



FOOTPATH MANAGEMENT POLICY

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FOOTPATH MANAGEMENT POLICY

1. Introduction

The primary purpose of footpaths is pedestrian movement which is referred to in this **document as “pedestrian-priority”**. Footpaths can be used for a variety of other activities such as outdoor café seating, signs, retail displays and street performances. These activities contribute to the character and vibrancy of our public spaces, but they can also be in conflict with the safe and efficient movement of pedestrians. The Footpath Management Policy provides rules for activities which may be licensed on all Napier’s **footpaths** and it reinforces the pedestrian-priority principle.

2. Purpose

The Footpath Management Policy aims to provide fair rules to ensure safe and efficient pedestrian movement on footpaths (pedestrian-priority) while also providing opportunities for non pedestrian activities. The Policy covers:

- All areas of the city
- The prioritisation of footpath space for pedestrians
- Conditions for the licensing of non-pedestrian activities on footpaths
- Temporary footpath obstructions such as retail displays and seating.

3. Principles

The following principles shall apply when considering activities on footpaths:

- **The Council’s decisions on licensing activities on footpaths should be reflective of its strategic vision for the city.**
- Pedestrian-priority should be protected to ensure efficient and safe walking routes in Napier and to encourage more people to walk as their primary means of transport where practical.
- Napier streetscapes should be vibrant, safe and attractive, and when setting rental fees, Council will consider how a proposed activity might positively contribute to achieving this principle.
- Council has decided through Plan Change number 3 to the City of Napier District Plan, that new moveable footpath type signs will NOT be allowed within the Art Deco Quarter and Inner City Commercial zones without obtaining Resource Consent. Existing signs within the CBD will need to comply with the requirements of this policy.
- Napier streetscapes should provide opportunities for people to participate in retail, recreation and entertainment activities where practical.
- Businesses, groups and individuals should be encouraged to use Napier footpaths for non-pedestrian activities in a fair and balanced way that does not impair safe and efficient pedestrian movement. These non pedestrian users are however, responsible for managing these activities in accordance with:
 - The relevant Council By Laws and the District Plan
 - This Policy
 - New Zealand Standard 4121:2001 *Design of Access and Mobility – Buildings and Associated Facilities* (NZS4121)
 - Relevant legislation and standards, including health and safety, and advertising.

- Council will consider how a proposed activity might negatively affect the amenity of the proposed area, with special regards to noise levels.
- The proposed activity must comply with relevant rules of the District Plan, and, if required, land use consent must be obtained. Land use consent is likely to be required for any commercial activity in a residential area.
- Private initiatives that introduce changes to paving or permanent street features (e.g. barriers) for commercial or amenity purposes will generally not be approved.
- Fees and charges shall be reviewed annually and will be set in two parts.
 - Licence fee – this is set on a full cost-recovery basis to cover the costs of administering this policy
 - Rental fee – this is set on a commercial rental basis. Where it is considered appropriate the Council may rebate some of the rental fee in recognition of the contribution the activity makes to the streetscape vibrancy.

The cumulative effect of street use must be taken into account in order to preserve a minimum and consistent pedestrian clearway along footpaths and throughout shopping areas.

4. Scope

The Footpath Management Policy provides conditions for approval for the following licensed activities involving temporary obstructions on public footpaths:

- Retail display stands
- Moveable footpath signs, and other temporary obstructions such as welcome mats and menu boards
- Outdoor seating and street furniture
- Scaffolding and site fences

Temporary retail and food stalls, retail kiosks, recreational equipment hire, hawking and open air markets are provided for under the Trading in Public Places Bylaw however, where these activities encroach onto the footpath they will need to comply with the pedestrian priority requirements of this policy as well.

Temporary displays in the designated display areas such as upper Emerson Street are also covered by a separate policy.

5. Fees and charges

Fees and charges are not being reviewed at this time. When charges are reviewed they will be the subject of a separate consultation process.

Fees will be set on the basis that the costs of street occupation are allocated to the direct users on the principle that the beneficiary pays, including where applicable:

- Rental fees which will be assessed on a commercial basis, based on the occupied public space at market rates.
- A licence fee which will cover the costs of licensing, administration, monitoring and enforcement.

At its sole discretion the Council may rebate all or part of the rental fee in special circumstances in recognition of particular contribution to streetscape and vibrancy made through investment by a business in a public space and undertaken in strict co-ordination with the Council.

Also at its sole discretion the Council may waive part or all fees for some licensed activities, including street performance and busking, and street appeals and charity fundraising.

The licence applicant must pay in full any licence fee and have all the required approvals before the licence will be issued.

Any alteration to the current fee structure will need to go through a further process and be consulted on with the affected parties.

6. Applying for a footpath licence

6.1 Engaging in a licensed activity

A licence is required before engaging in the activities covered by this policy. Businesses, groups or individuals wishing to engage in a licensed activity on public footpaths or other pedestrian areas, should become familiar with this policy and apply to the Council for a footpath occupation licence.

6.2 Approval process

The Council will consider applications against the criteria contained within this policy and any other rules, regulations and standards that are applicable and will notify the applicant in writing of the outcome of the approval process. The Council may require modifications to **the applicant's proposal** and these will be discussed with the applicant before approval is granted.

