



PUBLIC PLACES BYLAW 2023

This Bylaw is made under the Local Government Act 2002 and the Land Transport Act 1998.

FINAL

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PART 1

Preliminary Provisions

1. Title, Commencement and Application

- 1.1. This Bylaw is the Public Places Bylaw 2023.
- 1.2. This Bylaw comes into force on 1 November 2023.
- 1.3. The Waipa District Council Public Places Bylaw 2018 is revoked and replaced by this Bylaw.
- 1.4. This Bylaw applies to the district of Waipa District Council.

2. Purpose of the Bylaw

- 2.1. The purpose of this Bylaw is to:
 - (a) protect the public from nuisance, minimise the potential for offensive behaviour, maintain public health and safety, and manage land under the control of Council, in order to enhance public well-being and the enjoyment of public places;
 - (b) set requirements in relation to the parking and control of vehicles on any road or parking area under the control of Council;
 - (c) in relation to clauses 17.1(a) and 17.2 of this Bylaw, restrict or place conditions on the racing of motor vehicles or any associated activities; and
 - (d) in relation to clauses 17.1(b) and 17.3 of this Bylaw, control or restrict cruising or any associated activities.

3. Interpretation

- 3.1. In this Bylaw, unless the context otherwise requires:

Term	Definition
Approved or approval	means a written approval, permit or consent provided by Council, including any authorised officer of Council.
Alfresco dining	means the provision of chairs, tables and related items for a commercial operation, including, but not limited to, umbrellas, shade awnings, screens, barriers, heaters and planter boxes.
Authorised officer	means any officer of Council or other person authorised (including through appointment or delegation) under sections 174 or 177 or clause 32 of Schedule 7 of the Local Government Act 2002, to administer and enforce this Bylaw, and includes a parking warden appointed by Council under section 128D of the Land Transport Act 1998 and a police officer.

Term	Definition
Bus	means a passenger service vehicle that has more than 9 seating positions (including the driver's seating position).
Carriageway	means the part of a road, sealed or unsealed and including any shoulder areas, where a normal wheeled vehicle can traverse.
Commercial zone	means land shown in the commercial zone in the operative Waipa District Plan.
Council	means Waipa District Council.
Cycle	means a vehicle that has at least 2 wheels and that is designed primarily to be propelled by the muscular energy of the rider, and includes a power assisted cycle.
Cycle lane	means a means a longitudinal strip within a roadway designed for the passage of cycles.
Cycle path	means part of the road that is physically separated from the carriageway that is intended for the use of cyclists, but which may be used also by wheeled recreational devices and mobility devices but not pedestrians.
Dairy cattle	means cattle in milk production, and for certainty, dairy cattle does not include dairy young stock or dry dairy cows.
Dairy cattle crossing point	means a passageway, above ground or by way of an underpass, that is installed or constructed for the purpose of moving dairy cattle across a road.
Dairy cattle race	means a passageway that is installed or constructed for the purpose of moving dairy cattle along a short distance of road, which typically is located on a road verge clear of the carriageway.
Electric vehicle	means a motor vehicle with motive power wholly or partly derived from an external source of electricity.
Emergency service	means: (a) the ambulance service; (b) Fire and Emergency New Zealand; (c) civil defence emergency; (d) defence force; and (e) police.
Emergency vehicle	means a vehicle used for attendance at emergencies and operated: (a) by an enforcement officer; (b) by an ambulance service; (c) as a fire service vehicle; (d) as a civil defence emergency vehicle; or (e) as a defence force emergency vehicle.
Event	means an organised, temporary activity that takes place on one or more days for the purpose of attracting revenue, support, awareness, and/or for entertainment, community connection or competition. Examples include a parade, wedding, protest, festival, concert and a

Term	Definition
	multi-venue sports event of a significant scale, such as a fun run, marathon, duathlon or triathlon.
Footpath	means a path or way principally designed for, and used by, pedestrians; and includes a footbridge.
Hawking	means selling of goods or services to any person without: <ul style="list-style-type: none"> (a) invitation; or (b) request for such services; or (c) prior orders, whether that selling is intended to be conducted on public or private property. This does not include the selling of any goods or services on private property in response to an invitation to call.
Industrial zone	means land within the industrial zone as mapped in the operative Waipa District Plan.
Land	includes any buildings or other structures erected on that land.
Loading zone	means an area of marked roadway designated solely for the purpose of loading or unloading goods or passengers.
Hours of darkness	means: <ul style="list-style-type: none"> a) a period of time between half an hour after sunset on one day and half an hour before sunrise on the next day; or b) any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100 metres.
Market	means the whole of the place and the whole of the activity, where more than one stall at a common location offers goods and/or services for sale or hire, whether for commercial purposes or otherwise.
Mobile trading	means the offer for sale and/or hire of any goods and/or services from a vehicle (whether self-propelled or not), and “mobile trading activity” has a corresponding meaning.
Mobility device	means a vehicle that is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment and is powered by a motor that has a maximum power output not exceeding 1500 W; or a vehicle declared to be a mobility device under section 168A(1) of the Land Transport Act 1998.
Park	means: <ul style="list-style-type: none"> (a) any land vested in or administered by the Council under the provisions of the Reserves Act 1977; or (b) any park, domain or recreational area under the control or ownership of the Council.
Parking place	means a place (including a building) where vehicles, or any class of vehicles, may stop or stand.
Parking space	means an area within any parking place which has been marked out to accommodate a vehicle.

