



New Plymouth District Council Bylaw 2008

(as amended and re-adopted, September 2014)

Public Places

The purpose of this part of the bylaw is to ensure acceptable standards of convenience, safety, visual amenity and civic values are maintained in public places for the well-being and enjoyment of citizens, businesses and visitors within the district now and in the future.



1. Authority

1.1 This part is made under:

- a) Sections 145 and 146 of the Local Government Act 2002; and
- b) Section 64(1)(a) of the Health Act 1956; and
- c) Section 22AB of the Land Transport Act 1998; and
- d) Section 12 of the Litter Act 1979.

2. Purpose

2.1 The purpose of this part is to ensure that acceptable standards of convenience, safety, visual amenity, and civic values are maintained in public places for the well-being and enjoyment of citizens, businesses and visitors within the district now and in the future.

2.2 Provisions relating to licensing of traders in public places including; hawkers, mobile shops, and street stalls can be found in Part 11 Trading in Public Places (Licensing of Street Traders) New Plymouth District Council Bylaw 2008.

2.3 Provisions relating to signs in public places may be found in Part 7 Signs New Plymouth District Council Bylaw 2008.

3. Exclusions

3.1 This part does not apply to:

- a) Any person engaged in the rescue or attempted rescue of any person whose life or safety is in danger or apparent danger; or
- b) Any Council employee, contractor or agent acting in conjunction with his or her employment.

4. Application of other laws and resource consents

4.1 Nothing in this part limits the application of any other law (for example, and without limitation, the Trespass Act 1980 or the Summary Offences Act 1981) or resource consent.

5. Interpretation

5.1 This part shall be in addition to the provisions of Part 1 Introductory and if this part is inconsistent with Part 1 Introductory then the provisions of this part shall prevail.

5.2 This part shall be in addition to the provisions of Part 6 Recreation and Cultural Facilities New Plymouth District Council Bylaw 2008, because recreation and cultural facilities are by definition public places.

5.3 In this part unless the context otherwise requires:

Definitions

Airspace lease means a lease granted by the Council which authorises the encroachment in the airspace above the public place (for example, where the Council has entered into a lease to authorise a structure, such as a balcony, façade, dwelling, conservatory, or eaves, that encroaches into airspace above a public place).

Berm means any grassed area beside a road which may or may not be separated by kerbing and channelling.

Boat means a vessel or craft intended to be used in water and to carry people, including, but not limited to, a row boat, raft, yacht, hovercraft or jet ski, but does not include a ship.

Busker means any person who plays, acts, sings, or otherwise performs or entertains in a public place and who may solicit or invite or accept any donation, contribution or monetary reward.

Council property means any works or properties that are vested in, or under the control of, the Council.

Encroachment means where an owner or occupier of land occupies the whole or part of an adjoining public place for private purposes and **encroach** has a corresponding meaning.

Encroachment licence means a licence granted by the Council which authorises an encroachment on the public place.

Event includes an organised meeting or gathering, demonstration, parade, procession or competition.

Fence means a fence, whether or not continuous or extending along the whole boundary separating the lands of adjoining occupiers; and includes all gates, culverts, and channels that are part of or are incidental to a fence; and also includes any natural or artificial watercourse or live fence, or any ditch or channel or raised ground that serves as a dividing fence.

Licence to occupy means a licence granted by the Council which authorises the occupation of the public place.

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

Mobility device means:

- a) A vehicle that:
 - i) Is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and
 - ii) Is powered solely by a motor that has a maximum power output not exceeding 1500W; or
- b) A vehicle that the Director of Land Transport has declared under section 168A(1) of the Land Transport Act 1988 to be a mobility device.

Organised meeting or gathering means a meeting or gathering of persons attended by members or employees of any government department, union, club, company, firm, incorporated body, religious organisation, or other body or person.

Premises mean any form of permanent property or tenement.

Projection includes windows, banners, gates, balconies, walls, lamps, doorsteps, cellar doors, signboard, window shutter, gatepost, walls.

Structure includes (without limitation):

Parking structures, e.g. garages, car pads, car decks, car ports, boatsheds.

- a) Access structures, e.g. driveways, stairs, retaining walls, cable cars, gates, covered access ways.
- b) House, e.g. any part of a primary or secondary building, eaves, porches, decks, fences, balconies, conservatories.

Subsoil lease means a lease granted by the Council which authorises the encroachment in subsoil below the public place.

Road accessway means an access point providing a means of entry into an approach to another road, formed path, or public place and for the purposes of the bylaw includes areas where parking may occur.