The Council will generally notify applicants of the outcome of the approval process within 15 working days. Where longer delays are likely, applicants will be informed.

6.3 Application requirements

All businesses, groups or individuals wanting to engage in a footpath activity covered by this policy must first complete an application form and receive approval. Applicants shall provide the following information when submitting an application for a licence:

6.3.1 for all footpath licences

The minimum application requirements for all categories of licence are:

- A fully completed application form.
- The appropriate fees in accordance with the Council's **Schedule of Fees and Charges**.
- A scaled plan of the site that accurately shows:
 - The width of the footpath from the building facade to the kerb edge.
 - The proposed location and detailed layout of the activity in relation to existing features, including neighbouring properties, street trees, rubbish bins, street light poles, signs, pillars, street furniture, fire hydrants, parking meters, telephone boxes, mail boxes or any other significant features on the footpath.
 - A measurement of the continuous width of the unobstructed pedestrian thoroughfare (the walkway zone) in relation to the activity (sandwich board, retail display or outdoor seating area).
 - The location of all doorways and service openings.
 - The position and dimensions of any veranda covering at the site in relation to the proposed activity area and kerb edge.
 - Colour photographs of the proposed activity site, including the existing footpath features.

6.3.2 for moveable footpath signs

The minimum application requirements for this category are:

- The **'All footpath licence requirements'** above.

6.3.3 for retail display stands

The minimum application requirements for this category are:

- The **'All footpath licence requirements'** above, and
- Colour photographs or dimensioned drawings of all items in any proposed display, seating or other temporary obstruction.

6.3.4 for outdoor seating areas

The minimum application requirements for this category are:

- The **'All footpath licence requirements'** above, and
- Measurements of the height clearance of any umbrellas to the footpath.
- Evidence of public liability insurance, to the satisfaction of the Council, for a minimum of \$1,000,000 that covers the proposed outdoor seating area.

- Disclose whether alcohol is to be supplied/served/consumed in the proposed outdoor seating area. (Note: a separate application for a redefinition of the licensed area will be required if liquor is to be served / consumed in the outdoor area. This is required under the terms of the Sale of Liquor Act 1989).
- Identification of the type of any proposed heating devices, and the required safety features.

6.3.5 for outdoor area special licences

The minimum application requirements for this category are:

- **The ‘All footpath licence requirements’ above, and**
- The proposed location and size of any tents or marquees.
- Safety barriers, signage or barriers to delineate pedestrian areas.
- Any request to use car park space or other road space. A separate application may be required for this and will need to show the proposed pedestrian thoroughfare and a Traffic Management Plan.

6.3.6 for scaffolding and hoarding for construction

Consent for scaffoldings and hoardings needs to be applied for at the time of the building consent. Erection and maintenance shall be in accordance with the appropriate Labour Department regulations. These are dealt with separately by the Road Asset Department.

Application for a licence to occupy the footpath for construction must include:

- **‘Application to Occupy’ form (Road Asset Department).**
- Traffic Management Plan if 1.5m clear width path will not be available on the footpath and the pedestrians are required to divert onto the road carriageway.

6.3.7 for temporary obstruction such as painting or cleaning

Application for licence to work on the footpath for building washing, maintenance and painting etc require:

- **‘Application to Occupy’ form (Road Asset Department).**
- Traffic management Plan if 1.5m clear width path will not be available on the footpath and the pedestrians are required to divert onto the road carriageway.

7. General conditions

This section contains conditions which apply to all footpath licence applications. The following sections set out additional conditions for particular types of activity.

7.1 Permitted Street Occupation

Providing an application is made and approved the following temporary street use activities are permitted on city streets where there is sufficient room for a practical “trading activity zone” as defined in section 11 of this policy and on compliance with all the required licensing criteria.

- retail display stands
- outdoor seating and associated furniture
- footpath signage (except new signs in the CBD)
- special items (e.g. tents)
- scaffolding and hoarding for construction
- temporary obstruction such as for painting or cleaning

A separate application for a liquor licence will be required if liquor is to be served / consumed in the outdoor area. This is required under the terms of the Sale of Liquor Act 1989.

A footpath occupation licence and the payment of any relevant fees and charges are required for all street use activities.

7.2 Compliance with the District Plan

The proposed activity must comply with any relevant rules of the District Plan, and, if required, the applicant must also apply for resource consent. For detailed requirements applicants should refer to the District Plan.

7.3 Pedestrian priority

Minimum continuous unobstructed footpath widths shall be maintained to ensure that safe and efficient pedestrian movement is upheld. The minimum dimensions are detailed in section 11 of this policy.

7.4 Licence period

Licences for retail display stands, moveable footpath signs and outdoor seating are valid for one year unless stated otherwise on the licence.

7.5 Marking of areas

It is the licensee's responsibility to ensure that any items placed on the footpath remain in their designated locations. Areas for approved temporary obstructions, such as seating or retail display stands, may be required to be marked, as stipulated by the Council. This will help to ensure that furniture remains in the approved area, and assist licence holders and Council officers with monitoring.