Term	Definition
Public place	means an area that is open to or used by the public, with or without payment of a charge, and which is owned, managed, maintained or controlled by the Council, and includes every road, street, public car park, footpath, court, land, cemetery, reserve, park, access way, mall, Council operated or controlled facility, thoroughfare and walkway of a public nature.
Public work	means any work that the Crown or any council is authorised to construct, undertake, establish, manage, operate, or maintain, and encompasses every use of land for any work which the Crown or any council is authorised to construct, undertake, establish, manage, operate, or maintain by or under the Public Works Act 1991 or any other Act; and includes anything required directly or indirectly for any such Government work or local work or use.
Residential zone	means land within the residential zone as mapped in the operative Waipa District Plan.
Street performance	means the provision of entertainment in a public place, including playing an instrument, singing, dancing, juggling, miming, puppetry, performance art, recitation or undertaking artworks where a reward or donation is sought.
Shared path	means a part of the road that is physically separated from the carriageway that is intended for the use of cyclists, but which may be used also by pedestrians, wheeled recreational devices or mobility devices; and includes a cycle track formed under section 332 of the Local Government Act 1974.
Sign	means any notice, placard, flag, delineation, poster, handbill, sandwich board, billboard, advertising device or appliance or anything of a similar nature and includes all parts, portions, units and materials of the same together with the frame, background, structure and support or anchorage for the sign.
Stall	means a tent, blanket, cloth, table, chairs, framework or structure of any description which is established in any public place where the purpose is to sell any goods or display any goods for sale or offer any services.
Stock	means cattle, sheep, pigs, horses or other animals. that are not ridden or on a lead.
Stock droving	means to direct or guide the movement of stock.
Trading activity	<p>means:</p> <ul style="list-style-type: none"> (a) the operation of a stall; (b) the operation of a market; (c) mobile trading; (d) the provision of alfresco dining facilities; (e) the outdoor display of goods or services; or (f) hawking.

Term	Definition
Traffic control device	means a traffic control device prescribed by Part 2 of Land Transport Rule 54002: Traffic Control Devices 2004, or any replacement Land Transport Rule.
Urban road	means a road located immediately adjacent to land in the residential zone, whether on one side or both sides of that road.
Vehicle crossing	means a constructed vehicle accessway between the road carriageway and the entrance to an adjoining property.
Victoria Bridge	means the bridge over the Waikato River linking Victoria Street with Pope Terrace, Cambridge, commonly known as “Victoria Bridge” or “High Level Bridge”.
Waipā District Plan	means the Council’s district plan made under the Resource Management Act 1991
Wheeled recreational device	means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and includes a conveyance to which are attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W.

- 3.2. To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable enactments.
- 3.3. Unless the context requires another meaning, a term of expression that is defined in the Local Government Act 2002 or the Land Transport Act 1998, and used in this Bylaw, but not defined, has the meaning given by the Local Government Act 2002 or the Land Transport Act 1998.

Guidance Note:

The Land Transport Act 1998 includes a number of definitions that apply to terms used in this Bylaw. This includes the definition of “cruising”, “motor vehicle”, “vehicle”, “parking”, “small passenger service vehicle” and “road”.

- 3.4. Any guidance or explanatory notes do not form part of this Bylaw, and may be made, amended and revoked without formality.
- 3.5. To avoid doubt, the Legislation Act 2019 applies to this Bylaw.
- 3.6. To avoid doubt, reference to “include” and “including” in this Bylaw means without limitation.

4. Exclusions

- 4.1. Parts 4 and 5 of this Bylaw do not apply to:
- (a) any vehicle parked, stopped, or diverted in accordance with the direction of any traffic control device or any police officer, Fire and Emergency New Zealand

- officer, authorised New Zealand Transport Agency – Waka Kotahi contractor or authorised officer in the execution of an official duty;
- (b) any emergency vehicle at the time being engaged on urgent official emergency business;
 - (c) any vehicle carrying out, or involved in the delivery of, a public work, where:
 - (i) no other practicable alternative to the activity is available; and
 - (ii) the vehicle is being used with due consideration to other road users; and
 - (iii) the activity is one that the Council, at its discretion, considers is reasonably necessary for the purposes of the public work.
 - (d) any vehicle being used for an event or activity with an approved traffic management plan where operation of the vehicle is compliant with that traffic management plan.

PART 2 –SIGNS AND ACTIVITIES IN PUBLIC PLACES

5. Requirements for Signs in Public Places

- 5.1. Subject to clauses 6.1 and 6.2, no person may, without Council approval, erect, install, or display a sign in a public place.

Guidance Note:

Clause 25 of this Bylaw sets out the process for obtaining Council approval under this Bylaw.