Vehicle crossing means the vehicular entrance formed to provide access to any premises from the carriageway of a public street or road fronting those premises, and includes any crossing constructed over a footpath, kerb, berm, water channel, or drain.

Veranda includes any awning, porch, portico, shed, shade, or covering upon, across, or over any public footway or part of a road, private road, or accessway for the purpose of shade or shelter, together with any supports, other than the support provided by the building.

6. Obstructions and structures in public places

6.1 Clauses 7 to 10:

- a) Classify obstructions and structures in public places into three categories, being permitted activities, restricted activities and encroachment licences.
- b) Regulate the following matters:
 - i) Display of goods on footpaths.
 - ii) General obstructions in public places.
 - iii) Vehicle crossings and temporary crossings.
 - iv) Encroachments on public places.

- 6.2** The purpose of these clauses is to:
- a) Avoid activities or structures in public places that obstruct the passage of pedestrians and vehicles.
 - b) Ensure that public places are safe.
 - c) Avoid inappropriate private use of public places.

7. Permitted activities – obstructions and structures in public places

- 7.1** Any person may display goods on a footpath in a commercial or industrial area subject to the following conditions:

Goods on footpaths

- a) That the display does not encroach onto the footpath more than 600mm of the unobstructed footpath, and the display allows a minimum of two metres unobstructed pedestrian passage; and
- b) Persons displaying goods are responsible for the safety of the public; and
- c) Any display must be removed at the completion of the day's trading.

8. Restricted activities – general obstructions in public places

- 8.1** No person shall on, above, or over a public place:

Obstruction

- a) Place or erect or construct any structure; or
- b) Place, leave, erect, construct, maintain, or permit to be placed, left, erected or maintained any material or thing, whether mobile or immobile; or in a position or in such a way that the Council considers is likely to:
 - i) Impede or cause an undue obstruction to pedestrian or vehicular traffic; or
 - ii) Constitute a danger to people or property; or
 - iii) Obstruct access to adjoining properties.

- 8.2** The restriction in clause 8.1 does not apply if:

- a) An authorised officer has given prior written permission to any of those activities in that clause (for example, by way of an encroachment licence); or
- b) The action is taken for the purpose of regular refuse or other collections authorised by the Council; or
- c) The action is otherwise authorised by law; or
- d) The action is permitted by a rule in the district plan or by resource consent.

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| 8.3 | Subject to clause 8.5, an enforcement officer may remove or alter, any structure, material or thing, that: | Removal of hazards |
| | <ul style="list-style-type: none"> a) Is erected in breach of this part; or b) Presents a hazard or danger (including the blocking of traffic visibility) to the public. | |
| 8.4 | The Council may recover the costs of such removal or alteration, in accordance with section 163 of the Local Government Act 2002. | Cost recovery |
| 8.5 | Before removing or altering any structure, material or thing: | Notice of breach |
| | <ul style="list-style-type: none"> a) An enforcement officer must have given notice in writing addressed to the owner of the structure, material or thing requiring that owner to repair or secure or to otherwise put in order or remove that structure, material or thing within the period that is stated in the notice; and b) The owner of the structure, material or thing must have failed to comply with the notice. | |
| 8.6 | If the structure, material or thing presents an immediate hazard or danger to the public, the period stated in the notice referred to in clause 8.5(a) may be one hour. | Notice in emergency |
| 8.7 | If a structure, material or thing is removed under clause 8.3, and approval was granted for that structure, material or thing under clause 8.1, the approval is deemed to be automatically revoked. | |

9. Restricted activities – vehicles in public places

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| 9.1 | No person may: | Vehicles in public places restricted to areas set aside |
| | <ul style="list-style-type: none"> a) Take, ride, or drive a vehicle in a public place except: <ul style="list-style-type: none"> i) On any part of a public place set aside for vehicular traffic (e.g. a road); or ii) With the approval of an authorised officer. b) Park a vehicle or boat in a public place except: <ul style="list-style-type: none"> i) In a place set aside for the parking of vehicles; or ii) With the approval of an authorised officer. c) Without the approval of an authorised officer use or cause to be used any roadside, berm, or any other public place for the purpose of repairing, maintaining, or making alterations to any vehicle except in the case of an emergency. d) Build, rebuild, repair, panel beat or paint any vehicle or boat in a public place except with the approval of an authorised officer in an emergency situation. | |

- 9.2** Nothing in clause 9.1 prohibits:
- a) The use of bicycles, tricycles, unicycles, or similar non-motorised devices or other approved transportation devices on the New Plymouth Coastal Walkway; or any park access way signified by approved signage or provided for in Reserve Management Plans,
 - b) The use of skateboards which are controlled by Part 8 Skateboards; or
 - c) The use of bicycles, tricycles, unicycles or similar non motorised devices on any access way set aside for the purposes of cycling; or
 - d) The use of mobility devices.
- 9.3** This clause is subject to Part 13 Traffic New Plymouth District Council Bylaw 2008.