The Council will determine the level of delineation required, and will also manage the design, installation and removal of all markers. The markers must remain in place throughout the duration of the footpath licence. All furniture, including umbrellas and plants, must be kept strictly within the boundaries of the approved seating area.

The cost of installing, maintaining and removing markers will be met by the licensee.

7.6 Storage

All temporary obstructions, including moveable footpath signs, seating, heaters, umbrellas and planters, must be removed from the footpath and stored away from the public area outside of the businesses trading hours or when not in use due to bad weather or other circumstances.

Time limits on the use of an outdoor area may be applied as a condition of the licence.

7.7 Evidence of holding a licence

For retail display stands and outdoor seating, the footpath licence and approved site plan must be available on the premises to be viewed by the licensee's staff and any Napier City Council Authorised Officer at all times.

For moveable footpath signs the licence sticker must be displayed on the board at all times, and the licence produced on request by an authorised person.

7.8 Variation of conditions

The Council reserves the right to decline an application for over-riding factors relating to the principles of this policy. Where an application may otherwise meet the necessary criteria but is to be declined, Council will endeavour to work with the applicants to explore suitable alternatives, if available.

The Council also reserves the right to vary the footpath licence at any time if it is in the public interest to do so, including in response to factors such as changes in pedestrian patterns and complaints. Reasonable notice will be provided to the licensee in such a situation.

7.9 Noise management

Licence holders are required to effectively manage noise from outdoor areas for which they hold a permit. Amplified speakers are generally not permitted on the street, and the use of outside areas will not be permitted beyond 11pm where it may affect residentially zoned areas.

8. Conditions for retail displays

8.1 Introduction

High quality retail displays can enhance the variety and vitality of building frontages, depending on their appearance and location, but if retail displays are not properly managed they can create obstacles for pedestrians particularly those with impaired sight or movement and impede pedestrian flows. Licensed display areas must consider the space required for the display stand and the space required for access to the stand.

8.2 Purpose and scope

This section outlines the conditions for approval of retail displays. They apply to all businesses that wish to put retail displays on the footpath. It should be read in conjunction with the rest of the Footpath Management Policy.

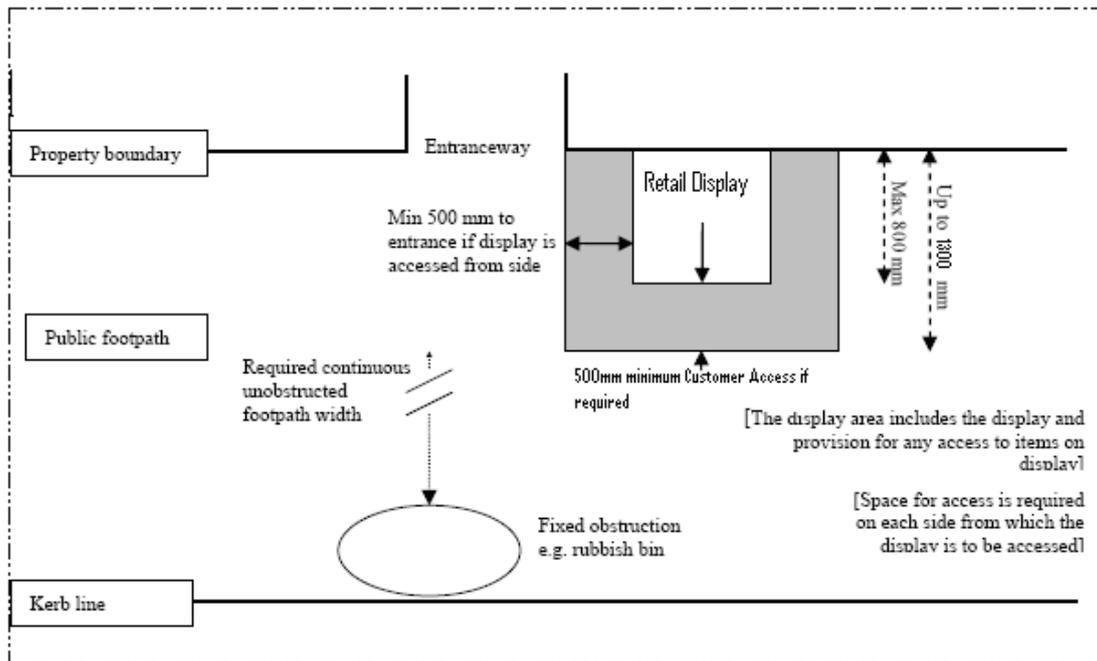
8.3 Licences

- A footpath occupation licence for a retail display stand does not permit trading from the approved retail display stand on the footpath. Applications for a Temporary Retail Stall Licence can be made to the Council.
- Businesses without a footpath occupation licence for retail display stands will not be permitted to display goods on the footpath.
- Retail display stands will only be licensed on footpaths or other pedestrian spaces and are not permitted on the road carriageway including parking spaces, loading zones, bus stops and taxi stands. Additional restrictions may be applied adjacent to bus stops, taxi stands or disability parking spaces.
- No goods for sale may be left directly on the footpath. All goods must be completely contained within the display cabinet, rack or frame, such that they can be easily removed from the footpath if required, without causing any damage to the footpath.
- Footpath occupation licences for retail display stands do not supersede other regulations or policies, such as the requirements for health and hygiene.

