council which may be subject to conditions;
- (b) Obstruct the entrance to or exits from a Public Place;
- (c) Place or leave any Material, including signage, on a Public Place that could obstruct the public's right of passage, without the permission of an Authorised Officer and then only in accordance with any required conditions;
- (d) Display for sale any article whatsoever on any footpath, or outside any shop or shop window, or suspended from any Portico or doorway abutting on any Public Place, so as to encroach on or over that Public Place, without the permission of an Authorised Officer and then only in accordance with any conditions;
- (e) Allow any gate or door on any property abutting a Public Place to swing over or across any Public Place;
- (f) Carry out work on any Vehicle, except in the case of any accident or emergency when repairs are necessary to allow the Vehicle to be removed;
- (g) Carry or convey any load that creates a danger or obstruction to Persons using any Public Place;
- (h) Drive or lead any stock, or drive any Vehicle, except on a properly formed legal Road;
- (i) Permit or allow vegetation to encroach onto or over any Public Place so as to obstruct or interfere with the free movement of Persons using that Public Place;
- (j) Participate in any assembly or associate with other Persons in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder access to shops or Premises facing onto the Public Place without prior consent of an Authorised Officer;
- (k) Organize or conduct any meeting, gathering, demonstration, parade, procession or competition, without prior consent of an Authorised Officer.

- 4.2 Where any fence, wall, retaining structure, cellar cover, or land adjacent to a Public Place is in a condition or state of disrepair which could cause damage to the Public Place or injury to Persons passing, an Authorised Officer may give notice requiring the Owner or Occupier to repair or remove that fence, wall, retaining structure, or cellar cover, or otherwise make the land safe.

5. Damage to Public Places

- 5.1 Except with the permission of the Council or an Authorised Officer a Person must not in any Public Place:

- (a) Damage, interfere with, destroy or remove any;
 - (i) Grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
 - (ii) Ornament, statue, building, structure, or facilities;
- This does not 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.

- (iii) Name of any street, or the number of any building, or paint, affix, or set up any name of any street, or any number to any building.
 - (iv) Natural feature, animal or plant;
 - (b) Cause or permit to be done any act whatsoever by which damage is caused to any Public Place, or any work, sign, ornament, statue, building, structure, facility, or similar, in, on, over, or under, the Public Place;
 - (c) Use any Vehicle or be responsible for an animal in any manner so that it damages any part of a Public Place;
 - (d) Drive or park any Vehicle, except in an area set aside for the driving or parking of Vehicles;
 - (e) Remove any sand, soil or other naturally occurring material;
 - (f) Open any drain or sewer, or disturb or remove any surface.
- 5.2 Any Person carrying out authorised works on a Public Place must provide reinstatement of the works to a standard approved by an Authorised Officer.
- 5.3 Any Person wishing to gain access to a beach must use a designated access where this is available.

6. Encroachment on Public Places

- 6.1 No Person must erect or maintain any Portico or place any building, part of a building or other structure on or over any Public Place, or hang any thing from any Portico on any Public Place except in accordance with the provisions of the District Plan and subject to any conditions.
- 6.2 No Person must put any obstruction or projection of any kind whatsoever in, on, over or under, any Public Place, except with the permission of an Authorised Officer.
- 6.3 No Person must permit the drippings of the eaves, or of any projection, to fall upon any Public Place.
- 6.4 If any part of any building, other structure or Vehicle is erected, constructed or placed on or over any Public Place, the Council may (by notice) require the Owner of such building, structure or Vehicle to remove the same so erected, constructed or placed, and make safe any remaining part of such building, structure or Vehicle.
- 6.5 If any such projection or obstruction has been placed against or in front of any building before the coming into operation of this bylaw and 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 will, within the time stated in such notice, remove or alter such projection or obstruction.
- 6.6 No Person must stand or climb on any verandah erected over a Public Place except for the purpose of inspection, maintenance or escape (in the case of fire).

- 6.7 No Person must use any dwelling or any Vehicle for the purpose of temporary living accommodation on any portion of any Public Place without the written permission of the Council and subject to such conditions as the Council imposes.
- 6.8 The operation and maintenance, and upgrading of the existing National Grid infrastructure is controlled under the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009. It is expected that, where practicable, all activities will be communicated to Council ahead of time.

7. Construction and Scaffolding

- 7.1 Any Person wishing to erect temporary scaffolding and/or hoardings, or to occupy the street in any way in relation to construction work, where this encroaches onto a Public Place, must first obtain a permit from the Council, which may be subject to conditions.
- 7.2 If in the opinion of the Council any scaffolding and/or diversions are improperly placed or arranged in a Public Place, Council may (by notice in writing), require the Owner/temporary Occupier/constructor to which the scaffolding and/or diversions relate, to make necessary changes to such scaffolding and/or diversions to the satisfaction of Council. Every such Owner or Occupier who fails to comply with any such notice within the period specified will commit an offence against this bylaw.

8. Barbed Wire and Electrified Fences

- 8.1 Except with the permission of an Authorised Officer, no Person will erect, or permit to be erected, any electrified fencing or barbed wire along or within 1 metre of any boundary line between any land or building on the one side, and any Public Place on the other side.

Provided that 8.1 will not prohibit the placing of barbed wire at a height of not less than 2 metres or electrified fencing at a height of not less than 3 metres, from the level of the ground of any such Public Place.

- 8.2 8.1 will not apply within a rural zone under the District Plan prepared by Council, 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.

9. Skateboards

- 9.1 No Person must ride a Skateboard in any area defined in the First Schedule attached to this bylaw.
- 9.2 No Person must ride a Skateboard on any footpath outside the 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.
- 9.3 The Council may from time to time by resolution publicly notified, amend the First Schedule, to add, delete or amend the areas to which 9.1 and 9.2 apply.

10. Public Toilets

- 10.1 No Person in or about any public toilet must:
- (a) Enter if the public toilet is not a free public toilet, unless they have first paid the applicable fee for the use of the public toilet.
 - (b) By forcible or improper means enter, or seek entrance to, any public toilet or compartment exclusively occupied for the time being by any other Person, or otherwise knowingly intrude upon the privacy of any other Person.
 - (c) Cause or allow any dog or other animal belonging to or in the charge of such Person to enter or remain.
- 10.2 Any Person commits an offence under this bylaw who urinates or defecates (except in a pan for that purpose), soils, litters, vandalises or graffitis, in or about any public toilet.

11. Camping

- 11.1 Camping in Public Places is managed under the Council's Freedom Camping Bylaw which can be found on the Napier City Council website.

12. Animals and Stock

- 12.1 No Person must 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 Dog Control Bylaw and Policy).
- 12.2 Any Person having control of Stock on any Public Place must ensure that the Stock is kept under proper control, with consideration for other Persons using the Public Place.
- 12.3 No Person must drive any Stock on any Road unless sufficient warning is provided and maintained by the use of lights or other effective devices or means to ensure that other Persons using such Road will have adequate notice of the presence of such animals on the Road.
- 12.4 No Person must:
- (a) Permit Stock to be driven across or along any Public Place unless an alternative route is not available;
 - (b) 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;
 - (c) Graze Stock in any Public Place except in accordance with Council policy, or on any Road, whether formed or unformed, without permission from Council.
- 12.5 Any Person having control of Stock in any Public Place must ensure that the Stock are driven in such a manner to ensure that damage is not caused to the Public Place.
- 12.6 Council may from time to time by special order publicly notified 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 in like manner be altered or

revoked. This requirement will not apply to any Person who rides or leads a horse under proper control on a Road.

- 12.7 Any Person having control of Stock being driven on any Public Place must ensure that excrement or urine or other matter deposited upon the Public Place from such Stock is removed and disposed of appropriately.
- 12.8 Any Person in control of any horse in a Public Place must immediately remove any faeces deposited by that horse from any Public Place.
- 12.9 Subject to the requirements of 12.1 to 12.8 inclusive every Person, being the Owner or having the care, custody, or control of any animal, must keep and prevent the same from wandering or being at large without proper control on any Public Place.
- 12.10 No Person must deposit or leave any dead animal, or animal remains, or offensive matter of any kind, upon any Public Place or into any river, creek, stream or other water, or on the bank thereof.
- 12.11 Every Person must properly dispose of the body, or part of the body of, any animal belonging to them, or in their charge or keeping, that has been killed or died whilst straying, or while being driven on any Public Place.

13. Vehicular Crossings

- 13.1 Any Person wishing to construct, repair, remove or widen any Vehicle crossing must first obtain a permit from the Council. The permit will be subject to conditions.
- 13.2 No Person must drive a Vehicle across any footpath or water channel in any Public Place otherwise than upon a crossing permitted under the provisions of this bylaw, except in the course of construction or other work on the adjoining property with the prior written permission of an Authorised Officer and subject to such terms and conditions imposed.
- 13.3 If in the opinion of the Council any footpath, water channel or crossing is damaged or is likely to be damaged, or is in a bad or unsafe state of repair, Council may (by notice in writing), require the Owner or Occupier of the land or Premises to which the footpath, water channel or crossing provides access to, to repair, reconstruct, renew or reinforce such footpath, water channel or crossing to the satisfaction of Council, or to pay the costs of any such work carried out by Council or its Agent.
- 13.4 Every Owner or Occupier who fails to comply with any notice given under 13.3 within the period specified commits an offence against this bylaw.

14. Identification of Premises

- 14.1 The Council has the exclusive right to name, and to cause or be painted or affixed on a conspicuous part of a Premises, the name of the Road, private Road or Public Place to which it has frontage.
- 14.2 Notwithstanding that a Premises is identified by other means, the Owner or Occupier of every Premises (including a group of buildings forming part of a complex) must mark such Premises with numbers no less than 50 mm in height

for residential buildings and not less than 150 mm in height for all other buildings. Numbers will 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.

- 14.3 Numbers required by 14.2 must be maintained by the Owner or Occupier in such a manner as to readily identify the Premises at all times.
- 14.4 Council will have power at any time to alter the number of any Premises where in the Council's opinion it may be necessary or advisable to do so.

15. Offences and penalties

15.1 Any Person who:

- (a) Does anything, causes anything to be done, or knowingly permits anything to be done, contrary to any provision of this bylaw; or
- (b) Omits or neglects to do, or knowingly permits to remain undone, anything in this bylaw at the time and in the manner provided; or
- (c) Does not refrain from doing anything required under any provision of this bylaw; or
- (d) Knowingly permits any condition of things to exist contrary to any provision of this bylaw; or
- (e) Refuses or neglects to comply with any notice duly given under any provision of this bylaw; or
- (f) Obstructs or hinders any Authorised Officer or Authorised Agent of the Council in the performance of any duty to be discharged by such Officer or Agent under, or in the exercise of, any power conferred under this bylaw or any provision thereof; then and in every case commits a breach of this bylaw.

15.2 Any Person who commits a breach of this bylaw commits an offence under section 239 of the Act, and is liable to a fine as specified in section 242 of the Act, or to the issue of an infringement notice under section 245 of the Act.