Bicycles in public places

10. Encroachments on Public Places

- 10.1** This clause relates to the encroachment or occupation of public places by private individuals or businesses where that public place adjoins land owned or occupied by the individual or business.
- 10.2** No person may encroach on a public place unless that person has:
- a) Obtained an encroachment licence, airspace lease, or subsoil lease, as the case may be, from the Council; and
 - b) Paid any applicable fees, rentals or any other charges associated with the encroachment licence, airspace lease, or subsoil lease
- 10.3** A person wishing to obtain an encroachment licence, airspace lease, or subsoil lease must:
- a) Apply to the Council in writing using the applicable forms; and
 - b) Provide any information so requested by the Council.
- 10.4** Every encroachment licence granted by the Council:
- a) Is subject to such terms and conditions as the Council determines in accordance with any relevant policies, bylaws, legislation, and any other terms and conditions that the Council thinks fit; and
 - b) Expires if the person to whom the encroachment licence has been granted, sells or discontinues the occupation of the land adjoining the public place; and
 - c) May be reviewed by the Council at any time.
- 10.5** An encroachment licence must not be transferred, sub-licensed or assigned.

Licence conditions**Licence not transferable**

10.6 Every airspace lease or subsoil lease is subject to such terms and conditions as the Council determines in accordance with any relevant policies, bylaws, legislation, and any other terms and conditions that the Council thinks fit.

10.7 This clause is subject to clause 10B.

10A.

10A.1 This clause relates to the occupation of public places where adjoining land is not owned or occupied by private individuals or businesses.

10A.2 No person may occupy a public place for any purpose unless that person has:

- a) Obtained a licence to occupy from the Council; and
- b) Paid any applicable fees, rentals or any other charges associated with the licence to occupy.

10A.3 A person wishing to obtain a licence to occupy must:

- a) Apply to the Council in writing using the applicable forms; and
- b) Provide any information so requested by the Council.

**Licence to
Occupy**

10A.4 Every licence to occupy granted by the Council:

- a) Is subject to such terms and conditions as the Council determines in accordance with any relevant policies, bylaws, legislation, and any other terms and conditions that the Council thinks fit; and
- b) May be reviewed by the Council at any time.

10A.5 This clause is subject to clause 10B.

10B.

10B.1 Nothing in clause 10 or clause 10A applies to:

- a) Any valid easement agreement; or
- b) Verandas that are required by the District Plan and which are specifically designed and used to provide cover for pedestrians; or
- c) Stock underpasses; or
- d) Any activity for which the council has statutory authority in respect of the public land, its airspace or subsoil; or
- e) Utility companies with respect to the provision of utility services; or
- f) Maintaining unformed areas of legal road, e.g. mowing of grassed road reserve areas between the property boundary and the pavement; or
- g) Signs in public places (in the case of a licence to occupy); or

- h) Signs projecting over legal road air space that have their point of attachment on private land that meet the minimum clearances specified in the District Plan.

11. Safety hazards in public places

- 11.1 Clauses 12 to 17 cover safety hazards in public places and classify safety hazards in public places into three categories being general safety hazards, restricted activities, and prohibited activities.
- 11.2 The purpose of these clauses is to protect the public from injury and harm in public places.