- 5.2. No person may erect, install, or display a sign in a public place for the purpose of advertising or promoting any political party, political opinion or candidate in any election.

6. Exceptions to Requirements for Signs

- 6.1. Clause 5.1 does not apply to the erection, installation or display of a sign in a public place:
- (a) by Council;
 - (b) that is authorised pursuant to any enactment;
 - (c) that is authorised pursuant to a resource consent granted under the Resource Management Act 1991;
 - (d) by an emergency service in the course of official duty;
 - (e) for the purpose of advertising or giving directions to an event, or to advertise market days, open homes, garage or at-home sales, where the sign:

- i) is displayed for no more than 8 weeks in any 12-month period, and
 - ii) meets the requirements of Schedule 2;
 - (f) for the purpose of advertising or promoting a business or commercial service, where that sign is located immediately adjacent to the location of that business or commercial service and:
 - i) the sign meets the requirements of Schedule 2; and
 - ii) no other sign is located in a public place outside of that business or commercial service.
- 6.2. Clauses 5.1 and 5.2 do not apply to the erection, installation or display of a sign on a vehicle, whether moving or stationary, where:
- i) the vehicle is not being primarily used for the purpose of exhibiting the sign; and
 - ii) the sign does not protrude from the vehicle.

Guidance Note:

Rules 2.4.2.33, 2.4.2.34, 3.4.2.29, 3.4.2.30, 5.4.2.20, 5.4.2.21, 6.4.2.28, 6.4.2.29, 7.4.2.28, 7.4.2.29, 7.4.2.30, 7.4.2.31, 8.4.2.2.6, 8.4.2.2.6, 9.4.2.21, 9.4.2.22, 10.4.2.37, 10.4.2.38, 13.4.2.16 and 13.4.2.17 of the Waipā District Plan also set out key rules for signs.

7. Requirements for Trading Activities and Events in Public Places

- 7.1. Subject to clause 9.1, no person may, without Council approval, undertake a trading activity or event in a public place.
- 7.2. No person may sell or attempt to sell any goods or services to any person who is in any vehicle that is stopped temporarily on the road as part of traffic control requirements.
- 7.3. Except at approved trading activities or events, no mobile trader may trade in any of the following public places:
 - (a) a Council park; or
 - (b) the streets and areas as specified in Schedule 1.

8. Additional Restrictions for Approved Trading Activities and Events

- 8.1. A person undertaking an approved trading activity or event in a public place must comply with the following requirements:

- (a) the trading activity or event must not create a danger to any user of the road;
 - (b) the trading activity or event must be restricted to the site or location specified in the approval, which must not be within 50 meters of a road intersection unless expressly permitted in the approval;
 - (c) for a trading activity, must not include the sale or provision of any goods or services that are subject to any statutory age-related access restrictions (for example, goods with R18 restrictions);
 - (d) for mobile trading activities, vehicles used for this activity must not be:
 - i) parked on a berm or footpath unless expressly permitted by the approval, or
 - ii) parked in a way that blocks access to private property;
 - (e) for mobile trading activities, vehicles used for this activity must not be parked in breach of any Council parking rules or time restrictions, unless expressly permitted by the approval.
- 8.2. The number of trading activities or events at each site or location, approved for the purpose of clause 8.1(b), will be determined by Council in its sole discretion.
- 8.3. If an approval is issued for a market or event that involves multiple parties, all stall holders and mobile traders participating in that market or event must adhere to the terms and conditions of the approval for that market or trading event.

9. Exceptions to Requirements for Trading Activities and Events in Public Places

- 9.1. Clause 7.1 does not apply to:
- (a) trading activities or events by Council;
 - (b) trading activities or events that are authorised pursuant to a resource consent granted under the Resource Management Act 1991;
 - (c) the delivery of goods or services to private premises;
 - (d) classes or training provided by outdoor fitness operators;
 - (e) regular sporting activities carried out by amateur organised sports clubs;
 - (f) the display of goods or services for sale, where the display:
 - i) is not at an event, market or from a mobile trader;

- ii) if located in the residential zone, is for home grown produce or home-made craft products and located outside the premises where the produce or products were grown or made;
- iii) if located outside the residential zone, is immediately outside the premises occupied as the usual place of business for selling those goods or services; and
- iv) does not occupy space wider than one metre from the boundary of the premises concerned and does not impede the road or pedestrian flow.

PART 3 – OTHER ACTIVITIES IN PUBLIC PLACES

10. Nuisance

10.1. No person may, without Council approval:

- (a) wilfully obstruct, disturb or interfere with any other person’s use or enjoyment of a public place, including by blocking any entrances or exits to a public place or planting vegetation in a public place; or
- (b) erect, construct, place, leave or abandon any object, vehicle, material, structure or substance in a public place that is likely to cause a safety risk, nuisance, damage, obstruction, disturbance, or interference to any person in their use or enjoyment of that public place.

Guidance Note:

The Council may use a range of enforcement powers to remove any obstructions. If the owner does not remove the obstruction when asked by an authorised officer, the Council may remove it and recover the costs of removing the obstruction from the owner under sections 164 and 168 of the Local Government Act 2002.