8.4 Size, location and design of retail display stands

- Trading zones for a retail display stand shall be on the footpath immediately in front of the retail outlet.
- All display goods must be elevated from the ground, on a plinth, podium, frame, table or rack.
- Retail display stands shall be of high quality, tidy, stable and wholly contained within the trading zone area.
- Retail displays within the Napier CBD area shall not include footpath signs.
- Retail display stands must:
 - be stable and safe
 - have no sharp edges or protrusions that could create an obstacle or safety hazard for pedestrians
 - have a solid feature within 150mm of the ground
 - provide access to displayed goods
- If the retail display stand must be accessible from the footpath side at least 500mm must be allowed for this outside the designated unobstructed footpath width.
- Retail display stands may extend up to 800mm from the building facade, where the combined walkway zone width and customer access width still allows sufficient space for this.
- In line with fire regulations, neither the retail display stand nor requirements for access to the displayed items, such as from a wheelchair, may obstruct access to or egress from the premises, or access to panels for fire alarms, fire hydrants or sprinkler systems.

Figure 1 - Typical retail display stand layout



8.5 Responsibilities

- Retail display stands containing food must comply with all aspects of the Food Hygiene Regulations (1974), or any other relevant laws or bylaws.
- Retail display stands must comply with relevant Advertising Standards Authority requirements.
- Licence holders are responsible for cleaning the retail display area and its immediate surroundings, including by regular sweeping.
- Retail display stands must be removed from the footpath outside of the businesses trading hours.

9. Conditions for moveable footpath signs

9.1 Introduction

Moveable footpath signs may be licensed on public footpaths in locations where there is sufficient footpath width available. New moveable footpath type signs will NOT be allowed within the Art Deco Quarter and Inner City Commercial zones without obtaining Resource Consent. Existing signs within the CBD will need to comply with the requirements of this policy

This policy outlines the conditions for approval of moveable footpath signs. It should be read in conjunction with the rest of the Footpath Management Policy.

9.2 Scope

These rules apply to all businesses wishing to put a sandwich board on the footpath or other pedestrian area. Signs that sit flush against the building facade do not require a licence.

Potted plants and menu display boards for use outside of an approved seating area will be considered as for moveable footpath signs and must be licensed by the Council. The Council may require marking of the approved locations for such items.

9.3 Location of moveable footpath signs

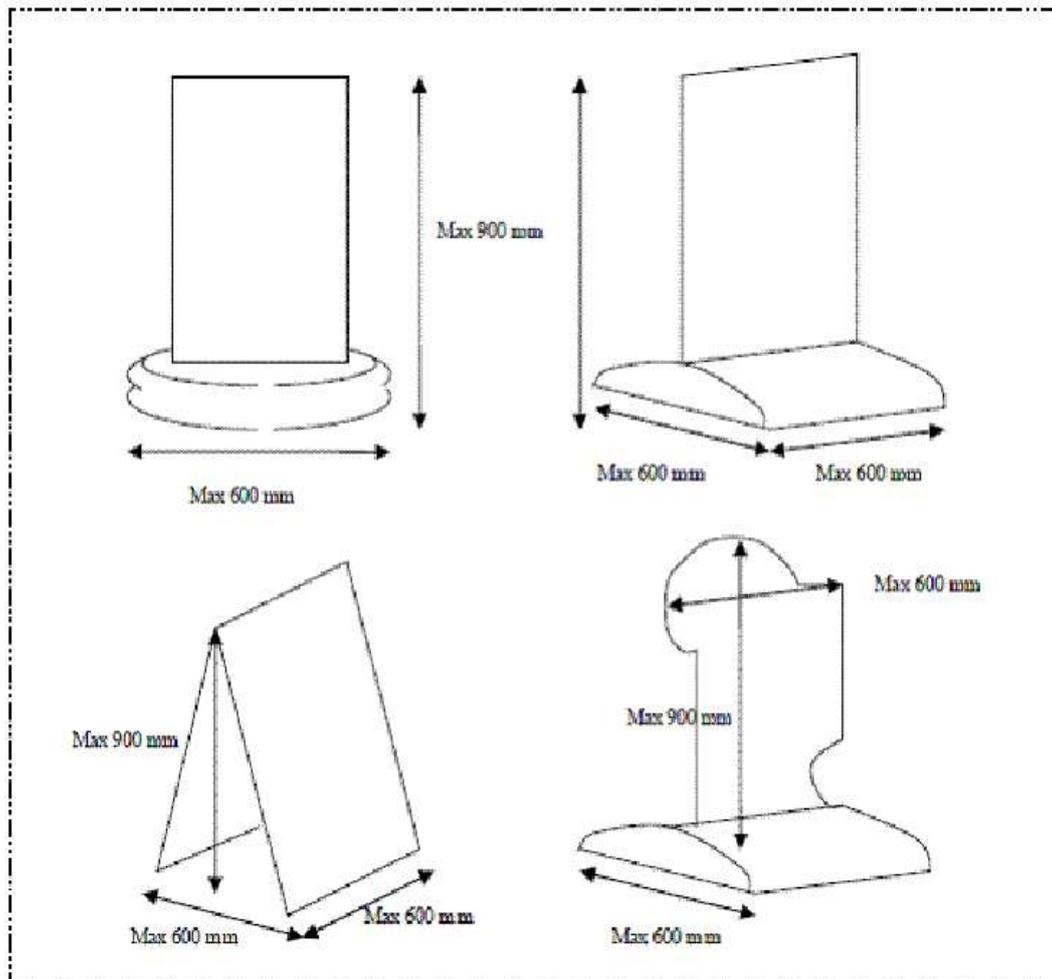
- Moveable footpath signs displayed on the footpath shall be limited to one per retail premise.
- Once approved the license holder will be issued with an approval sticker which must be affixed to the approved sign in such a location as to be clearly visible.
- Moveable footpath signs may be placed within the kerb zone at the edge of the footpath or in the trading zone adjacent to the relevant premises, unless otherwise approved by the Council (see figure 3). Moveable footpath signs should be positioned in line with other obstructions, such as other moveable footpath signs. In accordance with fire regulations, the sandwich board must not obstruct access to or from the premises or vehicles parked against the kerb.
- No moveable footpath signs shall be approved adjacent to bus stops, disability parks, taxi stands or pedestrian crossing locations. Moveable footpath signs may not be attached to street furniture.
- The licence holder shall monitor the sandwich board to ensure it remains in the approved location and is not moved by pedestrians or by wind. Moveable footpath signs shall be removed from the footpath outside of the businesses trading hours.

