

KAPITI COAST DISTRICT COUNCIL PUBLIC PLACES BYLAW 2010

1	Title, Commencement and Application	2
2	Kapiti Coast District Council Public Places Bylaw 2010 Validation	2
3	Objective	3
4	Interpretation	3
5	Council may set Conditions.....	5
6	Restrictions affecting Public Places.....	5
7	Street Performances and Street Appeals	5
8	Trading in Public Places	6
9	Hoardings, Posters and Notices	6
10	Event Management	7
11	Reserves, Landscaped Areas and Amenity Planting.....	7
12	Motor Vehicles in public places	7
13	Overhanging Trees or Shrubs	8
14	Public Swimming Pools, Libraries and other Public Buildings	8
15	Naming of Streets	8
16	Numbering of Buildings	9
17	Building Work and Excavations	9
18	Damage Deposit.....	9
19	Fences, Walls and Stability of Land.....	9
20	Other Specific Restrictions.....	10
21	Skateboards.....	11
22	Licenses Issued under this Bylaw	11
23	Revocations and Savings	12
24	Fees and Charges	12
25	Offence and Penalty.....	13
26	Kapiti Coast District Council General Bylaw	13

1 Title, Commencement and Application

- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Public Places Bylaw 2010 and comes into force on 01 July 2010.
- 1.2 This Bylaw is made pursuant to sections 145 and 146 of the Local Government Act 2002, section 684 of the Local Government Act 1974, and any other Act or Authority enabling the Council in that behalf.
- 1.3 This Bylaw applies to the Kapiti Coast District.
- 1.4 This Bylaw replaces Part 3: '*Streets and Public Places*' of the Kapiti Coast District Council General Bylaw 1991.

2 Kapiti Coast District Council Public Places Bylaw 2010 Validation

- 2.1 The Kapiti Coast District Council Public Places Bylaw 2010 was approved at a meeting of the Kapiti Coast District Council held on 10 June 2010 after completion of the Special Consultative Procedure.
- 2.2 Section 20.3 of the Kapiti Coast District Council Public Places Bylaw 2010 was amended by resolution at a meeting of the Kapiti Coast District Council held on 14 July 2011, in accordance with section 156(2)(a) of the Local Government Act 2002. The resolution was publicly notified on 25 August 2011.

DATED this day of 2011

**THE COMMON SEAL of THE
KAPITI COAST DISTRICT COUNCIL**
was affixed in the presence of:

Jenny Rowan, QSO, JP
Mayor of Kapiti Coast District

Pat Dougherty
Chief Executive

Cr
Councillor of Kapiti Coast District

3 Objective

- 3.1 This bylaw regulates a diverse range of activities. It seeks to maintain standards of public health and safety, protect the public from nuisance, minimise the potential for offensive behaviour and manage various types of land associated with or under the control of the Kapiti Coast District Council, for the well-being and enjoyment of the public in public places.
- 3.2 Nothing in this Bylaw derogates from any provision of, or the necessity for compliance with:
- i. the Summary Offences Act 1981 or any Act passed in amendment or substitution of the Summary Offences Act 1981;
 - ii. any other applicable Acts, regulations or rules;
 - iii. any other Council bylaws, District Plan requirements;
 - iv. any other requirements imposed by either Greater Wellington Regional Council or Department of Conservation; and
 - v. any customary rights.

4 Interpretation

4.1 In this Bylaw, the following terms are used¹:

Air Exchange Device	includes heating, ventilation and air conditioning systems.
Animal	means any mammal (excluding human beings), any bird, reptile, amphibian, fish or invertebrate organism of any kind.
Appeals	means any co-ordinated and organised events by an organisation who asks for, or seeks, any subscription, collection or donation from members of the public, and may involve more than one collection person operating at one time.
Authorised Officer	means any person authorised by the Council to carry out any of the duties provided for under this bylaw or any Council bylaw; and (a) includes any Council Enforcement Officer; and (b) includes any agent licensed by Council to carry out a duty or operate a public place on Council's behalf
Berm	means the grass or planted strip beside the road.
Gas Equipment	means gas bottles, the gas bottle cage and any other pipes and related equipment used to store and transfer natural gas.
Hoardings	means a board, including any frame or other supporting device whether fixed to the ground or attached to a vehicle or trailer, for displaying posters or notices announcing future events or for advertising or election purposes, but excluding sandwich boards.