10.2. No person may in a public place use any item, object or thing recklessly or in a way that may intimidate, be dangerous, be injurious or cause a nuisance to any person in their use or enjoyment of that public place.

11. Damage to public places

11.1. No person may, without Council approval, damage, interfere with, destroy or remove any property or infrastructure under the control of Council in a public place, including

Guidance Note:

Under section 175 of the Local Government Act 2002, a person who wilfully or negligently destroys, damages, stops, obstructs or otherwise interferes with any works or property owned by a local authority is liable for the amount of the destruction or damage, the cost incurred by the local authority in removing the stoppage or obstruction, or any loss or expense incurred by the local authority by the stoppage or obstruction or interference.

any sign, man-made feature, building, footpath, kerb, road, facility, natural feature, grass plot, flower bed, tree, shrub or plant or any inscription or label.

12. Additional controls for parks

12.1. Subject to the Reserves Act 1977, the Council may:

- (a) restrict or close entry to all or any portion of a park during such times as are considered necessary to prevent damage to, ensure public safety in or around, or allow maintenance of, the park;
- (b) temporarily set aside the whole or any part of a park for the exclusive use of particular individuals or groups, or for specified activities during set times;
- (c) set aside an area within a park for the driving or riding of vehicles, including any specified class of vehicles, subject to any controls the Council specifies.

12.2. Any person seeking exclusive use of a park under clause 12.1(b) must first obtain Council approval under clause 25. The Council may charge a fee and a bond for the exclusive use of the whole or any part of a park.

12.3. No person may:

- (a) without Council approval, enter a park, or any part of a park, that is closed to the public pursuant to clauses 12.1 or 12.2;
- (b) enter in or remain on any part of a park marked out for a recreational activity while that recreational activity is in progress unless that person is a competitor, participant, or official taking part in the recreational activity;
- (c) without Council approval, drive or ride any vehicle on a park except on places and in accordance with controls specified by the Council for that purpose under clause 12.1(c);
- (d) without Council approval, possess or use any weapon, trap or instrument of a dangerous nature on a park unless in any shooting range designated for the use of that weapon or instrument;
- (e) without Council approval, remove, harm, release without the intention to retrieve, or kill any animal.

PART 4 – PARKING AND ROAD USE CONTROLS

13. Parking Controls

13.1. The Council may designate:

- (a) any road or part of a road where parking, stopping or standing of vehicles, or any class or vehicles, is limited, restricted or prohibited;
- (b) parking places;
- (c) the number and location of parking spaces included within a parking place;
- (d) the classes of vehicles which may be permitted to park within a parking place;
- (e) the days of the week and the hours within which parking in a parking place will be permitted;
- (f) any part of a road as an area for only emergency vehicles to stop, stand, or park,
- (g) which parts of a parking place will be available for public use and which part or parts may be available for reserved parking.

13.2. Any designation under clause 13.1 may apply to:

- (a) a specified class, type, weight or description of vehicle (including any electric vehicles), or any combination of these; and
- (b) all days and times, or only specified days and times, including any specified events or classes of events, or be limited to specified maximum periods of time.

13.3. Council may fix the fees and charges payable for the use of any parking place.

14. Road Use Controls

14.1. The Council may designate:

- (a) any part of a road as an area for buses to pick up and set down passengers and to stand between trips;
- (b) any part of a road allocated as a loading zone;
- (c) any part of a road as an area for small passenger service vehicles to stand, wait, or ply for hire;
- (d) any road or part of a road where vehicles, or any class of vehicle, must travel in one specified direction only;
- (e) any intersection where vehicles, or any class of vehicle, are prohibited from turning right or left;
- (f) any part of a road where vehicles are prohibited from turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn);

- (g) any part of any road to be used only as a cycle lane, cycle path or shared path, either permanently or for a set period of time,

PART 5 – PARKING AND ROAD USE RESTRICTIONS

Guidance Note:

A number of other parking and road use restrictions can be found in other legislation including the Local Government Act 1974, the Land Transport Act 1998, the Land Transport (Offences and Penalties) Regulations 1999 and the Land Transport (Road User) Rule 2004.

15. Parking Restrictions

15.1. No person may stop, stand or park any vehicle:

- (a) on any road or parking place in contravention of a prohibition, restriction or limitation made by the Council pursuant to a designation under clause 13 of this Bylaw;
- (b) in any parking space where it is reserved by the Council for some other person or vehicle, or is not permitted by Council to be used at that time by any vehicle;
- (c) where that vehicle is a heavy motor vehicle, for a period of more than one hour on an urban road, except as is reasonably required for the purpose of loading or unloading that vehicle;
- (d) in a public place for the primary purpose of advertising for sale that, or any other, vehicle, except where a single private vehicle is parked on any road outside the vehicle owner's residential property or workplace;
- (e) on a road or public place for the purpose of repairing the vehicle for a period greater than 24 hours;
- (f) in a public place, unattended, in a manner that causes a nuisance or obstruction to members of the public;
- (g) in any service lane, private way or access way vested in or under the control of the Council, except for so long as is reasonably necessary to set down or take up passengers or to load or unload that vehicle;
- (h) in a public place or parking place where the vehicle emits an offensive odour by reason of its condition or contents;
- (i) within a parking space, except entirely within any lines defining that parking space;
- (j) in a park, except within a parking place; or

(k) on any lawn, berm, garden or other cultivation, footpath, median strip, or traffic island adjacent to, or forming part of any urban road, except:

- i) where such areas are designed and laid out to accommodate the passage of, or parking of, vehicles;
- ii) with prior Council approval; or
- iii) by an authorised officer in the course of his or her duty.

