

HUTT CITY COUNCIL BYLAW 2006

PUBLIC PLACES

Adopted by Council 08 August 2006

1 Opening Surfaces

1.1 No person may:

- (a) blast material in, on or near a public place; or
- (b) open a drain or sewer on, or disturb or remove the surface of, a public place:
without the prior written permission of the Council.

1.2 Any person doing an activity under clause 1.1 must comply with any conditions imposed by the Council on its written permission.

2 Flammables

2.1 No person may leave flammable materials in a public place without the prior written permission of the Council.

2.2 Any person doing an activity under clause 2.1 must comply with any conditions imposed by the Council on its written permission.

3 Damage to Council Property

3.1 No person may, in a public place, wilfully or maliciously damage, destroy or interfere with:

- (a) any tree, shrub or other plant of any kind belonging to the Council;
- (b) a pump, watercourse, water race, stormwater drain, water trough or drinking fountain;
- (c) a building, foundation, structure or other property belonging to the Council;
- (d) a street light, or lamp post; or
- (e) a warning light, sign or barricade placed by the Council to warn the public of danger.

4 Dead Animals

4.1 No person may:

- (a) throw or leave a dead animal or animal remains, upon a public place, or in a river, creek, stream, water race or other water; or
- (b) fail to safely and appropriately dispose of the remains of an animal belonging to them or in their charge, that may have been killed or died while straying or being driven on a public place.

5 Obstructions on Public Places

- 5.1 No person may, unless permitted by another bylaw:
- (a) place an obstruction in or on a public place, watercourse, channel or river where it may cause a danger to people;
 - (b) obstruct the free flow of water in a river, creek, stream, water race or other water;
 - (c) leave any article standing or lying in a public place in a way that causes an obstruction;
 - (d) carry or convey a load to the danger or obstruction of any person using a footpath or cycle track;
 - (e) pack or unpack any goods on a public place without the prior written permission of the Council; or
 - (f) expose an article for sale or display on a footpath, outside a shop, shop window, or doorway abutting a public place in any way that causes an obstruction, without the prior written permission of the Council.
- 5.2 Any person doing an activity under clause 5.1(e) or (f) must comply with any conditions imposed by Council on its written permission.

6 Restrictions on the Use of Barbed Wire and Razor Wire

- 6.1 No person may erect barbed wire or razor wire within one metre of a public place, unless the wire is at a height of two metres or more from the level of the ground of the public place.
- 6.2 No person may renew, or repair, an existing fence with barbed wire or razor wire within one metre of a public place.
- 6.3 Every person who receives a notice in writing from the Council alerting that person that the person is in breach of clauses 6.1 or 6.2 must comply with 6.1 and 6.2 within the time stated in the notice.

7 Repair of Fences

- 7.1 When a fence abutting a public place is so out of repair that, in the Council's opinion, it is dangerous to the public, the Council may, by notice in writing, require the owner of the fence to:
- (a) repair the fence;
 - (b) remove the fence; or
 - (c) remove the fence and erect in its place a new fence
- 7.2 Any fence repaired or erected under clause 7.1(a) or (c) must be reasonably satisfactory for the purpose that it services or is intended to serve in respect of its nature, condition and state of repair.
- 7.2 The owner of the fence who is served with a notice in accordance with clause 7.1 must comply with the notice and any conditions in the notice imposed by the Council.

8 Crossings

- 8.1 No person may construct a crossing across a footpath or water channel, or repair, construct, renew, or do any work in connection with an existing crossing, without the prior written permission of the Council.
- 8.2 If a person seeks permission from the Council to undertake the activity in clause 8.1, the Council may:
- (a) upon receipt of any reasonable sum of money that the Council requires as payment for the work applied for, carry out and execute the work as soon as practicable;
 - (b) upon the receipt of any reasonable sum of money that the Council requires as a deposit and an inspection fee, permit the person to carry out the work subject to any conditions the Council considers appropriate; or
 - (c) refuse to carry out the work or to permit the work to be carried out if, in the Council's opinion, the existence of a crossing causes or is likely to cause danger or obstruction in a public place.
- 8.3 If work is completed under clause 8.2(b) to the satisfaction of the Council, the Council will refund the deposit paid.
- 8.4 No person may drive, ride or wheel a motor vehicle, or lead cattle or sheep, across a footpath or water channel in a public place other than by means of a properly constructed crossing.

9 Temporary Crossings

- 9.1 No person may construct a temporary crossing for the purpose of driving, riding or wheeling a motor vehicle across a footpath or water channel in constructing a building or delivering or collecting building materials, without the prior written permission of the Council.
- 9.2 Any person doing an activity under clause 9.1 must comply with any conditions imposed by Council on its written permission.
- 9.3 Any person in control of a temporary crossing must take reasonable steps to ensure the temporary crossing is lit during hours of darkness and the street channels are left clear of obstacles at all times.

