


**Thames-Coromandel District Council  
Consolidated Bylaw 2004  
Part 2 Activities in Public Places 2004**

 <b>Bylaw</b>	<b>Title</b>	Thames-Coromandel District Council Consolidated Bylaw 2004 Part 2 Activities in Public Places 2004
	<b>Date Made</b>	<b>Operative Date</b>
	25 August 2004	8 September 2004
	<b>Proposed Review Date</b>	<b>Latest Review Date</b>
	Within 5 years of adoption	Within 5 years of adoption

**201 SCOPE**

The Local Government Act 2002 gives authority to the Council to adopt bylaws to regulate activities which can be carried out on roads, public places and reserves. This Part of the bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district. This Part addresses damage to public property and activities within public places and reserves which may have an adverse effect on other users of these facilities.

Section 684 of the Local Government Act 1974, the Local Government Act 2002 and other relevant Acts e.g. Reserves Act 1977, Health Act 1956, Litter Act 1979, outline some of the powers and requirements of the Council in regard to streets, public places and reserves. Areas of control so prescribed by this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of the Local Government Act 1974, Local Government Act 2002 and other Acts should be read in conjunction with it.

**202 DEFINITIONS**

For the purposes of this bylaw the following definitions shall apply:

**MATERIAL** or **THING** means any material of whatever kind and includes jumbo bins and other containers for waste materials, but excludes vehicles.

**PUBLIC PLACE** means those places defined in Part 1 Preliminary and General.

**ROAD** means as well as that defined in Part 1 all land lying between the boundaries of a road including footpaths and berms.

**RIDE A SKATEBOARD** means having either one or both feet, or any other part of the body of any person, on the skateboard when it is moving.

**SKATEBOARD** means a wheeled 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, baby or invalid carriage or bicycles.

## 203 PUBLIC SAFETY AND NUISANCES

### 203.1

No person shall on any public place:

- (a) Place or leave litter or any material or thing or substance which is likely to be hazardous or injurious to any person, or is likely to create a nuisance;
- (b) Interfere with any refuse which is awaiting collection by an authorised collector;
- (c) Drive any vehicle in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in the public place;
- (d) Create and or leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
- (e) Solicit any subscription, collection or donation, preach or undertake any busking in a manner that creates or is likely to create a nuisance;
- (f) Distribute any printed or written material advertising any product, service or entertainment;
- (g) Fly from or land any aeroplane including model aeroplanes, a hot air balloon or hang glider, parachutes or similar except in an emergency or unless allowed in a reserve management plan;
- (h) Play any game or use any object including recreational devices, skateboards, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
- (i) Erect or place any structure on, over or under the public place except in compliance with any other Part of this bylaw.

### 203.2

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

### 203.3

No person shall permit or allow vegetation to encroach on to or over any public place so as to obstruct or interfere with the free movement of persons using that public place.

#### 203.4

Notwithstanding the requirements of any other clause of this Part of the bylaw a person shall not in any public place:

- (a) Light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking; subject to any restriction imposed by Council on the lighting of fires;
- (b) Camp in an area not set aside for the purpose. In this context camping shall include the use of any vehicle for sleeping whether or not it is specially set out for sleeping.

#### 204 OBSTRUCTING PUBLIC PLACES

Except with the permission of the Council a person shall not in any public place:

- (a) Obstruct the entrances to or exits from a public place;
- (b) Allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof;
- (c) Carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed;

and then only in accordance with such conditions as the authorised officer might impose.

#### 205 DAMAGE TO PUBLIC PLACES

##### 205.1

Except with the permission of the Council or an authorised officer a person shall not in any public place:

- (a) Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
- (b) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, facilities, or display boards;
- (c) Cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
- (d) Damage or interfere with any natural feature, animal or plant;
- (e) Use any vehicle or be in control of an animal in any manner so that it damages any part of a public place;
- (f) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
- (g) Unless permitted by other legislation remove any sand, soil or other naturally occurring material found in a public place;

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- (h) Open any drain or sewer on, or disturb or remove the surface of, any public place.