9.4 Design and maintenance

- Moveable footpath signs shall comply with relevant Advertising Standards Authority requirements.
- The approved sandwich board design is to be of a type which can be identified easily by people with visual impairments. To improve visibility, the base or a strip on the base should be of a colour in contrast to the footpath.
- Moveable footpath signs should be safe and have no sharp edges or protrusions that may create an obstacle or a safety hazard for pedestrians.
- Rotating designs will not be approved.
- Fabric signs and flags will not be approved.
- Moveable footpath signs shall have maximum dimensions of 600mm wide by 600mm deep by 900mm high.
- Moveable footpath signs may be weighted to ensure stability and must be removed when there is a risk that wind gusts may move or topple them. Bases designed to be ballasted by water must be kept full and free from leaks. To prevent them collapsing in windy conditions, easel-type boards must have a mechanism that locks them in the open position.

- Moveable footpath signs shall be kept in a clean and tidy condition. Moveable footpath signs **which in the Council's opinion are not** properly maintained shall have their licence suspended until the sign has been returned to an acceptable standard.
- Council may decline approval for moveable footpath signs which, in its opinion, is not in keeping with the surrounding environment.

Figure 2 - Typical moveable footpath sign details



10. Conditions for outdoor seating

10.1 Introduction

This section outlines the conditions for approval of outdoor seating areas on footpaths and other public spaces where food and/or beverages are served in Napier City.

It should be read in conjunction with the rest of the Footpath Management Policy.

10.2 Licensed areas for outdoor seating

These areas may include streets, malls, parks and other public spaces. Some areas, such as areas with steep footpath slopes, street corners, pedestrian crossing entrance points, elevated areas without proper safety rails, or civic or cultural areas, may not be suitable for outdoor seating.

Outdoor seating may be approved on footpaths and some other public spaces where it will not interfere with safe and efficient pedestrian movement and the minimum unobstructed footpath widths (walkway zones) can be maintained.

Council may require marking of the approved locations for outdoor seating areas.

10.3 Layout for outdoor seating areas

All outdoor seating should be located adjacent to the licence holder's premises, within the width of the relevant frontage. Where it encroaches into an adjoining owner's frontage a joint application shall be made. No licence will be considered that spans a road. Outdoor seating may be under veranda cover providing the walkway zone can also be maintained under cover.

The layout and orientation of furniture in the proposed seating area must allow for:

- Unobstructed access to and from the premises in accordance with fire evacuation requirements
- Sufficient space for easy movement throughout the seating area
- At least 0.6m to the adjacent kerb line to ensure safety of patrons.
- The licence holder is responsible for ensuring that the outdoor seating is kept within the approved boundaries of the outdoor seating area (trading zone) at all times.

10.4 Street furniture

Each item of outdoor street furniture to be located within an approved area is deemed to be a temporary obstruction. This may include, but is not limited to tables, chairs, menu boards, umbrellas, heaters, potted plants and barriers.

Street furniture should be high quality, durable and weather resistant, designed for outdoor use, well-maintained and not contain advertising but discrete logos may be allowed on umbrellas at the discretion of Council. Outdoor furniture should integrate well with the surrounding environment and must be safe and comfortable. Council may decline approval for street furniture at its sole discretion.

All items must be removed from the outdoor seating area, and stored away from public areas, outside the operating hours of the business or when not in use due to bad weather.

10.4.1 Umbrellas

Umbrellas must not penetrate or damage the surface of the footpath and must not interfere with pedestrian movement.

The height from the ground to the lowest point of the spread of the umbrella, when open, must be a minimum of 2.0 m.

Umbrellas must be securely fixed to withstand the effects of wind, and removed in high winds or when the outdoor seating is not in use.

Umbrellas may contain discrete logos at the discretion of the Council.

10.4.2 Menu boards and potted plants

Where menu display boards or potted plants are included in an approved seating area plan, they can be used only in the approved area. Moveable footpath signs used for advertising are not permitted in outdoor seating areas.

For menu boards outside of a seating area, those that sit flush against the building façade require no permit. Potted plants and projecting menu boards for use outside of an approved seating area will be considered as for moveable footpath signs and must be licensed by the council. The Council may require marking of the approved locations for such items.

10.4.3 Permanent barriers

Outdoor seating areas should be open and accessible to the public. Permanent glass barriers, screen barriers, planter boxes or other permanent barriers are generally not permitted on Council footpaths or public spaces. However, the Council may consider the necessity of installing permanent barriers along the kerb line for safety reasons on a case-by-case basis. Such barriers must comply with Council design requirements, not contain advertising or logos and will be deemed to be part of the approved outdoor seating area. If the safety barrier is deemed necessary, the costs of installation and maintenance will be borne by the applicant. In addition, a bond may be required to cover the costs of barrier removal and footpath reinstatement at the termination of the licence.

10.4.4 Temporary barriers

All temporary barriers in outdoor seating areas must be approved by the Council. Council may consider proposals for the use of temporary barriers to separate adjoining outdoor seating areas and pedestrian thoroughfares. This may include temporary planter boxes, temporary screens or ropes.

The Council will not approve temporary barriers that adversely affect the aesthetic qualities of the street, contain advertising or logos, hinder the safety and convenience of the passing public, or impose a sense of isolation or exclusivity.

Temporary barriers must be located within the approved outdoor seating area (inside marked area) and must be removed from the public area when the outdoor seating area is not in use.

Temporary planter boxes must be well maintained by licence holders and the Council reserves the right to order the removal of planter boxes that are not properly maintained.

10.4.5 Heating devices

The Council does not consider outdoor heating to be an efficient use of energy and does not encourage its use.

The type and proposed location of any heating devices must be included in footpath licence applications. Permanent heating devices that are fixed into the footpath will not be permitted.

Temporary heating devices must:

- comply with all applicable standards
- turn off automatically if overturned
- be securely fixed and stable to withstand the effects of wind
- not penetrate or damage the surface of Council footpaths
- not interfere with pedestrian movement
- be removed when outdoor seating is not in use, and in excessively windy conditions
- have sufficient clearance from umbrellas and verandas
- be effectively shielded from interference from children
- Council may decline approval for heating devices which, in its opinion, is not in keeping with the surrounding environment

10.5 Monitoring and maintaining outdoor seating areas

Licence holders are required to continually monitor and maintain the outdoor seating area (trading zone), to the **Council's satisfaction. This includes:**

- ensuring that outdoor furniture and patrons stay within the approved outdoor seating area
- maintaining outdoor furniture to a high aesthetic standard
- providing ashtrays for tables if smoking is allowed in the area
- cleaning clearing and removal of debris from the approved seating area throughout the opening hours including:
 - cleaning and clearing tables, chairs and immediate footpath surrounds
 - removing cigarette butts from ashtrays and footpath.
 - Sweeping and cleaning the seating area at the end of the day and removal of any food scraps and stains on the footpath
- meeting their responsibilities under the Sale of Liquor Act 1989 and **the Council's Liquor** Licensing Policy.

When cleaning, licence holders must dispose of rubbish in their own bins. Licence holders are not permitted to dispose of rubbish in Council litter bins or sweep cigarette butts and litter from outdoor seating onto the footpath, kerb, channel or street.

10.6 Toilet facilities

Applicants must have adequate toilet facilities to cover both indoor and outdoor seating numbers. Inclusion of outdoor seating increases the total number of seats on the premises and an increase in toilet facilities may subsequently be required.

10.7 Lighting

All approved outdoor seating areas must provide adequate lighting, to the Council's **satisfaction**, to ensure the safety and amenity of patrons and the general public.

11. Footpath zones

11.1 Introduction

Council has determined three categories of footpath, based on width, and two levels of foot traffic volumes. For each footpath width category the foot traffic volume will determine the width available for footpath activities (the trading zone). Figure 4 shows a typical layout with the trading, walkway and kerb zones.

11.2 Permitted width of Trading Activity Zone

In areas with high volumes of foot traffic a wider walkway zone is required as detailed in 11.4 and 11.5 below.

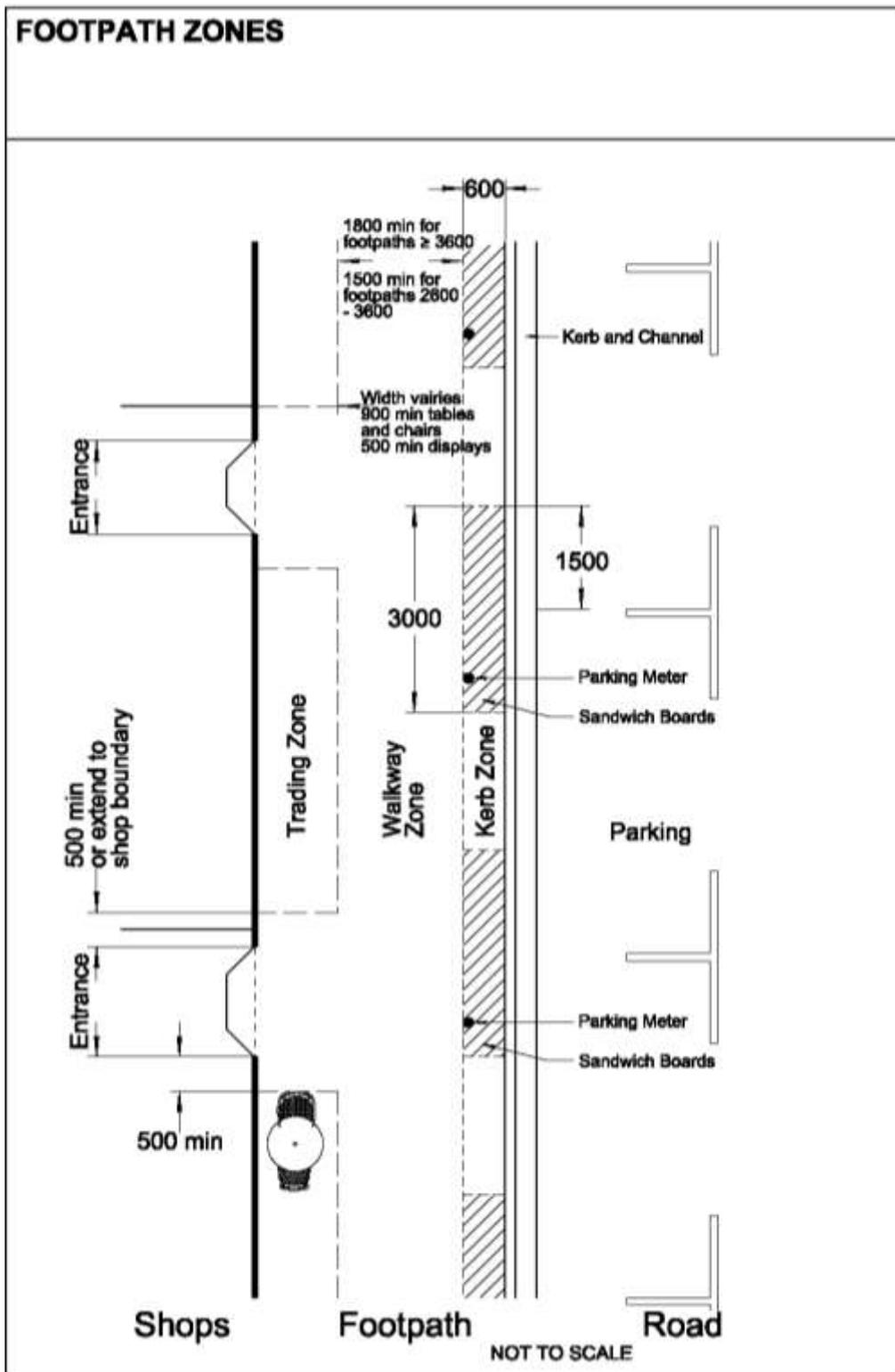
To identify the width of the trading activity zone take the overall boundary to **kerb width of the footpath; deduct the 'kerb side zone' width and the 'walkway zone' width** based on the foot traffic table below, the remaining space is the trading activity width. If the remaining width is less than 600mm for moveable footpath signs, 1.1m for retail displays or 900mm for outdoor seating/furniture, then the activity is unable to be approved.

11.3 Foot Traffic Assessment Table

Figure 3 - Foot Traffic Assessment

High Volume Foot Traffic	Medium Volume Foot Traffic
Emerson St (both sides Marine Parade to Clive Square East)	Remaining CBD Streets
Dickens St (both sides around Civic Court and Ocean Boulevard entrances)	Remaining streets in Taradale shopping centre
Kennedy Rd (east side Douglas McLean Ave to Nuffield Ave)	All other suburban shopping centres.
Gloucester St (east side from Lee Rd to Puketapu Rd west side from White St to Puketapu Rd)	

Figure 4 - Footpath Zones



December 2007

Note: The 500mm clearance to entranceways may be reduced for entranceways over 1500mm wide

11.4 Footpath width less than 2.6m

To enable a clear and unobstructed footpath for pedestrian access footpaths less than 2.6m wide cannot be used for street trading.

11.5 Footpaths widths 2.6m up to 3.6m (Refer figure 3)

- 1 Walkway Zone: This extends from the building line or the trading activity zone for a minimum width of 1.5m on medium volume footpaths and 1.8m on high volume footpaths as listed in Figure 4. No items may extend into this zone at any time. Where the area is covered by a veranda the walkway zone shall be located under the veranda.
- 2 Kerbside Zone: a 0.6m buffer zone back from the kerb to allow for street furniture, and overhang/access from parked vehicles. Where there is a disabled park, the setback from the kerb will be 1.5m minimum.
- 3 Trading Activity Zone: This is the only area where café furniture, goods and ancillary items, subject to this policy, may be placed. This area will generally extend from the shop front. Where premises are adjacent to an intersection the trading activity zone must not extend past the building line. The trading activity zone must terminate 0.5m from any door opening or access way.

No items may be placed in the walkway zone or in any customer access zone.

11.6 Footpaths greater than 3.6m (Refer figure 3)

- 4 Walkway Zone: This extends from the trading activity zone for a minimum width of 1.8m. The desirable minimum walkway width is 2.4m and this will be considered by Council when assessing an application. No items may extend into this zone at any time. Where the area is covered by a veranda the walkway zone shall be located under the veranda.
- 5 Kerbside Zone: a 0.8m buffer zone back from the kerb to allow for street furniture, and overhang/access from parked vehicles. Where there is a disabled park, the setback from the kerb will be 1.5m minimum.
- 6 Trading Activity Zone: This is the only area where café furniture, goods and ancillary items, subject to this policy, may be placed. This area will generally extend from the shop front. Where premises are adjacent to an intersection the trading activity zone must not extend past the building line. Where additional space is available between the walkway zone and kerbside zone, this area may be made available for trading activity. The trading activity zone must terminate 0.5m from any door opening or access way.

11.7 Very wide footpaths and pedestrian precincts.

Where there are very wide footpaths and /or pedestrian precincts it may be possible to swap the location of the trading zone and the walkway zone such that the walkway zone is adjacent to the shop front

and the trading zone extends from the walkway zone out into the paved area. Care is needed however to ensure that the continuous path of pedestrians does not zig-zag too often causing disruptions for to the flow of pedestrians particularly those with impaired vision.

11.8 Scaffolding, site fences and hoardings

These guidelines outline the conditions for approval of construction barricades on footpaths and other public spaces where construction activities are taking place.

Construction activities on properties adjacent to the road reserve, whether building maintenance and renovations or new construction, may require the erection of temporary scaffolding, safety fencing or hoardings on the footpath to enable sufficient room to carry out the construction activity and maintain a safe environment for the passing public. However if the barricades are not properly located and managed they create additional public safety problems and impede pedestrian flows.

All scaffolding, barricades and hoardings are to be constructed in accordance with the Department of Labour's approved Code of Practice for the Safe Erection and use of Scaffolding and the NZ Building Code.

The barricade layout must allow for the safe passage of pedestrians past the site without impeding flows. The minimum allowable footpath width shall be 1.5m. Where there is insufficient footpath to allow for a 1.5m unobstructed path, relocation of the path onto the carriageway will be required. In this case a traffic management plan will be required.

The applicant is responsible for ensuring the barricades are erected within the approved boundaries of the area and that the appropriate licence has been obtained from the Road Asset Division.

12. Monitoring and enforcement

12.1 Monitoring

Businesses, individuals and groups are responsible for managing activities on the footpaths in accordance with the relevant policy for their activity and any additional conditions applied with their licence. The Licensee must police their own area to ensure that the licence conditions are complied with. It may be necessary to talk with customers and explaining these requirements.

Council will separately monitor non-pedestrian footpath activities regularly to ensure that the activities are being operated in compliance with the licence conditions, and that no unauthorised activity is occurring in public places.

12.2 Non-compliance with licence conditions

The Council reserves the right to revoke a footpath occupation licence for non-compliance issues. If a licence holder does not comply with the conditions of their licence, an authorised officer of Council can;

1. On the first occasion:
 - Provide information to ensure all parties know what is required.
 - Verbally notify the licence holder or the person in charge of the premises, of the issue and provide a warning of the consequences of future infringement.
2. For a second or continuing non compliance, provide a written warning to the licence holder or the person in charge of the premises, identifying the issue(s), the remedies sought and the time in which they need to be completed and the consequences of future infringements or non-compliance.
3. For a third or continuing non compliance, take appropriate action, selecting from such options as revocation of the footpath licence and confiscation of items located on public space.

Safety considerations remain paramount and officers may require (or take) immediate action in the event of any clear risk to public safety.

Where the licence holder is unable to produce their licence when requested the activity will be treated as an un-licensed activity.

12.3 Un-licensed activities

Businesses, individuals or groups that conduct private, non-pedestrian activities on footpaths or other public spaces without a footpath occupation licence (or are unable to produce a licence when requested) will be asked to stop and be requested to remove any items located on the footpath. They will in the first instance receive a warning from the Council and be invited to apply for a licence.

12.4 Confiscations

If any party continues to infringe the conditions of a licence, or carries out activities without a licence, the Council reserves the right to confiscate any items placed on public places pursuant to sections 163 and 164 of the Local Government Act, 2002, and under the Napier City Public Places Bylaw.

The Bylaw allows for an ‘Authorised Officer’ of the Council to pull down, remove or alter any work, material or thing erected or being in contravention of any provision of the bylaw.

The Council may dispose of confiscated property pursuant to section 168 of the Local Government Act, 2002.