¹ In this Bylaw, the interpretations of the General Bylaw 2010 and its amendments are also implied into and form part of this Bylaw unless the context requires otherwise.

Licensed Agent	any contractor licensed to operate a public place on Council's behalf (eg. a public swimming pool).
Motor Vehicle	has the same meaning as in the Land Transport Act 1998
Performance	means any musical, dramatic or other activity, examples include but are not limited to: dancing, singing, clowning or juggling, pavement art, poetry or busking.
Person	includes a corporation sole, and also a body of persons, whether corporate or unincorporated
Public Place	means an area that is open to or used by the public, which is under the management or control of the Council, and includes roads, streets, footpaths, courts, alleys, pedestrian malls, cycle tracks, lanes, access-ways, bridle-ways, thoroughfares, squares, reserves, parks, pools, community halls, cemeteries, beaches, and recreational grounds.
Skating Devices	means roller skates, roller blade, inline skates, skateboards, scooter or other similar wheeled device whether motorised or not. This definition does not include mobility scooters.
Temporary Event	<p>has the same meaning as the definition for Temporary Event in the Kapiti Coast District Council District Plan 1999 or any of its future amendments. The current definition is as follows:</p> <p><i>a temporary event must be of an intermittent nature and can include entertainment, cultural or sporting events. A temporary event includes structures associated with the event. This definition excludes permanently licensed premises.</i></p>
Trading	<p>means the commercial use of any public place under the control of Council. It includes the selling, displaying or promotion of any goods and services whatsoever, whether for commercial or not-for-profit purposes, in, on, or over a public place. Trading applies to permanent, temporary and mobile (i.e. vehicle) traders and includes but is not limited to the following activities in or on a public place under the control of council:</p> <ol style="list-style-type: none"> the sale, display or dispensing of goods, including food, drink, newspapers, fuel and lubricant; the provision of commercial services on a public place including shoe shining services; taking photographs, and the hire of recreational equipment; the provision of outdoor dining facilities for the consumption of food and drinks, including those offered by a liquor licensed premises; open air markets and street stalls selling, displaying or dispensing goods or services; the giving away of goods on a public place, including newspapers and magazines, to advertise any product, service or entertainment; the soliciting or collection of any subscription or donation soliciting sales or orders for sales of any goods, not in pursuance

of any invitation to call, or of any previous order or request for such goods (this is also known as hawking).

5 Council May Set Conditions

- 5.1 Subject to the provisions of this Bylaw, or any other Act of Parliament, all public places shall be open for use by the public at such times and at such charges and upon such conditions as the Council may prescribe or vary from time to time.
- 5.2 The Council may set or vary conditions for use of a public place by resolution, or by licence with any person.
- 5.3 Where appropriate, conditions regulating the use of a public place will be displayed at the entrance to, or in visible areas within, the public place.
- 5.4 A person shall not use the public place in contravention of the conditions set by the Council regulating the use of the public place.
- 5.5 Unless prior permission has been obtained from the Council, a person shall not use a public place after closing hours (where closing hours are specified).

6 Restrictions Affecting Public Places

- 6.1 The Council shall have the right to prevent any temporary event or other activity whatsoever being undertaken that is likely to damage the place, harm a person, unreasonably impede public access or which is otherwise undesirable, disorderly or dangerous.
- 6.2 The Council may close any public place at any time for the purpose of maintaining or improving it, or for any other purposes that the Council considers necessary or proper².
- 6.3 Any Authorised Officer may request any person to leave a public place:
 - (a) who has acted in a manner that is contrary to the conditions of use set by the Council, or
 - (b) who has contravened any of the provisions of this Bylaw.

7 Performances and Appeals in Public Places

- 7.1 If in the opinion of an authorised officer a performance or appeal is causing nuisance to the general public, the performer/s or person/s carrying out the appeal must cease activities immediately and obtain written approval from the Council before recommencing.

² The closure of a public place for a short period may include but is not limited to: re-sowing of grass, weed spraying, tree maintenance, a temporary event or performance requiring a tariff for entry.

8 Trading in Public Places³

- 8.1 To minimise disruption to other users and enable the Council to manage public places, a licence from the Council is required before Trading in a public place.
- 8.2 To obtain a licence under 8.1, all applicants must comply with the information requirements and guidelines listed in the Kapiti Coast District Council Trading in Public Places Policy 2010 and any of its subsequent amendments.

9 Hoardings, Posters and Notices

- 9.1 A person must obtain written approval from the Council before he or she erects any hoarding in a public place, unless the hoarding is being erected in a permitted area already approved by the Council for hoardings⁴.
- 9.2 The approval of a hoarding and new hoarding sites may be subject to conditions, including:
1. placement
 2. fees
 3. dates a display board may be erected
 4. the display board design and compliance with any District Plan requirements
- 9.3 Hoardings erected outside permitted areas without approval from the Council must be removed within 1 hour of being instructed to do so, or as otherwise specified by the Council.
- 9.4 No person may erect any poster or notice containing material which a reasonable person would deem offensive.
- 9.5 Posters or notices displayed on hoardings and advertising any temporary event shall be removed within 24 hours of the end of the temporary event, or such other time as approved by the Council.
- 9.6 With the exception of approved hoardings under this clause, no one shall affix or place a poster or notice to any Council ornament, statue, sculpture, structure, building, post, tree or facilities in a public place without the Council's prior approval.

³ The Council's Trading in Public Places Policy provides information on how to obtain approval for activities such as outdoor dining, open air markets, events, footpath stalls and sandwich boards.

⁴ Contact the Council's Compliance, Monitoring and Enforcement Team (04 296 4700) for a list of approved signage locations.

- 9.7 Responsibility for compliance with this clause lies with the person who erects the hoarding or displays the poster or notice, or the organiser, promoter or person in charge of the advertised good, service or temporary event or, in the case of an election, the candidate or the candidate's agent.

10 Temporary Event Management

- 10.1 A person must notify the Council prior⁵ to a temporary event being held in a public place, and depending on the nature of the temporary event may be required to obtain written approval from the Council.
- 10.2 Unless with prior written approval of Council the person or persons responsible for any temporary event must ensure that any equipment associated with the temporary event is removed and the location used for the temporary event is restored back to its original state within 24 hours of the temporary event ending.

11 Reserves, Landscaped Areas and Amenity Planting

- 11.1 No person shall do or cause to permit to be done in relation to any public reserve, landscaped areas and amenity planting, any of the following acts without prior permission of an Authorised Officer:
1. bury or disturb anything in a reserve;
 2. plant, prune or remove any tree or shrub or sow or scatter the seed of any tree, shrub, or plant of any kind, or introduce any substance that may be injurious to people, animals or plant life; or
 3. walk on any landscaped areas or amenity planting where walking is prohibited by a notice to that effect; or
 4. bolt, drill or place any fixture, plaque or sign; or
 5. release any animal other than those animals specifically permitted in that reserve area by any Council Bylaw or Act.
- 11.2 Every person using a public reserve must comply with the conditions of use displayed on any signage in or on that reserve which has been authorised by the Council.

12 Motor Vehicles in Public Places

- 12.1 No person shall take, ride or drive any motor vehicle into or on any public place:

⁵ Written notice must be given to the Council a minimum of 20 days before the planned event, or earlier if a resource consent is required.

- (a) except in areas where motor vehicles are allowed, such as roads, driveways and parking areas; or
- (b) unless permission has been granted by an Authorised Officer or a licence from the Council.

12.2 No person may park any motor vehicle in any reserve except in a place set aside by the Council for the parking of motor vehicles, or with the approval of an Authorised Officer.

13 Overhanging Trees or Shrubs

13.1 No owner or occupier of land shall:

- (a) allow any tree or shrub growing from their property to impede public access into, on or over a public place;
- (b) allow any tree or shrub growing from their property to impede public views along a road or footpath - to the extent that it presents a safety hazard to the public using the roads or footpath; or
- (c) allow any tree or shrub growing from their property to encroach by their roots into any public area and cause damage to drains, pipes or other public utilities.

13.2 The Council reserves the right to work with owners and occupiers to mitigate any encroachment issues caused by trees and shrubs from private property. The Council will provide the option for the owner or occupier to fix the encroachment issue themselves or the Council can carry out the remedial work at the owner and occupier's expense.

14 Public Swimming Pools, Libraries and other Public Buildings

14.1 Council or an Authorised Officer may cause to be displayed at the main entrance to any public swimming pool, library or other public building, a list of rules regulating the use of such facilities by members of the public. Any Authorised Officer, including any agent licensed by the Council, may request any person acting in breach of these conditions to leave the public place.