**205.2**

Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an authorised officer.

**205.3**

Any person wishing to gain access to a beach shall use a designated access where this is available.

**206 PLACING OF ARTICLES ON PUBLIC PLACES**

**206.1**

A person shall not place or leave or cause or permit to be placed or left any material or thing, including signage, amusement devices or items for sale or hire, on any public place unless:

- (a) Such action has first been approved by Council or an authorised officer, and then only in accordance with such conditions as he or she may impose; and
- (i) Complies with the conditions of that permission.
- (ii) Has paid any licence or fee required as part of such permission.

or

- (b) Such action is taken for the purpose of regular refuse or other collections authorised by the Council or is otherwise authorised by law; or
- (c) Such action is permitted pursuant to any other Part of this bylaw.

**207 CONTROL OF SKATEBOARDS and RECREATIONAL DEVICES**

**207.1**

No person shall ride a skateboard or other recreational device in any area defined in Schedule A attached to this Part of the bylaw.

**207.2**

No person shall ride a skateboard or other recreational device on any other public place outside areas defined in Schedule A, without due care to ensure no damage is caused to any property or without reasonable consideration for other persons using the footpath.

**207.3**

The Council may from time to time by resolution publicly notified, amend Schedule A, to add, delete or amend the areas to which the provisions of this bylaw shall apply.

**208 ASSEMBLY**

A person shall not, without the prior consent of an authorised officer:

- (a) Participate in any assembly or associate with other persons in a public place in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place;
- (b) Organise or conduct any gathering, demonstration, parade, procession or competition in a public place.

**209 AWNINGS AND BLINDS and PROJECTIONS ON PUBLIC PLACES NOT PERMITTED**

**209.1**

No person shall erect or maintain, or cause to be erected or maintained, any awning over any public place, or hang any awning, blind, or screen from any portico on any public place except with the permission of an authorised officer. In granting such permission an authorised officer may set such conditions as is deemed appropriate. Any such permission may be revoked at any time by an authorised officer.

**209.2**

Except where permitted by any other Part of this bylaw or by Council consent no person shall put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, or other obstruction or projection of any kind whatsoever in, on, over or under a public place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place.

This restriction shall not apply to any verandah or awning erected pursuant to a requirement of a District Plan.

**209.3**

If any such projection or obstruction as aforesaid has been placed against or in front of any building before the coming into operation of this bylaw and which is contrary to any bylaw in force, Council may give notice to the owner or occupier of such building to remove, or to alter such projection or obstruction, and such owner or occupier shall, within the time stated in such notice, remove, or alter such projection or obstruction.

**210 RESTRICTIONS ON USE OF BARBED WIRE AND ELECTRIFIED FENCES**

**210.1**

Except with the permission of an authorised officer:

No person shall erect or permit to be erected any electrified fencing or barbed wire along, or within one metre of any boundary line between any land or building on the one side, and any public place on the other side.

Provided that this sub-clause shall not prohibit the placing of such barbed wire at a height of not less than two metres or electrified fencing not less than three metres from the level of the ground of any such public place.

**210.2**



**Table of Amendments**

**This table does not form part of the Bylaw**

<b>Number</b>	<b>Description of Amendment</b>	<b>Date of Council Resolution</b>	<b>Effective Date</b>
207	Amends Consolidated Bylaw 2004 Part 2 Activities in Public Places by deleting clauses 207 and 208 and renumbering the succeeding clauses	29 March 2006	15 April 2006
208	Amends Consolidated Bylaw 2004 Part 2 Activities in Public Places by deleting clauses 207 and 208 and renumbering the succeeding clauses	29 March 2006	15 April 2006
Schedule	Amends Schedule A by inserting areas where skateboarding is prohibited.	26 July 2006	26 July 2006

**SCHEDULE A**

Areas where riding of skateboards is prohibited

**Thames**

Pollen Street between Willoughby and Cochrane Street.

**Whitianga**

Albert Street between Bryce Street and Hannan Road.

**Whangamata**

Port Road between Hetherington Road and Ocean Road