15.2. A vehicle loading or unloading in the course of trade while being used as a goods service vehicle may park on a part of a road other than a loading zone for the purpose of loading or unloading goods, where there is no reasonably practicable alternative, provided there is due consideration for the safety and convenience of other road users.

15.3. Any driver of a small passenger service vehicle, when standing, waiting, or plying for hire, must not park the vehicle on any part of any road other than a stand area designated under clause 14.1(c).

16. Vehicle Use Restrictions

16.1. No person may operate any vehicle in in contravention of a prohibition, restriction or limitation made by the Council pursuant to a designation under clause 14 of this Bylaw.

16.2. No person may operate any vehicle to cross any water channel in any public place other than over a crossing properly constructed for such purpose.

16.3. No person may use engine braking at any time on an urban road.

16.4. No person may operate any vehicle on Victoria Bridge in Cambridge, if the vehicle, its trailer or load, or any combination of these, exceeds:

- (a) 2.1 metres in width; and
- (b) 3.0 metres in height.

17. Anti-Social Driving

17.1. The Council may designate:

(a) any road, or part of a road, where any motor vehicle having a gross vehicle mass less than 3,500kg is restricted or prohibited from being operated on the road between the hours of 9pm and 4am;

(b) any section of road, or roads, on which cruising is controlled, restricted, or prohibited, and the period of time that must elapse between each time a driver drives on the specified section of road, or roads, to avoid being regarded as cruising.

- 17.2. No person may drive a motor vehicle in contravention of a designation under clause 17.1(a) unless:
- (a) that vehicle is used for the express purpose of visiting a property with a frontage to a road, or part of a road, specified in the designation; or
 - (b) that vehicle is operating as a small passenger service vehicle; or
 - (c) prior Council approval has been obtained.
- 17.3 No person may use a motor vehicle in contravention of a designation made under clause 17.1(b).

Guidance Note: The definition of “cruising” in the Land Transport Act 1998 applies to this Bylaw. It provides:

Cruising means driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that-

- a) Draws attention to the power or sound of the engine of the motor vehicle being driven; or*
- b) Creates a convoy that:*
 - i) Is formed otherwise than in trade; and*
 - ii) Impedes traffic flow.*

Clauses 2.1(c), 2.1(d) and 17 together are a “qualifying bylaw” for the purpose of section 22AF of the Land Transport Act 1998. This means that warning notices may be issued under section 22AF of the Land Transport Act 1998 for a breach of those provisions. Under section 96(1AA) of the Land Transport Act, an enforcement officer must, if practicable, seize and impound, or seize and authorise the impoundment of, a motor vehicle for 28 days if the officer believes on reasonable grounds that:

- a) the driver operated the vehicle in a manner that breached a qualifying bylaw; and
- b) the vehicle is subject to a warning notice attached under section 22AF.

After making a designation under clause 17, Council will install appropriate signs or markings to indicate the control, as may be required under any other relevant legislation.

18. Damage to roads

- 18.1. No person may undertake any activity that causes, or may cause, damage to any road.
- 18.2. Without limiting the generality of clause 18.1, no person may:
- (a) mix any concrete or other material of any kind on any road;
 - (b) cause or permit any concrete, mortar, or material of a similar nature to be swept, washed, hosed or sluiced onto any road or into any drain connected with any part of Council’s drainage or wastewater system;

- (c) use any vehicle whose wheels or tracks cause or may cause damage to the surface or any part of any road;
 - (d) drag or trail anything, whether on a sledge or skids or otherwise, so as to damage any road.
- 18.3. No person may operate any crane, mobile crane, concrete pump truck, concrete truck, excavator, or drill rig that is stopped, standing, or parked on a road, except with Council approval.
- 18.4. No person may park or place any machinery, equipment, materials, waste disposal bins, skips or freight containers on any road or public place, including a service lane, except with Council approval. This clause does not apply to those containers that are used solely for the purpose of domestic refuse or recycling as authorised by the Council and placed on the road reserve, provided that such containers are not left on any road or in or on any public place, including a service lane, for a period exceeding 48 hours.

19. Vehicle crossings

- 19.1. No person may, without Council approval, construct, or arrange or permit the construction of, a new vehicle crossing or the upgrade of any existing vehicle crossing.
- 19.2. All costs associated with the construction, repair, relocation, or maintenance of a vehicle crossing is the responsibility of the owner or occupier of the property, or properties, benefitting from that vehicle crossing.
- 19.3. Where a temporary vehicle crossing is required, whether in connection with construction, repair or excavation work or otherwise, such crossing may not be constructed, laid in place or used without prior Council approval.
- 19.4. Failure to complete approved vehicle crossing works as instructed by Council within the notified time period will result in the works being undertaken on behalf of Council, by a Council-approved contractor. The relevant owner or occupier must pay all costs incurred by Council associated with such works.

