



WAIPA DISTRICT PUBLIC PLACES BYLAW 2007

In pursuance and exercise of the powers and authorities vested in it by Sections 145 and 146 of the Local Government Act 2002 and of each and every other power and authority thereto enabling the Waipa District Council makes and ordains this Bylaw.

1. TITLE

This Bylaw shall be cited and referred to as the "Waipa District Public Places Bylaw 2007".

2. PURPOSE OF THE BYLAW

The purpose of this Bylaw is to:

- (a) Protect the public from nuisance in public places; and,
- (b) Protect, promote and maintain public health and safety in public places; and,
- (c) Minimise the potential for offensive behaviour in public places.

3. DEFINITION

For the purpose of this Bylaw the following definitions shall apply:

"Authorised Officer" means any person appointed by the Council as an Enforcement Officer under the Local Government Act 2002 and includes any other person authorised by Council to administer or enforce this Bylaw and includes any sworn member of the New Zealand Police acting in the course of his or her duty.

"Bicycle" means a vehicle that has at least 2 wheels and that is designed primarily to be propelled by the muscular energy of the rider.

"Busker" means any person who performs or entertains in a public place whether for money or otherwise, and **"busk"** or **"busking"** means the act of performing or entertaining in a public place.

“**Council**” means the Waipa District Council and “**Waipa District**” means the area administered by the Council.

“**Market Day**” means an event organised by a recognised not-for-profit organisations and attended by two or more mobile traders.

“**Mobile Trader**” means any person who in a public place

- (a) solicits for orders; or,
- (b) offers, distributes, or sells any goods or services by foot or from any vehicle or stall or any part thereof.

“**Permit**” means a written permit issued by the Council and signed by an Authorised Officer.

“**Public Place**” means any road, street, public car park, footpath, public reserve or other Council operated or controlled facility.

“**Skateboard**” means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, and includes roller skates, scooters (however powered), in-line skates or similar recreational devices but excludes a bicycle, or a tricycle; and “**Riding a Skateboard**” means having either one or both feet or any other part of the body of any person on a skateboard or similar wheeled device when it is in motion, or the wearing of roller skates, roller blades or in-line skates on the feet of any person who is in motion.

“**Stall**” includes a tent, table, chairs, framework or structure of any description which is established in any public place where the purpose is to sell any goods or display any goods for sale or offer any services.

“**Vehicle**” has the meaning given to it by Section 2 of the Land Transport Act 1998.

4. **BUSKERS**

4.1 Any person busking in a public place may do so provided

- (a) They first obtain the consent of any shop owners in the immediate vicinity of the busking area; and,
- (b) They do so without causing any nuisance or obstruction to any person using any public place.

4.2 If, in the opinion of an Authorised Officer, any Busker causes a nuisance to any person using a public place or to any shop owner in the vicinity of the busking area then the Busker may be required by

an Authorised Officer to cease the activity or move to another location.

- 4.3** Any failure to comply with the reasonable request of an Authorised Officer will constitute an offence against this Bylaw.

5. MOBILE TRADERS

5.1 No mobile trader may operate in or from a public place unless a written permit has been issued by an Authorised Officer and then only in accordance with the terms and conditions of that permit.

5.2 Where a market day is to be held, the market day organiser shall apply for a written permit for that event, and all stall holders and other mobile traders participating in that event must adhere to the terms and conditions of any permit so issued. A market day permit issued by an Authorised Officer may cover multiple events of the same nature.

6. PLACING OR REMOVAL OF OBJECTS ON OR FROM A PUBLIC PLACE

6.1 Chairs, Tables and Related Items

Chairs, tables and related items may only be placed on or over a public place if a written permit has first been issued by an Authorised Officer and then only in accordance with the terms and conditions of that permit.

6.2 Obstruction of a Public Place

No person shall leave standing, lying or protruding upon or over any public place any object so as to constitute an obstruction.

6.3 Construction and Placement of Items on Public Places

No person shall construct or place anything on or over a public place in such a manner as to endanger the health or safety of any person using any public place.

6.4 Placing Substances on a Public Place

No person shall discharge any substance onto any public place in such a manner as to endanger the health or safety of any person using any public place.

6.5 Removal of Items from a Public Place

No person shall remove anything from any public place if, as a result of such removal, the health or safety of any person using the public place may be endangered.

6.6 Powers of Authorised Officers to Require Removal or Relocation

If, in the opinion of an Authorised Officer, any object or substance placed upon or over a public place constitutes an obstruction or may present a risk to the health and safety of any person using the public place, then the owner or person responsible for the object or substance may be required by an Authorised Officer to either remove, relocate or modify the object or substance.

6.7 Any failure to comply with the reasonable request of an Authorised Officer will constitute an offence against this Bylaw.