10 Reinforcing Footpaths

- 10.1 Where any land or premises is occupied or used in a way that:
- (a) in the usual course of business carried on at the land or premises, any materials are dropped or deposited upon or conveyed across a footpath, water channel or crossing in a public place; and
 - (b) the activity in paragraph (a) is carried out in a way that is likely to damage the footpath, water channel or crossing;
- the Council may, by notice in writing, require the owner or occupier of the land or premises to provide adequate reinforcement (as required by the Council in the notice) to the footpath, water channel or crossing, or to remedy any damage that has been caused.
- 10.2 Any person who is issued with a notice under clause 10.1 must comply with the notice.
- 10.3 The owner or occupier of the land or premises may request Council in writing to execute the work or may carry out the work him or herself. The Council may:

- (a) upon receipt of any reasonable sum of money the Council requires as payment for the work required, execute the work as soon as practicable; or
 - (b) upon the receipt of any reasonable sum of money that the Council requires as a deposit and an inspection fee, permit the person to carry out the work subject to any conditions the Council considers appropriate.
- 10.4 If work is completed under clause 10.3(b) to the satisfaction of the Council, the Council will refund the deposit paid.

11 Naming of Streets and Numbering of Buildings

- 11.1 No person may give a name to, or display a name, on a street, private street, or public place without the prior written permission of the Council.
- 11.2 Any person doing an activity under clause 11.1 must comply with any conditions imposed by Council on its written permission.
- 11.3 The owner or occupier of every building must, in accordance with clause 11.4, mark the building with any numbers the Council directs or approves, and must renew the numbers of the buildings as often as they are obliterated or defaced, or as often as the Council orders or directs.
- 11.4 Every number displayed must be a minimum of 50 millimetres high and must be placed upon a building so that it is readily visible from any street fronted by the building or, if no such position is available, the number must be placed upon a post, fence or gate near or adjacent to, and readily visible from the street.

12 Disturbance of Neighbourhood

- 12.1 No person may, in a public place, make or cause loud sounds so that the peace and quiet of persons residing in the neighbourhood is disturbed, or so that a congregation or meeting is disturbed, without the prior written permission of the Council.
- 12.2 Any person doing an activity under clause 12.1 must comply with any conditions imposed by Council on its written permission.
- 12.3 Clause 12.1 does not prevent:
- (a) the reasonable use of sound-amplified equipment by a candidate or their authorised representative for the purpose of campaigning for a general election or by-election within the meaning of the Electoral Act 1956, or for a local authority election or by-election, during the period of one month before the date of the election or by-election; or
 - (b) the reproduction in reasonable volume of recorded music or radio programmes from an authorised broadcasting station.

13 Placards on Buildings

- 13.1 No person may:
- (a) place a placard, poster, or other document on, or write on, or otherwise disfigure or deface any thing on or abutting a public place;
 - (b) stamp, paint, write, or post an advertisement or notice on a public place;
 - (c) display or carry a placard, board, flag, screen, or frame, by way of advertisement upon or over a carriageway or footpath of a public place; or
 - (d) display advertising material on a motor vehicle or trailer on a public place, other than advertising sign-writing or bumper stickers on a vehicle;
- without the prior written permission of the Council.

- 13.2 Any person doing an activity under clause 13.1 must comply with any conditions imposed by Council on its written permission.

14 Congregations and Processions

- 14.1 No person may:
- (a) deliberately cause or induce people to congregate or to engage in a procession in a way that obstructs a public place for traffic or pedestrian use; or
 - (b) take part in a congregation or procession that obstructs a public place for traffic or pedestrian use;
- without the prior written permission of the Council.
- 14.2 Any person doing an activity under clause 14.1 must comply with any conditions imposed by Council on its written permission.

15 Conducting Street Collections

- 15.1 No person may organise or conduct a street collection in a public place without the prior written permission of the Council.
- 15.2 Any person doing an activity under clause 15.1 must comply with any conditions imposed by Council on its written permission.
- 15.3 In this clause 15, "street collection" means asking for or seeking from passers-by a subscription, collection or donation in a public place.

16 Cattle and Sheep in Public Places

- 16.1 Every person who owns, or has the care, custody, or control of cattle or sheep, must prevent the cattle or sheep from being on a public place unless in accordance with this clause 16.
- 16.2 A person may tether or put cattle or sheep on a public place for the purpose of depasturing or grazing, provided the person has prior written permission from the Council and is acting in accordance with any conditions.
- 16.3 A person may drive cattle or sheep in a public place continuously at a reasonable speed towards a definite destination without deviation from the most direct route, or the route directed by the Council.
- 16.4 A person may drive cattle or sheep being along streets within a rural area (under an operative or proposed District Plan prepared by the Council) from one paddock or farm to another, if both paddocks or farms are the property of one owner, provided that:
- (a) the total distance along the streets is not greater than 3.2 kilometres; and
 - (b) no more than 20 cattle or 1000 sheep are driven at any one time.
- 16.5 Subject to clauses 16.3 and 16.4, a person may drive unharnessed cattle or sheep on a public place, provided the person has prior written permission from the Council and is acting in accordance with any conditions.
- 16.6 A person may drive or take a bull on a public place if the bull is led on a adequate harness or if the bull is accompanied by cows.
- 16.7 The Council may by resolution declare certain roads to be stock routes and prohibit or restrict the use of other roads for the driving of cattle or sheep. Any such declaration, prohibition or restriction may be altered or revoked by resolution.