15 Naming of Streets

- 15.1 No person shall give any name to or affix, set up or paint any name on any street, private street or public place without the prior permission in writing of Council.
- 15.2 Council may from time to time cause to be affixed on a conspicuous part of some house or building at or near the end, corner or entrance of every street and in the direction of the line of such street, the name of such street.

16 Numbering of Buildings

- 16.1 The owner or occupier of every building shall number such building in accordance with the New Zealand Standard AS/NZS 4819. Building owners shall renew the numbers as often as they are obliterated or defaced or as Council shall order or direct but no longer than one month from the date of such order.
- 16.2 As per section 319B of the Local Government Act 1974 the Council reserves the right to alter the number of any building for electoral, postal or emergency services reasons.
- 16.3 Council may at any time affix or apply a number to any premises in such a manner and position as it thinks fit.

17 Building Work and Excavations

- 17.1 The prior written approval of the Council will be required before any person carries out building work or excavations on a public place. In setting conditions, the Council will have specific regard to the criteria in any codes of practice, the Land Transport Safety Authority Guidelines or other standards that are currently in force within the Council's jurisdiction.
- 17.2 Approval under clause 17.1 may be subject to conditions, including a requirement that the applicant pay a cash deposit or bond of up to 150% of the estimated cost of work as a guarantee the work is completed to the satisfaction of the Council and/or against any damage to the Council's property. The estimated cost of work shall be approved by the Council.
- 17.3 If any building work or excavation work is carried out on a public place without the Council's prior written approval, or contrary to the terms of the Council's prior written approval, the Council may remove or alter the work. The Council's costs may be recovered from the person who undertook the work, or the person for whom the work was being done.
- 17.4 If any damage occurs to the public place, the Council may require the public place to be reinstated.

18 Damage Deposit

- 18.1 A damage deposit set by Council shall be included with a building consent fee, where damage is likely to occur to any existing footpath, berm or kerbing, during building operations.

19 Fences, Walls and Stability of Land

- 19.1 In accordance with the Fencing Act 1978 the Council may require the owner of any land which has no fence, wall or retaining wall adjacent to a public place to erect a fence, wall or retaining wall if the Council considers that this is necessary for safety or other reasons relating to the use or administration of the public place.

- 19.2 Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which could cause injury to persons or damage to a public place, the Council may give notice requiring the owner to repair, remove or replace the fence, wall or retaining wall, or make the land safe.
- 19.3 No person being the owner or occupier of any land within an urban zone of the District shall erect or cause, or allow to be erected, or to remain erected, any fence composed wholly or partly of barbed wire upon or near the boundary of such land with any street, reserve or other public place, where such fence is in a position or at a height to be accessible to the public.

20 Other Specific Restrictions

20.1 No person shall, in, on or over any public place:

- (a) damage or deface any ornament, statue, sculpture, structure, building, turf, plant, tree, or facility;
- (b) erect any kind of permanent structure or equipment including but not limited to: a fence, wall, door, gate, air exchange device, gas equipment, or switchbox;
- (c) allow any gate or door on property abutting a public place to swing over or across the public place;
- (d) mix concrete or carry out any other work so as to deface or obstruct any public place;
- (e) cause, permit, or allow the drippings from the eaves or other projections of any building or other structure to fall upon any public place;
- (f) drive a vehicle on the beach after darkness⁶; and
- (g) exercise in a public place any animal by a lead attached to or being held from a moving vehicle.

20.2 Except for an emergency, no person shall, in, on or over any public place:

- (a) repair or work on any vehicle;
- (b) launch or land any boat, aircraft, hot air balloon, parachute, hang glider or paraglider in any public area not designated a landing zone.

⁶ The Kapiti Coast District Council Beach Bylaw 2009 specifies areas on the beach where driving is permitted during daytime hours.

- 20.3 All persons wishing to freedom camp in the Kapiti Coast District must abide by the conditions for freedom camping as set out in the Kapiti Coast District Freedom Camping Policy 2010 and any of its future amendments.
- 20.4 Without the prior approval of the Council no person shall, in, on or over any public place:
- (a) place or use loud speakers or other devices amplifying and emitting sound for advertising any trade or business;
 - (b) use or permit the use of a vehicle for the purpose of operating a loud speaker or an amplifier in a way that causes nuisance, or any similar device except for the purpose of campaigning for an election under the Electoral Act 1993, or for a local authority election under the Local Electoral Act 2001.

