

RODNEY DISTRICT COUNCIL

RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998

CHAPTER 8

PUBLIC PLACES

EXPLANATION

The Council is authorised under section 145 and section 146 of the Local Government Act 2002, to make bylaws regulating the use of public places, roads and reserves under the control of the Council. This chapter of the bylaw controls activities in these areas in order to ensure that they can be used for their intended purpose without users being subject to hazard, annoyance or activities affecting health, safety and wellbeing. It also provides for the protection of all Council infrastructure from damage or loss.

The controls apply to a wide range of places including beaches on the foreshore to mean low water springs, reserves, roads, and public buildings, vested in or under the control of the Council.

1.0 BYLAW ADMINISTRATION

1.1 See Chapter 1 - Bylaw Administration for general fee provisions, interpretations, licences, offences, and dispensations.

This Chapter of the bylaw came into force on 21 December 2005.

Nothing in this bylaw shall derogate from the requirements of the District Plan.

2.0 INTERPRETATION

PROSCRIBED SUBSTANCE	Means a mind altering substance, whether synthetic or naturally occurring which substance might alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations, but does not include: a) Medically prescribed substances ingested by the person for whom they were prescribed; or b) Substances purchased from a pharmacy without medical prescription; or c) Alcohol as defined in the Sale of Liquor Act 1989; or d) Nicotine
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3.0 OFFENSIVE ACTIVITIES

3.1 No person shall in, any public place:

- (a) Leave, paint, draw or write any offensive or indecent matter of any kind; or
- (b) Expose or distribute any object which is indecent or offensive to the public; or
- (c) Use foul, abusive, indecent or obscene language or be noisy or riotous, or act in a manner that intimidates or is likely to intimidate other persons using or wishing to use that public place; or
- (d) Slaughter any animal, or throw away, or leave, any dead animal or animal remains;
or
- (e) Ingest any proscribed substance.

3.2 An activity may be deemed to be offensive by an Authorised Officer, if it is being carried out in the vicinity of other persons and in such a way that it is offending or has the potential to offend those persons.

4.0 ACTIVITIES AFFECTING PUBLIC SAFETY, CAUSING A NUISANCE, OBSTRUCTION, OR DAMAGE

4.1 No person shall without the consent of an Authorised Officer, or unless otherwise legally authorised to do so, in or on any public place:

- (a) carry out any activity that is or may be dangerous or injurious to the health of any person or animal [including the person carrying out that activity], or damage or remove or may damage or remove any material, land, buildings, structures, surfaces or vegetation; or
- (b) use any weapon or instrument of a dangerous nature, or light any firework or signal flare [except in an emergency]; or
- (c) carry out any activity that may cause a nuisance or an obstruction to persons in a public place or on adjoining land; or
- (d) carry out any activity on the foreshore so as to endanger public safety or cause a nuisance or obstruction or damage.

4.2 An activity may be deemed to be a threat to public safety, to be causing a nuisance, or damaging by an Authorised Officer, if it is being carried out:

- (a) in the vicinity of persons or animals and in such a way that it has the potential to cause injury or adverse health effects to those persons or animals; or
- (b) on the foreshore, waterways, land, buildings, structures, surfaces or vegetation in such a way that it has the potential to be a threat to public safety, to cause a nuisance or loss or damage to those places and structures.

5.0 PROHIBITED ACTIVITIES

5.1 (a) No person shall carry out any activity in a public place that is indicated by any sign or in any other way to be prohibited or when instructed not to do so by the Council or an Authorised Officer, where that activity has been deemed to be a threat to public safety, a nuisance or damaging under Clauses 3.2 and 4.2.

6.0 ACTIVITIES REQUIRING CONSENT

6.1 No person shall in any public place without the consent of an Authorised Officer or as indicated by signs:

- (a) put up or erect any stall, booth, tent, tree hut, swing or structure of any kind; or live in or use any building, tent, structure or vehicle; or
- (b) plant or interfere with any tree, shrub or plant of any kind or sow or scatter the seed of any tree, shrub or plant of any kind; or

- (c) park any vehicle (including self contained vehicles but excluding cycles) in any public place including any beach, except in a place set aside by the Council for the parking of vehicles or on any road where parking is permitted; or
- (d) park a self-contained vehicle for more than two nights in any one calendar month at any single location; or
- (e) organise, hold, or conduct or attempt to hold or conduct any procession or assembly of any kind or take part in any such procession or conduct themselves so as to in any way impede traffic or cause an obstruction to passers-by; or
- (f) solicit any subscription, collection or donation; or
- (g) place, leave or display any material or thing, including vehicles, signs or goods which may obstruct the public right of passage; or
- (h) leave a gate in a different position from that in which it was found. Gates found open shall be left open, and gates found closed shall be left closed; or
- (i) enter into or remain on any portion of any park or reserve marked out as the playing area for any sport or game while that sport or game is in progress unless a lawful part of that sport or game, or
- (j) use or play any instrument (musical or otherwise), or any type of public address system or any type of amplified sound system, or cause in any way any sound or noise that disturbs or annoys or is likely to disturb or annoy other persons, where as the result of a justified complaint, that person has been asked to stop by an Authorised Officer".

7.0 OFFENCES AND PENALTIES

- 7.1 Any person carrying out an activity in a public place contrary to this bylaw shall cease the activity immediately on being required to do so by an Authorised Officer.
- 7.2 In the event of any breach of this bylaw the Council or an authorised officer may act under Sections 162, 163, 164, 175, 176, 178, 239 and 242 of the Local Government Act 2002, and may, with or without the assistance of the police, take such action as is deemed necessary to stop the activity.
- 7.3 In addition to the powers under Chapter 1 to act upon any breach of this bylaw, the Council may institute legal proceedings to recover loss or damage to public property as a consequence of any such breach.
- 7.4 Where it is suspected that any person has committed a breach of this bylaw, that person shall, on the direction of an Authorised Officer provide his/her full name and address.

8.0 OTHER REQUIREMENTS

8.1 In addition to requirements of this Chapter of the Bylaw, activities in public places may be subject to further requirements as set out in:

- (a) Chapter 1 - Bylaw Administration
- (b) Chapter 5 – Trading in Public Places
- (c) Chapter 6 – Stock on Roads
- (d) Chapter 9 – Road and Traffic Control and Numbering of Premises
- (e) Chapter 12 – Use of Public Wharves and Boat Ramps
- (f) Chapter 16 – Liquor Ban
- (g) Chapter 18 - Road Speed Limits
- (h) Chapter 25 – Parking and Traffic Control
- (i) The Auckland Regional Council Navigation Safety Bylaws 2001