SCHEDULE 1

Commercial footpaths and pedestrian areas and other Public Places where the riding of Skateboards and other Wheeled Recreational Devices is prohibited are as follows (being the land bounded by and including the Roads described):

- (a) **Commercial Business District (CBD):** The western side of Marine Parade from Tennyson Street to Vautier Street, Vautier Street from the western side of Marine Parade to Raffles Street, both sides of Raffles Street, Munroe Street from Raffles Street to Dickens Street, Dickens Street from Munroe Street to Clive Square West, Clive Square West from Dickens Street to Tennyson Street, Tennyson Street from Clive Square West to the corner of Tennyson and Hastings Streets up to the corner of Shakespeare Road and Brewster Street across to the western side of Marine Parade adjacent to Te Pania Hotel and Ocean Spa pool area.
- (b) **Taradale Shopping Centre:** Gloucester Street from Puketapu Road to White Street, Symons Lane and adjoining car parks, Taradale Library Car Park, Puketapu Road and Meeanee Road from Symons Lane to Lee Road, Service Lanes and Car Parks bounded by Gloucester St, Puketapu Road and Lee Road, and South side of Gloucester Street from Lee Road to White Street.
- (c) **Ahuriri Shopping Centre:** Nelson Quay, Barry Street, Waghorne Street and Bridge Street.
- (d) **Greenmeadows Shopping Centre:** Both sides of Gloucester Street between York Avenue and No. 49 and Guppy Road and No. 44.
- (e) **Maraenui Shopping Centre:** The area bounded by Bledisloe Road, Longfellow Avenue and Geddis Avenue.
- (f) **Marewa Shopping Centre:** The southern side of Kennedy Road between Douglas McLean Avenue and Nuffield Avenue. The western side of Douglas McLean Avenue from Kennedy Road to Bedford Road. The northern side of Bedford Road from Douglas McLean Avenue to the service lane behind the Marewa shopping centre. The service lane behind the Marewa Shopping Centre connecting Bedford Road and Nuffield Avenue. The eastern side of Nuffield Avenue from the service lane behind the Marewa Shopping Centre to Kennedy Road.
- (g) **Onekawa Shopping Centre:** The western side of Maadi Road from No. 14 to No. 34. The northern side of Menin Road between Maadi Road and No. 37. The service lane behind the Onekawa Shopping Centre.

For clarity the areas are depicted in the following diagrams:

This bylaw was made by the Napier City Council by resolution at a Council meeting on 17 December 2014 and must be reviewed within 5 years in accordance with section 158 of the Act.

Sealed with the Common Seal
Of the Napier City Council
In the presence of:



Mayor



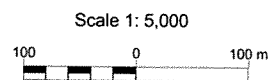
Chief Executive



Skateboard riding prohibited - CBD area



Skateboard Riding Prohibited - CBD Area

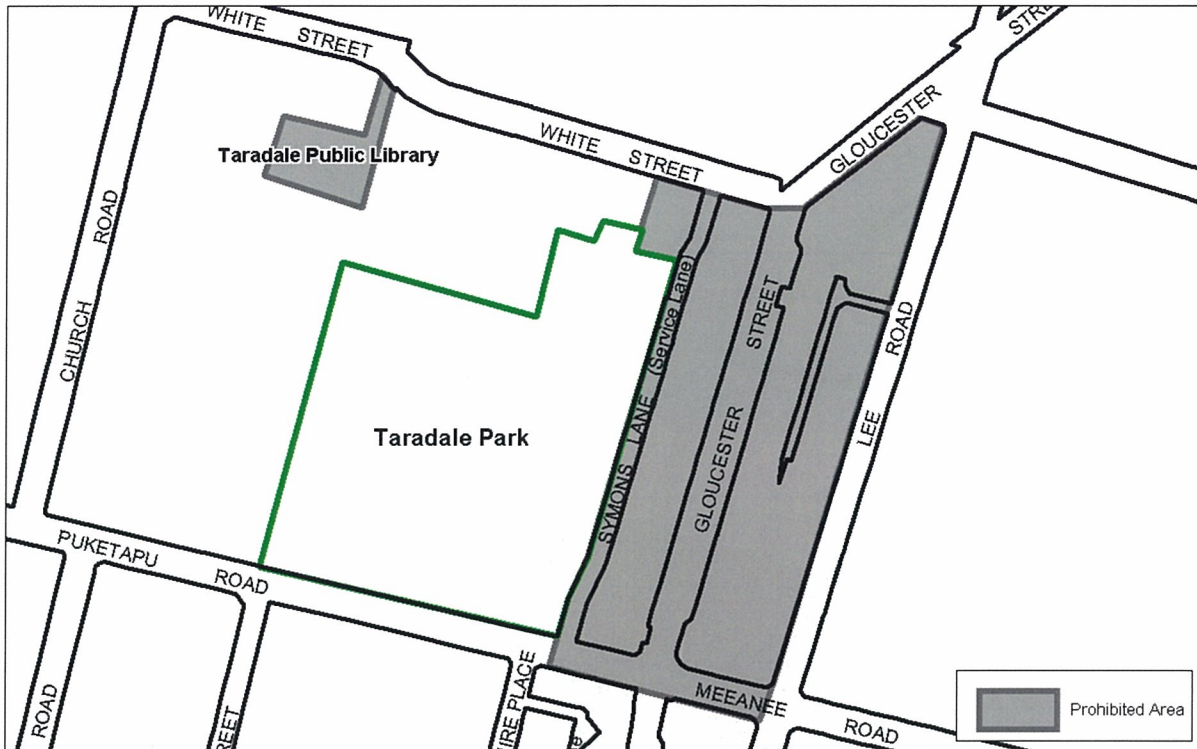


Date: 27/05/2010
 Time: 14:31
 By: TPGIS

Digital map data sourced from Land Information New Zealand
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 It is made available in good faith but its accuracy or completeness is not guaranteed.
 If the information is relied on in support of a resource consent it should be verified independently.

Aerial Photography Flown Jan 2009
 Datum: NZGD49 Projection: NZMG
 ORIGINAL SHEET SIZE **A4**