12. General safety hazards in public places – responsibilities of adjoining owner and occupiers

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| 12.1 | All persons shall ensure that any door or gate abutting any public place is closed securely for the purposes of public safety. | Doors or gates abutting a public place |
| 12.2 | Every owner or occupier of land that abuts a public place must ensure that vegetation or trees growing on that land do not cause a safety hazard or obstruct passage to and from the public place. | Vegetation abutting a public place |
| 12.3 | If any tree or vegetation is, in the opinion of an authorised officer, hazardous or is obstructing public passage, the authorised officer may by written notice to the owner or occupier require the owner or occupier to cut back the tree or vegetation within one month. | Notice from authorised officer to cut back trees |
| 12.4 | It is the responsibility of that owner or occupier to carry out the works required by that notice under clause 12.3 and meet the costs of carrying out those works. If the owner or occupier fails to comply with the request, the Council may carry out such works and recover the cost of doing so from the owner or occupier. | Owner or occupier responsible for cutting vegetation |
| 12.5 | Clauses 12.6 and 12.7 apply to any rail, gate, fence, or cover over or about any area or entrance to any room below ground level, or other place opening into or upon or near any public place, or abutting a public place. | |
| 12.6 | If the rail, gate, fence, or cover is so out of repair as to be, in the opinion of an authorised officer, dangerous to persons passing, the authorised officer may by written notice to the owner or occupier, require, within a certain time frame, the owner or occupier to: | Fences, gates, rails and covers |
| | a) Repair or remove the rail, gate, fence or cover; or | |
| | b) Remove the rail, gate, fence or cover and erect in its place a sufficient fence as defined in the Fencing Act 1978 or such other type of fence as may be approved by the Council. | |

- 12.7** No person shall undertake any excavation or construct any cellar that in the opinion of an authorised officer is dangerous to persons passing. The authorised officer may by written notice to the owner or occupier, require within a certain time frame, the owner or occupier to do such things as, in the opinion of the authorised officer will ensure the excavation or cellar is safe.
- 12.8** It is the responsibility of that owner or occupier to carry out and meet the costs of the works required by that notice under clauses 12.6 and 12.7. If the owner or occupier fails to comply with the request, the Council may carry out such works and recover the cost of doing so from the owner or occupier as the case may be.

Excavations

13. Restricted activities – flying machines

- 13.1** No person may, without the prior approval of the Council, make use of any part of any public place for the purpose of the landing, or flying of an aeroplane, helicopter or any kind of flying machine, model aeroplane, hot air balloon, or glider except in case of emergency.
- 13.2** The approval of the Council under clause 13.1 may be subject to such terms and conditions as the Council thinks fit.
- 13.3** If a reserve management plan permits a reserve to be used for the purpose of landing or flying an aeroplane or any kind of flying machine, model aeroplane, helicopter, hot air balloon, or glider, a person is not required to obtain prior approval under clause 13.1.
- 13.4** Where permitted to use a public place for the purpose of landing, or flying an aeroplane, helicopter or any kind of flying machine, model aeroplane, hot air balloon, or glider, no person may do so in a manner, that in the opinion of an authorised officer, is likely to cause a nuisance or a safety hazard to other users of the public place.

Approval required to use aeroplane on public place

Aeroplanes permitted via reserve management plan

Aeroplanes not to cause a safety hazard

14. Restricted activities - boats

- 14.1** No person shall by their conduct in, or operation of any boat in any lake, stream or river within any reserve
- a) Endanger the safety of the boat or any occupant of the boat; or
 - b) Cause annoyance or discomfort to any occupant, or endanger any other boat; or
 - c) Cause annoyance or discomfort to any occupant of any other boat or any other user of a lake, stream or river.

Boats

15. Restricted activities – blasting, fires etc

15.1 No person may without the prior approval of an authorised officer:

Dangerous goods not permitted in public places

- a) Within the limits of any public place:
 - i) Take, use or carry any firearm, axe or similar weapon or other instrument of a dangerous character, or any airgun or bow and arrow, or trap; or
 - ii) Let off any fireworks; in a manner that in the opinion of an authorised officer is likely to cause a nuisance or safety hazard with the intent of causing harm or injury to any person or to damage any material or thing; or
 - iii) Blast any rock, stone, earth, timber or other material.
- b) Open any drain or sewer on any public place or disturb or remove the surface of any public place, or make any opening from the public place.

15.2 The approval of an authorised officer under clause 15.1 may be subject to such terms and conditions as the authorised officer thinks fit.

15.3 Subject to the removal provisions in Part 1 Introductory of this bylaw, any enforcement officer may take into his or her possession and retain any of the articles referred to in clause 16.1(a) if any of those articles are being used in breach of this bylaw.

15.4 No person may:

Fires

- a) Cause, permit or suffer the burning of any material or thing on any public place, other than:
 - i) In areas set aside by the Council for that purpose such as properly constructed barbeques or fireplaces; or
 - ii) On a private gas barbeque; or
- b) Set fire to any vegetation in any public place; or
- c) Fail to ensure the fire in an area set aside by the Council for that purpose is totally extinguished before that person leaves the public place.

Note: Fires on private land are covered by Part 4 - Fire Prevention and Smoke Nuisance Bylaw.