17 No Building to be Erected on a Public Place

17.1 No person may:

- (a) construct or place any part of a building or structure under, upon, over, or across a public place; or
- (b) use a dwelling or vehicle on a public place for the purposes of temporary living accommodation;

without the prior written permission of the Council.

17.2 Any person doing an activity under clause 17.1 must comply with any conditions imposed by Council on its written permission.

18 Verandas

18.1 Verandas that are installed on the front of buildings abutting a public place must be:

- (a) suspended or cantilevered from the building;
- (b) a minimum height of 2.7 metres above the footpath;
- (c) provided with a recognised way of disposing of stormwater;
- (d) a minimum width of 450 millimetres back from the front line of the kerb;
- (e) framed in steel or other approved material; and
- (f) where adjoining another building, constructed so that there is no intervening space between the buildings and the junction is watertight.

18.2 Signs placed under verandas must extend no lower than 2.4 metres above the highest part of the footpath.

19 Securing Foundations

19.1 No person may omit or neglect to secure and maintain the foundations of a building, wall or fence on or abutting a public place.

20 Doors, Gates to Swings Inwards

20.1 No person may hang a door or gate abutting a public place in a way that renders it capable of being swung over or across the public place, unless a door is required to open across a public place by legislation.

20.2 A door required by legislation to open across a public place must be constructed in such a way that it does not open past the line of a building.

20.3 Roller shutter doors used as security devices must be installed in such a way that the roller does not extend over a public place.

21 Projections on Public Places not Permitted

21.1 No person may attach an obstruction or projection of any kind to a building in a position that interferes with or obstructs the free passage of pedestrians or traffic upon a public place.

22 Awnings and Blinds

22.1 No person may erect or maintain an awning over a public place, or hang an awning,

blind or screen from a portico on a public place, without the prior written permission of the Council.

- 22.2 Any person doing an activity under clause 22.1 must comply with any conditions imposed by Council on its written permission.

23 Dripping from Eaves

- 23.1 No person may cause or permit the drippings from the eaves or other projections of a building or structure to fall upon a public place.

24 Encroachment to be Removed Upon Notice

- 24.1 If any part of a building or structure has been constructed on or placed across a public place, the Council may by notice in writing require the owner of the building or structure to:

- (a) remove the part of the building or structure that has been constructed on or placed across that public place; and
- (b) remedy any damage to the public place caused by the building or structure.

- 24.2 If a tree, shrub or hedge:

- (a) overhangs or encroaches on a public place, whether above or below the surface of the soil; or
- (b) in the Council's opinion, is otherwise likely to cause danger to traffic or any person on a public place;

the Council may, by notice in writing, require the owner or occupier of the land to remove, lower, trim or top the tree, shrub or hedge.

- 24.3 Any person who is issued with a notice under clause 24.1 or 24.2 must comply with the notice and any conditions in the notice imposed by the Council.

- 24.4 Clause 24.2 does not apply to trees protected in an operative or proposed District Plan prepared by the Council.

25 Street Musicians

- 25.1 No person may sing or play an instrument in a public place for gain unless the person is the holder of a street musician licence from the Council and is acting in accordance with any conditions.

- 25.2 The Council may require each application for a street musician licence to be accompanied by a fee set by the Council.

26 Street Stalls

- 26.1 No person may occupy any portion of a public place with a stall for the purpose of distributing or selling any goods unless the person is the holder of a street stall licence from the Council and is acting in accordance with any conditions.

- 26.2 The Council may require each application for a street stall licence to be accompanied by a fee set by the Council.

Commentary

The following comments do not form part of the bylaw. They are provided to alert readers to relevant law and information that relate to the bylaw.

Crossover with Resource Management Act 1991

If a person breaches a bylaw, but relevant enforcement provisions in the Resource Management Act 1991 apply, the Council may choose not to prosecute under the Local Government Act 2002 and may choose to use the enforcement provisions in the Resource Management Act 1991 instead.

Building Code

Where the Council requires a person to undertake any building work in accordance with a bylaw (e.g. by a notice), the Council will not require the person to achieve performance criteria that are additional to, or more restrictive than, the performance criteria prescribed in the Building Code and the Building Act 2004 in relation to that building work.

Getting written permission from the Council

If you want written permission from the Council in relation to this bylaw, you should contact the Council Call Centre on Ph 570 6666 and they will then direct you to the appropriate person. There may be an application form you will need to fill in. Council officers will be able to assist you in seeking permission or completing an application form if you have any queries.