7. CONTROL OF SKATEBOARDS AND BICYCLES IN PUBLIC PLACES

7.1 No person shall ride a skateboard in any public place within any area described in the First Schedule to this Bylaw.

7.2 No person shall ride a bicycle or skateboard in any public place in a manner which may cause damage or create a nuisance, obstruction or a health and safety issue.

7.3 A breach of 7.1 or 7.2 may result in the offending skateboard or bicycle being confiscated in accordance with Part 8 of the Local Government Act 2002.

7.4 For the avoidance of doubt, and in accordance with any applicable requirements and having regard to 7.2, bicycles are permitted to be ridden on any designated cycle way.

8. PERMITS

8.1 A permit may be issued by an Authorised Officer upon payment of the prescribed fee (if any) and subject to such terms, conditions and restrictions as the Authorised Officer may specify, including but not limited to the following matters:

- (a) The time and place in which the activity may take place;
- (b) The types of goods or services that may be sold;
- (c) The person(s) entitled to sell the goods or undertake the specified activities;

- (d) Any safety and hygiene requirements that may be required;
- (f) Any requirements in respect of signage for the activity;
- (g) Any restrictions or requirements concerning the use of music or other noise sources;
- (h) Any requirements in respect of litter control or cleanliness during and after the activity;
- (i) Any requirements in respect of rental for the site; and
- (j) Such other conditions as an Authorised Officer may impose.

9. FEES

Fees for permits which may be issued under the provisions of this Bylaw will be prescribed from time to time pursuant to Section 150(3) of the Local Government Act 2002 using the special consultative procedure set out in Section 83 of the Local Government Act 2002.

Such fees may be varied from time to time and in accordance with the provisions of the Local Government Act 2002.

10. PENALTIES

Any person who does, or causes or allows to be done, anything in contravention of this Bylaw, or who omits or neglects to do, or knowingly permits to remain undone, any matter or thing required under this Bylaw, commits an offence, and shall be liable to a fine not exceeding \$20,000.00.

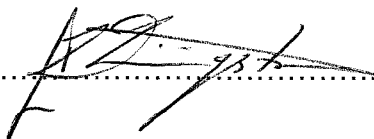
11. REVOCATION

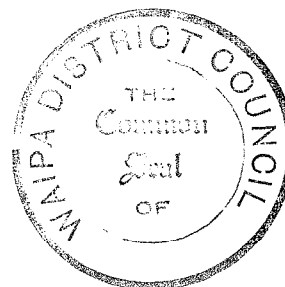
The following Bylaws are hereby revoked:

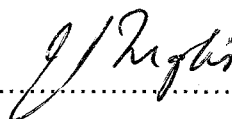
- (a) Waipa District Mobile or Travelling Shops, Hawkers, and Itinerant Traders Bylaw 1991; and,
- (b) Waipa District Street Traders and Buskers Bylaw 1995; and,
- (c) Waipa District Public Places Bylaw 2003.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on the 25 day of SEPT 2007. This Bylaw becomes operative on the 1ST day of OCT 2007.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on the 25 day of SEPT 2007 in the presence of:


..... Mayor




..... Chief Executive

FIRST SCHEDULE PUBLIC PLACES UPON WHICH NO PERSON SHALL RIDE A SKATEBOARD

TE AWAMUTU

The main Business Area as follows and as shown on the attached map:

- Alexandra Street from Arawata Street to Rewi Street
- Rewi Street from Alexandra Street to Jacob Street
- Mutu Street from Alexandra Street to Mahoe Street
- Jacobs Street – its full length
- Arawata Street from Alexandra Street to Mahoe Street
- Sloane Street from Alexandra Street to Albert Park Drive
- Teasdale Street from Alexandra Street to Jacobs Street
- Roche Street from Alexandra Street to Vaile Street
- Bank Street from Alexandra Street to Vaile Street
- Churchill Street from Alexandra Street to Mahoe Street
- Market Street – Its full length
- All service lanes and accessways within the defined area
- Carparks being -
 - The Council carpark at Roche Street, Mahoe Street, the Te Awamutu Events Centre (Selwyn Lane), Jacobs Street and the Warehouse/George Street shops.
- Te Awamutu Events Centre and its environs
- Albert Park
- The tennis courts of the Te Awamutu Tennis Club at Teasdale Street.

CAMBRIDGE

The main Business Area as follows and as shown on the attached map:

- Victoria Street from Pope Terrace to Queen Street
- Duke Street from Wilson Street to Anzac Street
- Alpha Street from Dick Street to Anzac Street
- Wilson Street – Its full length
- Hally's Lane – Its full length
- Empire Street from Alpha Street to Victoria Street
- Lake Street from Queen Street to Alpha Street
- Kirkwood Street – Its full length
- Commerce Street from Duke Street to Milicich Place
- Council carparks at Hally's Lane, Anzac Street, Cambridge Town Hall/Information Centre and the Council Offices/Library
- Cambridge Town Hall and its Environs