Guidance Note:

Section 335 of the Local Government Act 1974 also sets out controls for vehicle crossings.

20. Vegetation

- 20.1. Property owners must manage the road frontages of their properties in order to ensure road user visibility and safety, minimise nuisance or danger to traffic, and allow the free movement of persons using the public place.

Guidance Note:

The Council also has powers under section 355 of the Local Government Act 1974 to require the removal of overhanging trees.

PART 5 – STOCK DROVING

21. Stock on urban Roads

- 21.1. No person may, without Council approval, drive any stock along or across any urban road except:
- (a) for the purpose of recovery following an escape by stock;
 - (b) in the event of an emergency where the relocation of stock is necessary to avoid loss of life, injury, or serious damage to property.

22. Approval needed for dairy cattle races and crossing points

- 22.1. No person may, without Council approval, install or construct, or arrange or permit installation or construction of, a dairy cattle race or a dairy cattle crossing point.

23. Dairy Cattle on non-urban roads

- 23.1. No person may drive any dairy cattle along or across any road that is not an urban road except:
- (a) for the purpose of recovery following an escape by dairy cattle; or
 - (b) along an approved dairy cattle race or dairy cattle crossing point in accordance with clause 23.2.
- 23.2. No person may drive dairy cattle along an approved dairy cattle race or dairy cattle crossing point except in compliance with the following:
- (a) dairy cattle must not be driven across the road at any period of time between the hours of darkness, except with Council approval;
 - (b) dairy cattle must be accompanied by a sufficient number of competent drovers in order to keep the dairy cattle under control at all times while being driven;
 - (c) persons carrying out the droving must ensure that appropriate warning signs or lights are displayed at all times; and
 - (d) dairy cattle must be moved from one side of a road to the other by way of a stock underpass if one is available.

24. Other Stock on non-urban roads and other animals

- 24.1. A person may drive stock that are not dairy cattle along any road that is not an urban road provided that the following conditions are complied with:
- (a) stock must not be driven along or across or kept on a road at any period of time between the hours of darkness;

- (b) stock must be accompanied by a sufficient number of competent drovers in order to keep the stock under control at all times while being driven;
- (c) persons carrying out the droving must ensure appropriate warning signs or lights are displayed at all times;
- (d) stock droving shall be undertaken at such a rate or speed so as to minimise time on any road, while having regard to the health, well-being of stock and drovers and the safety and convenience of road users.

PART 6 – APPROVALS, ENFORCEMENT AND TRANSITIONAL PROVISIONS

25. Council Approval

- 25.1. Any person wishing to obtain Council approval for the purposes of this Bylaw must make a written application to Council using the specified form, accompanied by the relevant fee.

Guidance Note:

Contact Council at info@waipadc.govt.nz for information on relevant forms.
Council's current fees and charges are specified in Council's website.

- 25.2. Applications for Council approval for a vehicle crossing must include details of the location of the vehicle crossing, its design, details of who will carry out the work, and any other information that an authorised officer considers reasonably necessary for the proper consideration of the application.
- 25.3. On receipt of an application made under clause 25.1, Council may grant the approval, refuse the approval, or request further information.
- 25.4. Any approval granted under clause 25.3 may be subject to any reasonable conditions imposed by Council.
- 25.5. A person granted an approval with conditions imposed under clause 25.4 must comply with those conditions.
- 25.6. Council may revoke, modify or cancel any Council approval granted under this Bylaw if:
- (a) any conditions of the approval are not complied with;
 - (b) there is a material change in circumstances which requires the approval, or any conditions imposed on an approval, to be revoked or modified; or
 - (c) the information provided to Council in support of the approval application is found to be incorrect or misleading.

- 25.7. Council must give the approval holder written notice of its intention to revoke, modify or cancel any Council approval or conditions under clause 25.6, which is to include a description of why the revocation or modification is necessary.
- 25.8. After receipt of a notice issued under clause 25.7, and if an approval holder disputes the need for revocation or modification, the approval holder may submit any relevant information to Council within 5 working days, after which the Council will make a final decision.

26. Offence

- 26.1. Any person who breaches this Bylaw commits an offence.

Guidance Note:

Under section 242 of the Local Government Act 2002, a person who is convicted of an offence for breaching a Bylaw made under that Act is liable to a fine of up to \$20,000.

The penalties for breaching bylaws made under the Land Transport Act 1998 are set out in the Land Transport (Offences and Penalties) Regulations 1999. This includes infringement fees.

Council's enforcement powers under the Local Government Act 2002 include court injunction (section 162), seizure and disposal of property (sections 164, 165 and 168), liability for costs to remedy damage (section 176), power to request name and address (section 178) and power to execute works and recover costs (sections 186 and 187).