16. Electric fence, barbed wire and razor wire

16.1 In any urban area no person, except as permitted in 16.2, shall without prior approval from an authorised officer in any public place erect, renew or repair or permit to allow to be erected, renewed or repaired any electric fence, 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.

**Barbed wire
Electric fence**

16.1A In the case of the use of electric fencing on outriggers for the purposes of controlling livestock within the boundary line of the public land boundary between any land or building on the side and any public place grazed under an approved licence on the other side, an exemption may be granted by an authorised officer permitting the electric fencing to be within 300mm of the boundary.

**Electric fences
on outriggers**

That where electric fences are used, appropriate signage be erected.

16.2 Clause 16.1 does not prohibit the placing of an electric fence, or barbed wire, at a height of not less than 2.4 metres from the level of the ground of any such public place.

16.3 The use of razor wire within any area of the New Plymouth District is not permitted. This clause does not apply to any premises owned and controlled by the Department of Corrections.

Razor wire

17. Prohibited activities – safety hazards

17.1 No person may in any public place:

Litter

- a) Transport any refuse or offensive matter over any public place unless the receptacle or vehicle used is covered or secured to prevent the escape or falling of any of the contents onto any public place.

17.2 No person, being the owner or the occupier of land adjoining a public place, may:

**Disposal of
stormwater, grey
water etc**

- a) Intentionally dispose of stormwater, grey water or sewage except in designated disposal points (such as those provided at campgrounds on reserves); or
- b) Cause or permit the drippings from any eaves or other projections from any building or structure on that land to fall upon any public place.

18. Disturbance or damage to public places

18.1 No person may, without the prior approval of an authorised officer:

**Property
damage**

- a) Cause or permit to be done any act whatsoever (by person or animal under the control or command of that person), such that any habitat (including any flora or fauna as designated in the Taranaki Biodiversity Accord) in a public place is damaged.
- b) Intentionally remove or deposit any rock, shingle, sand, earth, timber or any other similar material in a public place; or
- c) Damage, break, destroy, remove or otherwise interfere with any portion of any protective works, groynes or other structures legally erected on any part of a beach, foreshore and dunes for the control of sand or single or for the prevention of erosion.

- 18.2** The approval of the Council under clause 18.1 may be subject to such terms and conditions as the Council thinks fit.

19. Street activities and behaviour in public places

- 19.1** Clauses 20 to 23 classify street activities and behaviour in public places into two categories, being restricted activities and prohibited activities.
- 19.2** The purpose of these clauses is to prevent nuisance and protect the public from safety hazards and to lessen the potential for offensive behaviour in public places.

20. Restricted activities – events etc in public places

- 20.1** No person may on any public place, without the prior approval of the Council, make any public address or organise or conduct any event or attempt to do so.
- 20.2** In applying for approval under clause 20.1, the organiser of the event in the public place must specify whether the event is likely to interfere with traffic or pedestrian thoroughfare in the public place.
- 20.3** The Council will grant approval under clause 20.1, unless:
- a) Approval has already been given for another event at the public place; or
 - b) There are reasonable grounds not to grant the approval.
- 20.4** If the Council refuses to grant approval under clause 20.1, it will specify the reasons why approval has been refused.
- 20.5** The approval under clause 20.1 may be subject to such terms and conditions as the Council thinks fit and will include relevant traffic information.
- 20.6** The organiser of the event must:
- a) Comply with the terms and conditions of the approval and any applicable laws; and
 - b) Take all reasonable steps to ensure that any person attending the event also complies with those terms and conditions.

**Organised
events**

21. Restricted activities – noise in public places

- 21.1** No person may on any public place, without the prior approval of an authorised officer:
- a) For the purposes of advertising any trade, business, entertainment or for any other purpose, sound, or cause or permit to be sounded, on any public place any musical instrument, loud speaker, amplifier, or any similar device; or

Noise

- b) Use or permit the use of a vehicle for the purpose of operating a loud speaker or an amplifier, or any similar device.
- 21.2** Any approval given under clause 21.1 is revocable at any time by an authorised officer.
- 21.3** Clause 21.1 does not apply to:
- a) The reasonable use of sound amplifying equipment by a candidate or by a person authorised by a candidate, for the purpose of campaigning for a general election or by-election held under the Electoral Act 1993, or for a local election or by-election, during the period of one month before the date of the election or by-election; or
 - b) The sounding of any siren, bell, alarm or other warning device on any fire appliance or ambulance or any vehicles conveying any police officer, fire officer or ambulance officer in the execution of their duties or any medical practitioner in case of emergency.