21 Cycles and Skating Devices

- 21.1 No person may use or ride a cycle or skating device in a prohibited area as defined in Schedule One of this Bylaw.
- 21.2 No person may use or ride a skating device in any public place in a manner:
- (i) that is dangerous or reckless; or
 - (ii) causes a nuisance to any member of the public.

22 Licenses⁷ Issued under this Bylaw

- 22.1 Any person with a License issued under this Bylaw must display or carry a copy of that license prominently for the view of members of the public, if the License indicates that it must be displayed, or have it available to be inspected by any Authorised Officer.
- 22.2 A licence issued under this Bylaw is not transferable to any other person.
- 22.3 The Council, on giving reasonable notice to the licence holder, may alter the terms and conditions of the licence in the event of a material change to any circumstances or the licence holder, or the public place.
- 22.4 The Council may suspend or cancel any licence issued under this Bylaw in the following cases:
- (a) without notice if:

⁷ Under clause 4 of the Kapiti Coast District Council General Bylaw 2010, a licence means a licence, permit, written consent or approval issued under any Bylaw.

- (i) urgent action is required to protect the public from unhygienic, unsafe or hazardous conditions in the public place where the licence applies;
 - (ii) urgent works are required in the public place where the licence applies;
 - (iii) any terms and conditions of the licence are breached, where the period covered by the licence is 3 days or less.
- (b) on the giving of 48 hours notice to the person who holds the licence if:
- (i) the activity will interfere with intended road works or a special event;
 - (ii) any terms or conditions of the permit are breached where the period covered by the licence is more than 3 days.

23 Revocations and Savings

23.1 Part 3 of the Kapiti Coast District Council General Bylaw 1991 is revoked.

23.2 All licences or other acts of authority which originated under the Bylaw revoked by clause 24.1, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.

23.3 The revocation of any of the Bylaw under clause 24.1 does not prevent any legal proceedings, criminal or civil, being taken to enforce that Bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been revoked.

24 Fees and Charges

24.1 The Council may set fees and charges, either temporarily or permanently, as a condition for access to, or use of, any public place. Payment of such fees shall be a condition for access to, or use of, that place.

24.2 A voluntary organisation, school or community group, where the profits from any trading are retained wholly for charitable or community purposes may be exempt from the payment of fees at the Council's discretion.

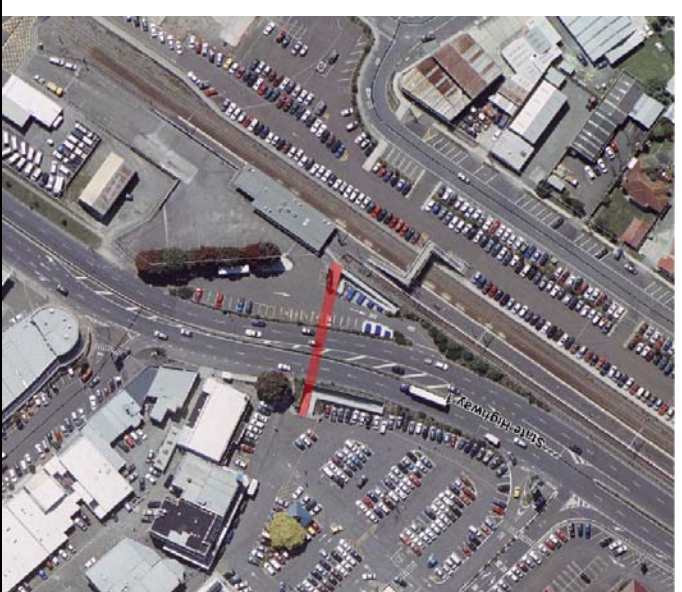
25 Offence and Penalty

- 25.1 The Council will seek to recover costs in relation to fixing or repairing any damage caused to Council property as a result of a breach to this Bylaw.
- 25.2 Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

26 Kapiti Coast District Council General Bylaw

- 26.1 The provisions of the Kapiti Coast General Bylaw 2010 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

SCHEDULE ONE: Prohibited Areas for Riding Cycles & Skating Devices

<p>Paraparaumu</p>	<p>The pedestrian underpass beneath State Highway One linking the railway station and the west side of State Highway One (Coastlands carpark).</p>	
<p>Waikanae</p>	<p>All public areas within Mahara Place, Waikanae.</p>	