27. Removal of Works

- 27.1. Council may under section 163 of the Local Government Act 2002:
- (a) remove or alter any work or thing that is, or has been constructed in breach of this Bylaw; and
 - (b) recover the costs of doing so from the person who committed the breach.

28. Transitional Provisions

- 28.1. Any approval which originated under or was continued by Waipa District Council Public Places Bylaw 2018 revoked in clause 1.3 that is continuing at the commencement of this Bylaw, continues to have full force and effect for the purposes of this Bylaw, but is subject to the application of any relevant clauses in this Bylaw.
- 28.2. The resolutions or other decisions of the Council made or continued under the Waipa District Council Public Places Bylaw 2018 revoked under clause 1.3 continue to have full force and effect for the purposes of this Bylaw as if they were resolutions or other decisions made under this Bylaw. These resolutions or other decisions are subject to the application of any relevant clauses in this Bylaw.

- 28.3. The revocation of the Waipa District Council Public Places Bylaw 2018 under clause 1.3 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.

- 28.4. Any application for an approval made under the Waipa District Council Public Places Bylaw 2018 revoked under clause 1.3 for which an approval has not been granted at the time of this Bylaw coming into force, is deemed to be an application made under clause 25.1.

This Bylaw was made by the **WAIPA DISTRICT COUNCIL**, having used the special consultative procedure under the Local Government Act 2002, at a meeting of the Council held on 26 September 2023.

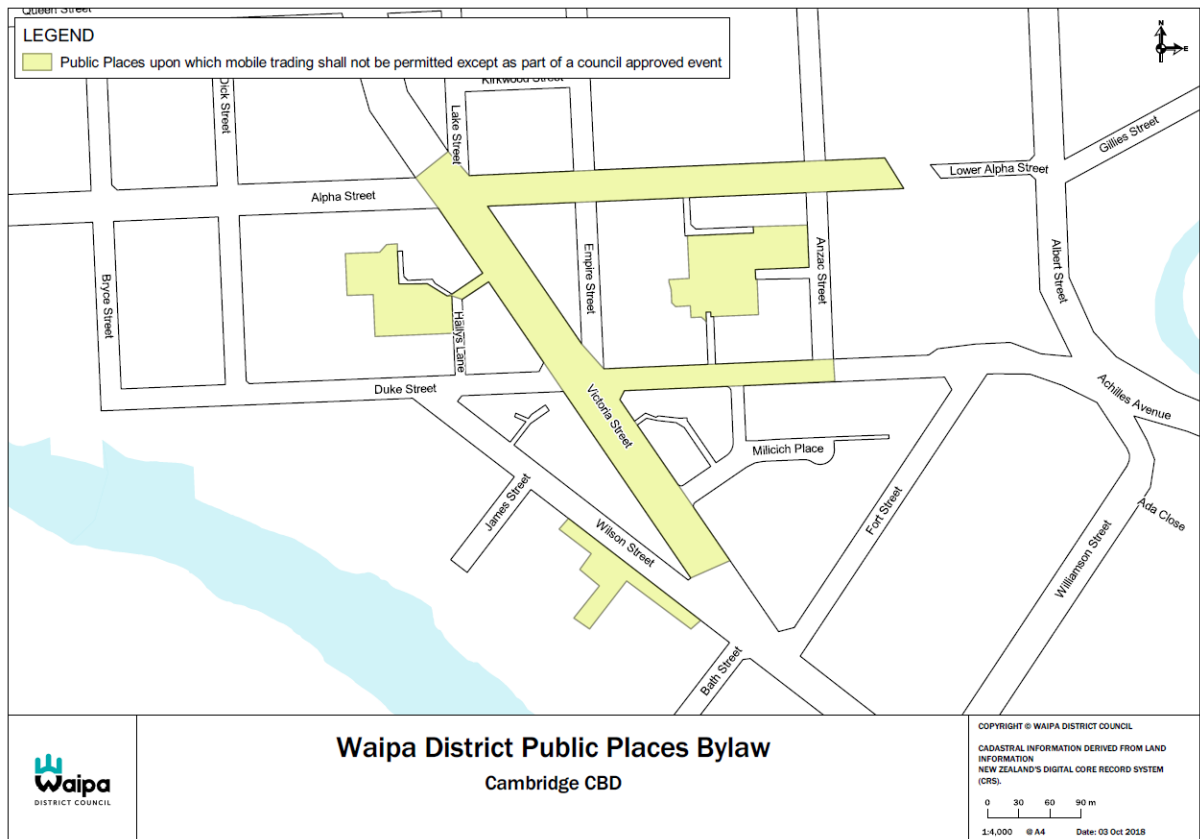
¹**IN WITNESS WHEREOF** the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on 26 September 2023 in the presence of:

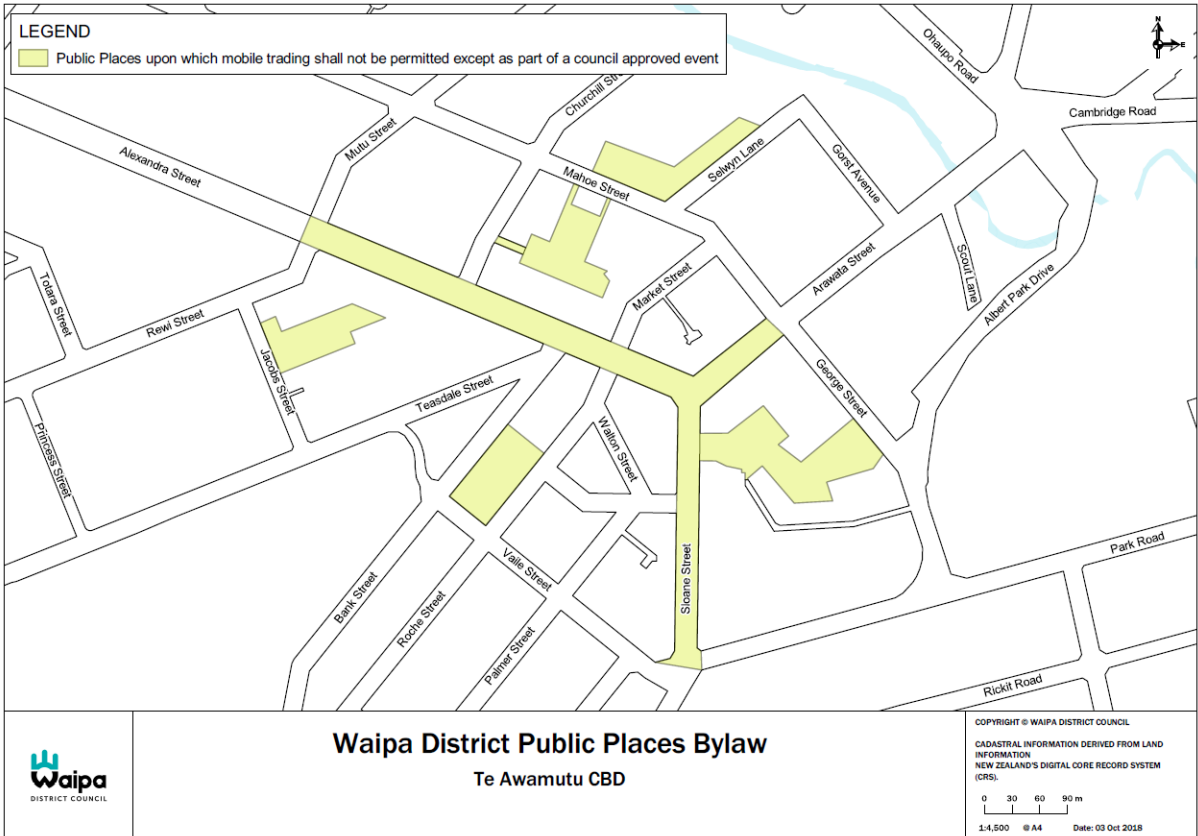
..... Mayor

..... Chief Executive

¹ The original copy of this Bylaw was sealed and signed by the Mayor and Chief Executive on 26/09/2023.

SCHEDULE 1 – PROHIBITED LOCATIONS FOR MOBILE TRADERS





SCHEDULE 2 – REQUIREMENTS FOR SIGNS IN PUBLIC PLACES

1. All signs must:
 - a) not exceed 1.0m in height x 1.0m in width x 0.7m in depth;
 - b) be constructed of sound materials;
 - c) be designed so that information is displayed in a professional manner;
 - d) be maintained in good order and condition at all times;
 - e) have their own support or stand,
 - f) where affixed to a veranda, shall leave at least 2.4 metres clear space between the lowest portion of the sign and the footpath; and
 - g) in the case of a sign for an open home, be removed by the end of each day following each open home.

2. No sign may:
 - a) be placed on a road carriageway;
 - b) be placed in a position where:
 - i) it may cause a nuisance or obstruction to the lawful use of a footpath or road;
 - ii) it may endanger public safety;
 - iii) it may interfere with the visibility of persons lawfully using a road;
 - iv) it may create a distraction for passing motorists; or
 - v) any part of it extends further than 1.0m into a public place;
 - c) contain any reflective material which reflects lights from vehicles;
 - d) be internally or externally illuminated;
 - e) use colour combinations or background and legend similar to any of those used for any traffic control device;
 - f) be displayed when the commercial undertaking is not open for business or when the community organisation is not operational, with the exception of any sign affixed to a veranda;
 - g) be displayed when the activities of any commercial undertaking or any community organisation have been terminated indefinitely;
 - h) be placed or displayed on, or against any:
 - i) public building,
 - ii) bridge,
 - iii) fence or wall,

- iv) statue,
- v) lamp, power or telephone pole,
- vi) public telephone box,
- vii) bus shelter,
- viii) public convenience,
- ix) rubbish receptacle,
- x) hydrant or other water supply marker post,
- xi) stationary vehicle,
- xii) hedge, shrub, tree or other vegetation,
- xiii) any post or pole erected to hold signs as prescribed by the Land Transport Rule - Traffic Control Devices 2004, or
- xiv) upon anything whatsoever erected in or constructed or standing on or abutting any public place.