22. Restricted activity – camping

- 22.1** A person may erect, put up, use or occupy any tent, marquee, portable hut, caravan, or other similar enclosure as temporary living accommodation on any public place on an area that has been set aside by the Council:
- a) By resolution for that purpose; or
 - b) In a reserve management plan; or
 - c) In respect of where an authorised officer has given prior approval, subject to any Council policies on camping or the use of the open space or public place.
- 22.2** In applying to an authorised officer under clause 22.1(c) the application must state:
- a) The location and duration of the proposed camping, the number of people intending to camp, and how the applicant will ensure that there is no damage or effects to the public place; and
 - b) The reason why the camping is proposed.
 - c) The process for managing waste and toileting.
- 22.3** The authorised officer may approve camping under clause 22.1(c) at their sole discretion and the approval may be subject to such terms and conditions as the Council thinks fit.
- 22.4** An occupier of a campervan may use the campervan for the purpose of temporary accommodation in a public place specified in clause 22.1 subject to the following conditions:
- a) There is a maximum of three nights in any month at any single location in a public place; and

**Permission
required for
camping**

**Conditions for
campervans**

- b) The campervan must be self-contained with a water storage facility and equipped with a minimum three day storage capacity for toilet and grey water waste; and
- c) All waste (including refuse, toilet and grey water) must be disposed of in approved sites or dump points; and
- d) The occupier must not cause any public nuisance, safety hazard, or obstruction in the public place; and
- e) The campervan is parked in an area set aside for vehicle parking; and
- f) The occupier must comply with any request by an authorised officer to move on from the public place.

22.5 In cases where in the opinion of an authorised officer:

Camping prohibitions

- a) Camping would create a health hazard; or
- b) The public place is required for another purpose; or
- c) Camping would obstruct pedestrian or vehicle traffic; or
- d) Camping would create a noise nuisance; or
- e) The ground conditions are unsuitable for camping; or
- f) Camping will damage a public place; or
- g) The Council is conducting maintenance works on a public place; or
- h) It is deemed to be an area that is unsafe for camping;

The Council may, by resolution and subject to the appropriate signage, designate a camping prohibition whereby a specified area may not be used for temporary accommodation, including by campervans.

23. Prohibited activities – offensive material, polluting water, practising golf etc

23.1 No person may in any public place:

- a) Expose to view or distribute for offer or sale any sign, banner, placard, handbill, print or other matter of any offensive or indecent character; or
- b) Act in any manner, including the playing of games, so as to cause damage, danger, or obstruction to any person or property; or
- c) Play or practise golf except in an area that the Council has set aside by resolution for such purposes; or
- d) Interrupt or interfere with a Council employee, contractor or agent in conjunction with his or her employment or contract; or

- e) Bathe or wade in any water in a public place in contravention of official Council signage (if any); or
- f) Permit or cause wastage of water or permit any tap water to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking or washing purposes in any public place; or
- g) In any manner pollute or otherwise render unfit for use for human consumption or otherwise any water supply in that public place.

23.2 The Council may at any time undertake to remove any offensive or indecent matter as referred to in clause 24.1(a) in or adjoining any public place at cost to the person responsible.

23.3 No person may fail to leave a public place or any part of it, after being requested to do so by an enforcement officer.

Person to move if requested by enforcement officer

24. Beaches

24.1 Clauses 25 to 28 classify certain beach activities into two categories, being restricted activities and prohibited activities.

24.2 The purpose of these clauses is to prevent nuisance and protect the public from safety hazards and to lessen the potential for offensive behaviour on beaches.

25. Beach access

25.1 Any person wishing to gain access to a beach must use the access routes designated

Entry to beaches

26. Permitted activities – life saving

26.1 The Council may authorise any Surf Life Saving Club to:

Surf life saving

- a) Provide and use on any beach life saving equipment complying with the approved standards of the NZ Surf Life Saving Association; and
- b) Erect or place on any beach any danger notices, or signs requiring swimming within specified areas of the beach, or any sign prohibiting bathing from time to time, as is necessary for the safety of swimmers.

26.2 No person may:

Obstruction of surf life saving

- a) Obstruct or hinder or interfere with the carrying out of any life saving operations or drill or with any person engaged in those matters; or
- b) Move or damage any appliance or signal provided by the Council or by any Surf Life Saving Club, at any beach or foreshore, except for the purpose of saving life or with the permission of the Council or the Surf Life Saving Club.

27. Restricted activities – horses

- 27.1** The Council may by resolution specify (and detail as an appendix to the bylaw) any beach or part of a beach, and the days and times during which horses are prohibited on beaches in the district.
- 27.2** The Council may by resolution subsequently amend or revoke any resolution made under clause 27.1.
- 27.3** No person may allow a horse to be on any part of a beach, unless prohibited under 27.1, unless:
- a) The person complies with the times and dates specified in that resolution; or
 - b) That person has obtained the prior approval of an authorised officer, such approval being subject to any terms and conditions which the authorised officer thinks fit and any requirements of the Taranaki Regional Council; or
 - c) That person is leading the horse through the beach for the sole purpose of gaining access to another beach where horses are permitted.

Horses on beaches

Such rules shall be enforceable under this part.

28. Prohibited activities – beaches

- 28.1** No person may:
- a) Be or remain upon any part of a beach unless properly and sufficiently dressed or in areas set aside by the Council by resolution for the purposes of nude bathing; or
 - b) Use any changing rooms or toilets at any beach except for the purposes of dressing, showering or using the toilets; or
 - c) Use any still camera, video camera or mobile phone capable of taking pictures or video recordings in any changing rooms or toilets at any beach; or
 - d) Where over the age of eight years old, enter or use any place, changing room or toilet which has been set aside by the Council for the use of the opposite sex.

Use of changing facilities

29. Animals

- 29.1** Clauses 30 and 31:
- a) Classify certain activities into two categories, being restricted activities and prohibited activities; and
 - b) Restrict the presence of animals in public places in order to protect the public from nuisance and prevent safety hazards caused by animals.
- 29.2** The purpose of these clauses is to prevent nuisance and safety hazards caused by animals.

- 29.3** These clauses should be read in conjunction with Part 2 Animals Bylaw 2008, Part 10 Stock Control Bylaw 2008, and the New Plymouth District Council Bylaw 2010 Part 2 Dogs.

30. Restricted activities – animals

Animals in public places

- 30.1** No person, being the owner or having the care, custody or control of any animal, may:
- a) Tether or otherwise put, or place, any animal for the purpose of vegetation control or grazing on any public place, except:
 - i) With the prior approval of the Council; or
 - ii) On any public place for which a current grazing lease has been issued by the Council; or
 - b) Break in, train, show, clean, shoe, dress, or expose for hire or sale any animal on any public place, except where a lease permitting those activities has been issued by the Council, or as provided under the New Plymouth Recreation and Racecourse Reserve Act 1999; or
 - c) Cause or allow any animal, except for any cats or dogs, to be led, ridden, or driven upon, across, or along any footpath grass verge, berm or flower bed laid out on any public place except in an area which has been designated by official Council signage (if any).
- 30.2** Any person permitted to graze animals on any public place under clause 30.1(a) must comply with the following conditions:
- a) In the case of animals being grazed on the roadside or berms, grazing may only be carried out directly adjacent to the property owned by or under the control of such person or adjacent to the property of another person where prior permission has been granted by that other person; and
 - b) That all reasonable precautions are taken to ensure the safety of any persons or traffic using any road or public place. Animals should be secured behind an effective fence constructed to ensure that animals cannot wander or cause a public safety hazard in the opinion of an authorised officer; and
 - c) That the person permitted to graze the animals accepts full responsibility and liability for the animals.
- 30.3** Any person permitted to drive or ride any animal within any public place under clause 31.1(c) must not do so in such a manner so as to:
- a) Cause damage to the surface or to any part of a public place; or
 - b) Permit any injury or obstruction to the public.

- 30.4** No person shall ride or lead a horse on the New Plymouth Coastal Walkway, except at an approved crossing.

**Horses on
coastal walkway**

31. Prohibited activities – animals

- 31.1** No person, being the owner or having the care, custody or control of any animal:
- a) Shall allow the animal to wander or be at large without proper guidance and control on any public place.
 - b) Shall ride or swim any such animal on or from any part of any beach such that in the opinion of an authorised officer, a nuisance, danger or inconvenience is or may be created for other users of the beach.
 - c) Allow any dangerous animal likely to cause a hazard to the public to stand on any public place unless properly and securely controlled.
 - d) Shall fail to remove defecations from any animal (except a horse) immediately on a public place.
 - e) Shall fail to remove defecations from a horse on any public place within a reasonable time being no longer than 2 hours after the defecation has taken place.
 - f) Shall fail to immediately remove defecations from a horse in any public place if it is around or near the vehicle it was transported in.
 - g) Clauses 31.1(d) and (e) do not apply to defecations deposited at a composting site in a public place that has been approved by an authorised officer.