Skateboard riding prohibited - Taradale and Marewa areas

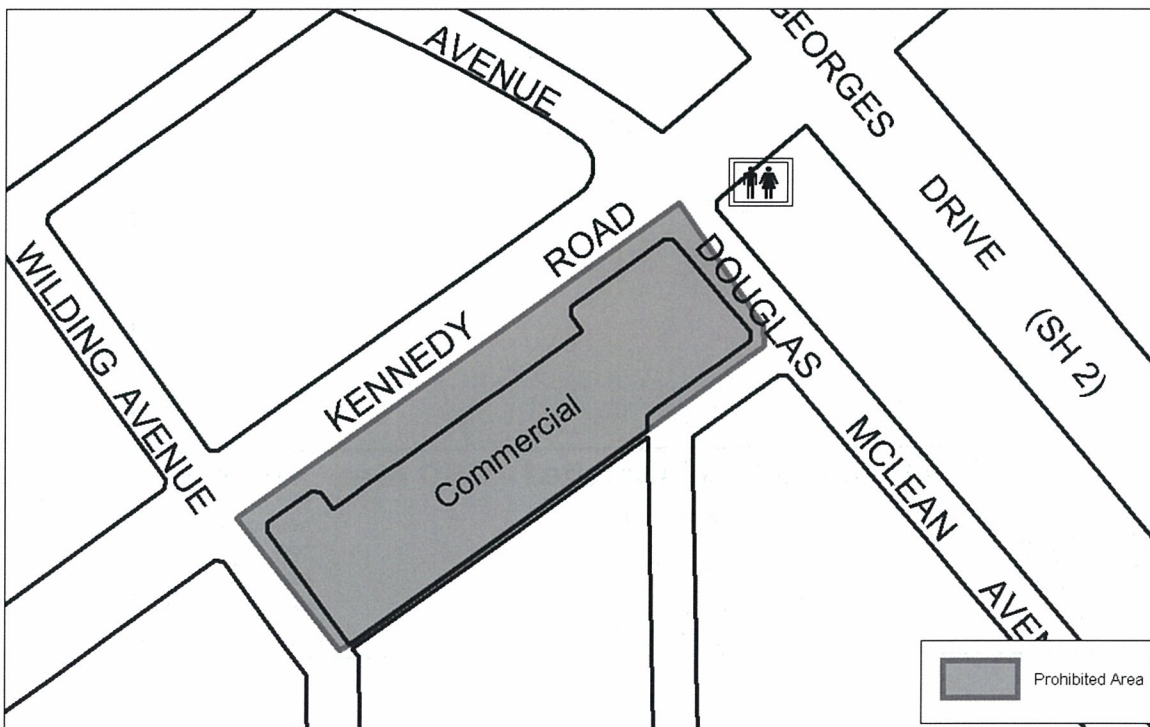


Taradale Area



The information displayed in the GIS has been taken from Napier City Council's databases and maps. It is made available in good faith but its accuracy or completeness is not guaranteed.

Date: 27/09/2007



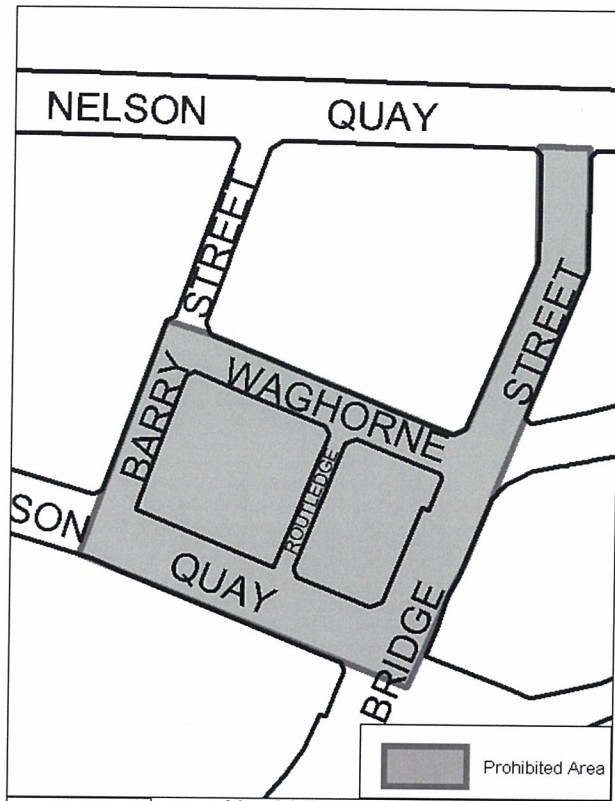
Marewa Area



The information displayed in the GIS has been taken from Napier City Council's databases and maps. It is made available in good faith but its accuracy or completeness is not guaranteed.

