

First adopted:	XXXX
Next review date:	XXXX
Document number:	XXXX
Sponsor/Group:	Group Manager: Finance & Strategy

# TAUPŌ DISTRICT COUNCIL PUBLIC PLACES BYLAW 2021

## Purpose and Scope

1. The purpose of these Bylaws is to set the requirements for **public places** within Taupō District to ensure the health and safety of any persons, and to protect the public from nuisance.
2. The Bylaws are made under the authority of sections 145 and 146 of the *Local Government Act 2002*, section 64 of the *Health Act 1956* and section 22AB of the *Land Transport Act 1998*. In addition, **public places** are also regulated and controlled by other Acts, regulations, standards, rules, bylaws, Taupō District Plan, policies, and consent conditions which should be referred to in conjunction with this Bylaw.

## Commencement

3. The Bylaw will come into force throughout the district on [to be determined].

## Revocations

4. Taupō District Council Trading in Public Places Bylaw 2016 and Taupō District Council Reserves and Public Places Bylaw 2016 is revoked at the time of the Taupō District Council Public Places Bylaw 2021 coming into force.

## Definitions

5. Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the *Local Government Act 2002*, the *Health Act 1956* and the *Land Transport Act 1998* will have the meanings as are respectively assigned in those Acts and corresponding supplementary legislation, unless inconsistent with the context in which such words occur.
6. In this Bylaw, if not inconsistent with the context:

<b>Chief Executive</b>	The chief executive of the <b>Council</b> and any person delegated to perform any duties of the chief executive
<b>Council</b>	Taupō District Council
<b>Cycle</b>	A vehicle having at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider and includes a power-assisted cycle. Children's cycles having wheels less than 355 mm diameter are excluded. BMX cycles are included no matter the diameter of the wheels.
<b>Encroach</b>	Means to occupy, develop, use, trespass or intrude on a <b>public place</b> for private benefit, including, without limitation, allowing something to hang over or onto any <b>public place</b> from an adjoining property.
<b>Psychoactive Substance</b>	The same meaning as the <i>Psychoactive Substances Act 2013</i>
<b>Public Place</b>	Any place under <b>Council</b> control, maintenance and management, and open to or used by the public as of right, including, but is not limited to, <b>roads</b> and footpaths
<b>Residential</b>	Any place located within the Residential Environment as defined in the Taupō District Plan and associated planning maps.
<b>Road</b>	The same meaning as in the <i>Land Transport Act 1998</i>

<b>Stock</b>	Cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats, pigs, poultry and any other animal farmed and dependent on humans for their care and sustenance.
<b>Trading in public places</b>	An activity undertaken by any person or organization involving the sale of goods or services in a public place for payment, reward or other. Including mobile or temporary trading and/or using vehicles to sell goods and/or services in a public place.
<b>Transport Devices</b>	Meaning a wheeled device controlled or propelled by gravity or by the energy of the rider. Includes skateboards, roller skates, scooters, rollerblades, and in-line skates; and wheeled recreation devices that have motors with a maximum output of 300W. It does not include cycles, wheelchairs, baby or invalid carriages
<b>Vehicle</b>	The same meaning as in the <i>Land Transport Act 1998</i>

## Public Places bylaws made under the Local Government, Health and Land Transport Acts

7. **Council** may by resolution manage, or generally regulate access or use, of any **public place** to prevent any nuisance and for the safety of any persons using a **public place**.
8. A person must not use any **public place** contrary to any of the prohibitions, restrictions, exclusions or regulations of this bylaw.
9. A person must not act in a manner that interferes with the safety, use or enjoyment to any users, causes a nuisance, or interferes with any person's right to use the **public place**.
10. A person must not use any vehicle on any **public place** in a manner contrary to any of the prohibitions, restrictions, exclusions or regulations.
11. A person must not damage, interfere, move, remove, deface or destroy any **Council** property, vegetation or equipment on any **public place**.
12. A person must not **encroach** on, or wilfully or negligently obstruct any **public place** in any manner which causes a nuisance to other users or interferes with any person's right to use the **public place**.
13. A person must not wilfully or negligently obstruct, erect or leave any vehicle, transport devices, structure or object on any **public place** in a manner which causes a nuisance to other users or interferes with their right to use the **public place**.
14. A person must not set off fireworks or other explosive devices on any **public place**.
15. A person must not set any fires on a **public place**. A person must not consume, inject, or inhale any **psychoactive substances** in any **public place**
16. A person must not distribute or leave printed advertising material in any **public place**.
17. Except where provided for by the Taupo District Plan, or by way of a lease, licence, consent or other permission granted by Council, a person must not, either:
  - a. construct, use or maintain any awnings, blinds, porticos or similar extension item over any **public place**; or
  - b. place any removable items on any **road** or **public place**, such as, but without limitation, sandwich boards or similar, that create an obstruction to users of the **road** or **public place**.
18. A person must not allow any vegetation to **encroach** on any **public place** that may obstruct or interfere with any person's access to any **public place**.
19. A person must not lead or allow any **stock** in a **residential** area.
20. A person must not lead or allow any **stock** except horses, to cross any **public place** if they have not applied and obtained the relevant approvals from **Council**.
21. A person must not play or practice golf on any **public place** unless prior written approval is sought from **Council**.
22. A person must not erect election signs on any **public place**.