Note: See also Part 2 Animals New Plymouth District Council Bylaw 2008 and Part 2 Dogs New Plymouth District Council Bylaw 2010.

32. Refuse in public places

- 32.1** No person shall:
- a) Place any special waste in a public place.
 - b) Place any hazardous waste in a public place.
 - c) Place any prohibited waste in a public place.
- 32.2** No person shall make use of any public refuse receptacle for the purpose of placing or depositing any household refuse, commercial refuse, or trade refuse of any description.
- 32.3** No person shall deposit waste in a public refuse receptacle that exceeds 2 cubic litres in volume.
- 32.4** No person shall leave or place any refuse or recyclables out for collection in any public place unless the refuse or recyclables are placed in approved refuse bags or approved recycling bags and that these bags:

**Special or
Hazardous
Waste**

**Waste left in
Public Places**

- a) Are secured to prevent spillage.
- b) Are placed in a position that does not obstruct or present a hazard to pedestrian or vehicular traffic.
- c) Comply with any other conditions of any consent given by the Council or the conditions of any part of this bylaw.

Note: Part 9 Solid Waste New Plymouth District Council Bylaw 2008.

32.5 No person shall deposit, cause, permit or authorise the deposit of any unsolicited mail, circulars, leaflets, brochures or flyers in any letterbox which is clearly marked “no circulars”, “no junk mail”, “addressed mail only” or with words of similar effect. **Unsolicited mail**

32.6 Clause 32.5 shall not apply to any:

- a) Document from any government or agency, local authority, network utility, political party or political candidate or any charity.
- b) Newspaper, community newspaper or community newsletter.

Note: See Part 9 Solid Waste New Plymouth District Council Bylaw 2008 for definitions of terms as used in clause 32.

33. Commercial activities in public places

33.1 Subject to clause 33.2, buskers are permitted in all public places except swimming pools, museums, libraries, public art galleries, public theatres, and stadia unless prior approval is obtained from an authorised officer. **Busking**

33.2 Busking in public places is subject to the busker obtaining the approval of an authorised officer, and the authorised officer may grant approval in whatever form and subject to any terms and conditions, which the authorised officer determines is appropriate.

33.3 If the Council receives a complaint about a busker, an enforcement officer may, if in the opinion of that enforcement officer the busker is causing a nuisance to the public, require that busker to cease busking.

33.4 No person may, without the prior approval of an authorised officer, in any public place, accost or impose upon any person for the purposes of:

- a) Soliciting subscriptions, collections or donations; or
- b) Carrying out any fundraising; or
- c) Promoting or furthering any product or project.

33.5 In applying to an authorised officer for approval under clause

33.4, the application must:

- a) Be in writing and be made not less than 14 days before the date on which it is desired to commence operating.
- b) State the following:
 - i) The purpose for which subscriptions, collections or donations, fundraising activity or the profits from the business to be carried on will be used; and
 - ii) The date of the proposed activity; and
 - iii) Where applicable, the place or places where it is desired to station collectors or erect a stall or stalls; and
 - iv) The names and addresses of the promoters.

The approval of the authorised officer may be subject to such terms and conditions as the authorised officer thinks fit.

Appendix 1 - Beach areas where horses are restricted

This appendix is for information purposes only. This appendix is not part of the New Plymouth District Council Bylaw 2008

As resolved on 4 July 2013 under clause 27.1 of the New Plymouth District Council Public Places Bylaw 2008 (amended 2013), horses are not permitted on the following beaches, at the times specified below:

- a) Ngamotu Beach (includes the reserve, beach and playground area) at all times.
- b) East End Beach to Fitzroy Beach (including the foreshore and beach area located between the Te Henui River mouth to the west and the Waiwakaiho River mouth to the east) from 9.00am to 6.00pm daily during the period daylight saving for New Zealand is in force.
- c) Oakura Beach (including the foreshore and beach area located between the Ahu Ahu Road West of the Oakura Motor Camp to the west, and the Oakura River mouth to the east) from 9.00am to 6.00pm daily during the period daylight saving for New Zealand is in force.

Note: The restrictions relating horses on beaches are, the same restrictions that were formerly contained with the Public Places Bylaw 2008, with the exception of Oakura, where the area has been extended west from the Oakura Beach camp up to include the area up to Ahu Ahu Road