Date: 27/09/2007

Skateboard riding prohibited – Other suburban areas

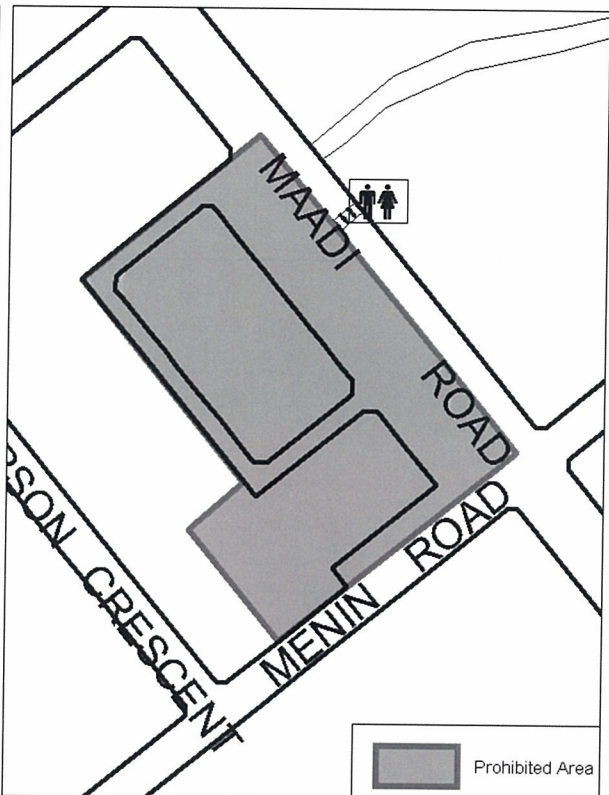


Ahuriri Area



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Date: 27/09/2017

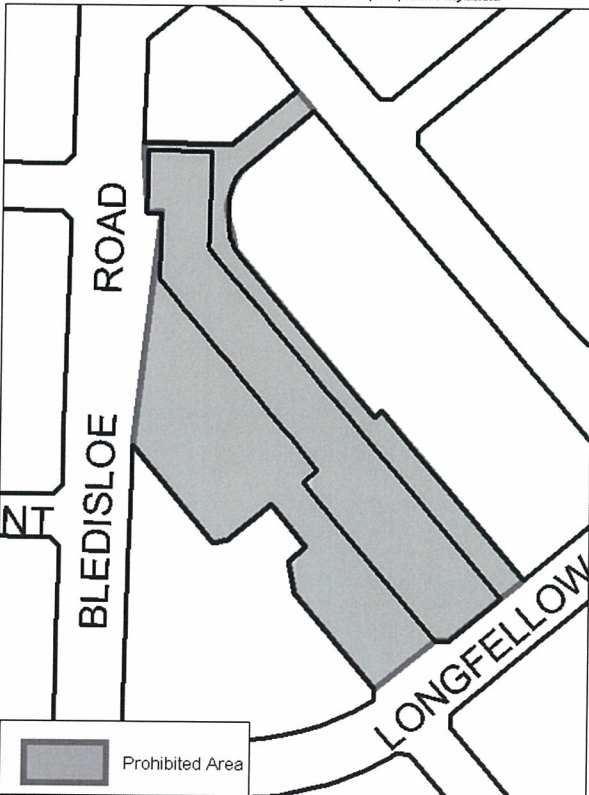


Onekawa Area



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Date: 27/09/2017

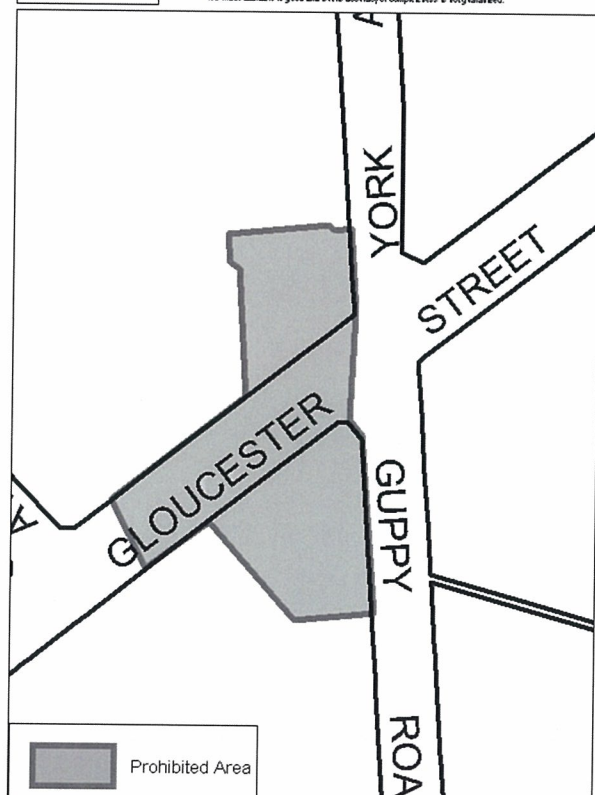


Maraenui Area



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Date: 27/09/2017



Greenmeadows Area



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Date: 27/09/2017