## Trading in a Public Place

23. A person must not undertake **trading in public places** if they have not applied and obtained the relevant **licence** from **Council**. This excludes non-food items on a footpath outside a person's retail premises in the town centres
24. A person must not undertake soliciting for collections and donations, or busking or similar, if they have not applied and obtained the relevant approval from **Council**.
25. A person must apply, display and trade in compliance with the relevant **licence** to undertake **trading in public places**
26. A person undertaking **trading in a public place** must adhere to the conditions of their **licence**
27. Every licenced person must display their **licence** at all times when engaged in **trading in public places**
28. No **licence** issued under this Bylaw is transferrable to another person.

## Transport Devices and Cycles

29. No person shall ride or use any **transport device** or **cycle** in any **public place** in such a manner as to be dangerous or cause a nuisance.
30. **Council** may by resolution determine areas where riding or using a **transport device** is prohibited and may prohibit one or more of these **transport devices** for example, skateboards but not scooters.
31. **Council** may by resolution establish speed limits and other guidance associated with the use of **transport devices** or **cycles** in a **public place**

## Fences

32. A person must not construct a barbed wire fence or electric fence within 1 metre of any boundary of a **public place** within a **residential** area.
33. A person must maintain any fence, wall or retaining wall on any boundary of any **public place** in a manner that is safe and unlikely to cause damage to any persons or structures.

## Exemptions

34. A person is not in breach of these Bylaws if that person:
  - a. proves the act was taken to avoid death or injury of a person; or
  - b. was taken at the direction of an enforcement officer.
35. Any person may apply in writing to the **Chief Executive** for permission for any activity that would be in breach of any prohibition under these Bylaws.

## Fees

36. Council may by resolution set fees and charges
37. Fees may be refunded, remitted, or waived at the **Chief Executive's** discretion.

## Offences/Penalties/Powers

38. A person commits an offence under these Bylaws if that person uses a **public place** contrary to the prohibitions, restrictions, exclusions or regulations of these Bylaws.
39. A person commits an offence under this Bylaw if they are engaging in **trading in public places** contrary to the licence conditions.
40. A person who fails to comply with this Bylaw is in breach of it and commits an offence under section 239 of the *Local Government Act 2002*, and is liable on conviction to the penalties set out in section 242(4) of the *Local Government Act 2002*, for which a person is liable on conviction to a fine not exceeding \$20,000.
41. Any person that commits a breach of a provision of this Bylaw made under section 64 of the *Health Act 1956* commits an offence and is liable to a fine under section 66 of the *Health Act 1956* as follows:
  - a. Not exceeding the amount fixed for any breach for which an infringement notice is issued;
  - b. Not exceeding \$500.00 and if the breach is a continuing one, not exceeding a further \$50.00 per day thereafter.

42. Any person that commits a breach of a provision of this Bylaw made under section 22AB of the *Land Transport Act 1998* commits an offence and is liable to a fine under section 139 of the *Land Transport Act 1998* as follows:
- a. Not exceeding the amount fixed for any breach for which an infringement notice is issued;
  - b. Not exceeding \$500.00 and if the breach is a continuing one, not exceeding a further \$50.00 per day thereafter.
43. **Council** may, after the conviction of any person for a continuing offence against this Bylaw, apply to the court for an injunction to restrain the further continuance of the offence.
44. **Council** may remove, or cause to remove, from any **public place**, any persons, vehicle, transport device, structure or object, in breach of this Bylaw, and/or recover all charges in connection with their removal.

#### Public Availability

45. This Bylaw, and any supporting documentation, is available for public inspection.

THIS BYLAW WAS MADE BY RESOLUTION [to be determined] OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON [to be determined].

The Common Seal of Taupo District Council  
was hereto affixed in the presence of:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive